

No. 10 - Class 1 – Rule Changes for 2004

January 2004

Notice to All Class 1 Members

NOTICE is hereby given that an Extraordinary General Meeting of the Members of Class 1 of the Association will be held on Wednesday, 4 February 2004 at 1030 hours in the Dolder Grand Hotel, Kurhausstrasse 65, CH-8032 Zurich, Switzerland, for the purpose of considering and, if thought fit, passing the following SPECIAL Resolution:

SPECIAL RESOLUTION

THAT alterations to certain of the Rules of Class 1 (as hereafter set out with commentary) be made to take effect from noon GMT on 20 February 2004:-

By order of the Board
P A Aspden
Secretary
33 Boulevard Prince Henri
1724 Luxembourg
7 January 2004

A Member entitled to attend and vote is entitled to appoint a proxy (who need not be a Member of the Association) to attend and on a poll vote instead of him. The instrument appointing a proxy shall be left with the Secretary not less than 48 hours before the holding of the Meeting.

CLASS 1 – RULE CHANGES FOR 2004

COMMENTARY

INTRODUCTION

There are both major and minor changes proposed to the Rules for 2004. Major changes or re-drafting of a whole Rule are covered by a full commentary. Where there is a minor change comment is brief.

Legal advice on major changes has, where appropriate, been taken.

FORMAT

Those parts of the 2003 Rules where it is proposed that changes are made are attached with the changes marked. A proposed deletion from the 2003 Rules is identified by striking through the text to be deleted. Proposed additions are

marked in underlined type, except where changes are proposed to Rule headings, where the change is identified with ordinary text. All proposed changes are accompanied by a vertical mark in the margin for ease of identification. There is an exception in the case of Form B.3 where the text of the previous Form is not shown and the new text is not underlined. Page headers and number of the Rules and pages will be adjusted once changes are adopted and prior to printing for the 2004 policy year.

CHANGES TO SPECIFIC RULES:

1. **Rule 2 Section 11 : Pollution**

The proposed change permits the Association to give effect to the proposed Small Tanker Owners Pollution Indemnity Agreement (STOPIA) by making participation of a relevant ship in STOPIA a condition of cover for oil pollution. Details of STOPIA are currently under discussion with the IOPC fund. Members will be advised of the terms of STOPIA once it is finalised. The proposed change permits the Managers to waive the requirement of STOPIA membership in the event that STOPIA is not finalised before or during the 2004/2005 policy year.

2. **Rule 28 : Bail**

The proposed changes allow counter security to be deemed to be on the standard B3 form in those cases where the only uninsured element of bail given by the Association is the deductible. This will replace the current position where, if the Association wishes to have a deductible counter secured, it must enter into a special agreement with the member aside from the deeming provision in the Rule 28.

3. **Rule 47B : Releases**

The proposed amendment specifies a date or dates on which a Release is payable rather than making the Release payable "immediately".

4. **The Second Schedule**

The proposed amendment replaces the B3 form of counter security in the Schedule with the revised B3 terms set out in the Notice to Members of February 2003 No.1 2003/2004 which gave effect to the bye law approved by the Board at that time.

[link to detailed changes in Adobe Acrobat format](#)