

MARKET BULLETIN

REF: Y4587

Title	Use of ISO Filed and Approved Forms in the U.S. Virgin Islands
Purpose	To notify the market of the right of Lloyd's Underwriters to use forms filed by ISO in the U.S. Virgin Islands
Type	Event
From	Henry L. Feuerzeig Lloyd's USVI Attorney-in-Fact
Date	20 April 2012
Deadline	This change was effective from 1 January 2012

Executive Summary

- Lloyd's has reached an agreement with the USVI Commissioner of Insurance whereby ISO forms used by Lloyd's Underwriters do not need to be individually filed;
- Lloyd's will now submit an annual listing of ISO forms which have been used by Lloyd's Underwriters to the Division of Banking and Insurance;
- Underwriters should compile a list of any new ISO forms approved for Lloyd's use that they have used between 1 January 2012 and the present time, for submission to the Lloyd's USVI AIF;
- Moving forwards, underwriters using ISO forms approved for Lloyd's use in the USVI must email the Lloyd's USVI AIF each time they use a form they have not previously used, advising which form they have used. The Lloyd's USVI AIF will then complete the annual listing on behalf of Underwriters. This notification should be made as and when they use the form.

Background

For the last several years, the U.S. Virgin Islands Division of Banking and Insurance (the "Division") has taken the position that in order for Lloyd's Underwriters to use ISO forms pursuant to Lloyd's agreement with ISO, Lloyd's not only had to make a "reference" filing with the Division, but had to pay a fee for each form contained in the reference filing.

Agreement with the Commissioner of Insurance

Lloyd's has entered into an agreement with the Commissioner of Insurance by which Lloyd's is now authorized to use forms filed by ISO with the Division once the forms are approved, pursuant to 22 V.I.C. §810(a) and (b). This agreement is effective from 1 January 2012.

As result, from 1 January 2012 Lloyd's will pay an annual filing fee to the Government of the Virgin Islands. When a form filed by ISO is approved by the Commissioner or the Division, Lloyd's Underwriters now are authorized to use the form in the USVI. The form or endorsement, however, must be one which is authorized for use under the contractual agreement between Lloyd's and ISO.

Requirement for underwriters, brokers and coverholders to notify USVI Attorney-in-Fact (AIF) of the use of any new ISO forms in the USVI

Under the agreement, Lloyd's is also required to notify the Division by the end of each year of any new ISO forms which were used by Underwriters in any given year which have not previously been used. This notification will be in the form of a listing compiled annually by the Lloyd's USVI AIF.

Therefore, all underwriters, brokers and coverholders who use a new Lloyd's ISO form in the USVI must notify Lloyd's USVI AIF of their use of each new form so that he may compile the listing for submission to the Division at the end of each year.

This requirement only applies to new forms used by underwriters. This means a form which underwriters have not previously used in the USVI.

Underwriters are also asked to notify Lloyd's USVI AIF of new forms they have used between 1 January 2012 and the present date. This notification can be made retrospectively for this period, however moving forwards the notification should be made as and when each new form is used.

Use of the Lloyd's Wording Repository

Underwriters who subscribe to the Lloyd's Wording Repository (or brokers and Coverholders subscribing separately to ISO Forms) may now use all ISO forms available for use in the USVI without the need for further filing or approval. The only requirement is that they notify Lloyd's USVI AIF when they use the forms.

If further information on this subject is required, please contact:

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