

ADMIRALTY SOLICITORS GROUP

Minutes of Admiralty Solicitors Group ("ASG") - No. 122
Held at Watermen's Hall
On 15 March 2012

Present:

Ben Browne – Thomas Cooper ("BB")
Mark Lloyd – Waltons & Morse ("MAL")
Peter Charles-Jones – Waltons & Morse
Richard Gunn – Reed Smith ("RG")
Martin Hall – Clyde & Co ("MH")
Kevin Cooper – Ince & Co ("KC")
Joe Quain – Bentleys, Stokes & Lowless ("JQ")
Victor Fenwick – Ince & Co ("VF")
Matt Moore – Ince & Co
Toby Stephens – Holman Fenwick Willan ("TS")
Richard Neylon – Holman Fenwick Willan
Michael Ellis – Winter Scott
John Hulmes – Hill Dickinson

Apologies:

No apologies

1. Approval of the Minutes

The minutes of the meeting of 9 November were read out by the Chairman and approved. They will be posted on the website.

2. Current Status of the ASG

MAL confirming that the group held approximately £10,000 in its account. As such the group is in good financial health. The change of mandate is awaited from Lloyds TSB who have been chased. A formal set of accounts will be distributed to the members shortly. As to subscriptions it was agreed that these would be held at 2010 levels and invoices for 2012 sent out shortly (to include any additional ticket costs for the annual dinner).

3. Lloyd's Salvage Group

RG reporting on the last LSG meeting held on 29 November 2011. This meeting was primarily about the issues surrounding the Arbitrators' fees and their requests for security. RG reporting that the Arbitrators had been somewhat pacified by the ISU's agreement to provide security for most of its members. RG had presented the ASG's proposed Letter of Undertaking, noting that this was not going to be provided on every occasion but only with each individual law firm's agreement.

There had been suggestions that there was no need for the LSG to meet. RG was of the view (and the other members of the ASG agreeing) that meetings were a good opportunity to raise

important issues and, as such, will endeavour to ensure that it continues. RG confirming that Kevin Clarke had asked for input from ASG members including comments for the LOF Digest.

Discussions were had regarding the LOF 2011. Confirmation that no awards had been published yet and indeed, the way that Lloyd's will publish the awards has not been finalised. For example, members had been expecting to receive passwords to a site where they can log on to review the awards but these had not yet been distributed. BB was also enquiring whether the ASG can subscribe to this website so that its members can share the access (and therefore save their subscription fees that Lloyd's will charge for access to the site).

For further input to the LSG on behalf of the LOF RG being asked to raise the following at the next meeting:

- (a) Discussions regarding the Product that Underwriters have offered to guarantee Lloyd's and Arbitrators' fees - This product had been on the market since December last year but there have been no enquiries from potential parties to take this up. RG would check the position with Lloyd's.
- (b) Appointment of Arbitrators for Emergency Applications - members reporting on different experiences where there had been no members of the panel of Arbitrators available to be appointed (in, for example, the holiday period). RG to make enquiry at the LSG meetings on what provisions are in place to assist.
- (c) Publication - RG to raise the position on passwords and the timetable for getting this up and running.

4. **SCRs**

BB informed the group that Paul Glerum had passed away last week. Also, three of the current SCRs were retired. These were Roger Foden, Captain Saki and John Nixon. The suggested replacements were Peter Nicholson and Vaughan Williams. Feedback would be provided on behalf of the ASG.

5. **SCOPIC**

MH raising the question of whether Clubs should be represented separately in SCOPIC proceedings. This was to prevent the Clubs coming back at a later date saying that an award was not properly defended. MH will raise this at the ISU Associates day to see other parties' views on the matter.

6. **MAIB**

VF reporting on his recent meetings with the MAIB. These meetings arose following the MAIB's need to revisit their regulations following the EU Directive of 2009 to harmonise marine investigations across the EU. Some aspects of the MAIB's regulation were already to a higher level than required by the EU Directive and the questions of whether the MAIB simply brought theirs in line with the EU Directive as it is or just in outstanding specific areas had been discussed.

The BMLA had stated that they thought that the MAIB should incorporate the EU Directive as it is (i.e. with no additional powers). VF had conveyed the same message on behalf of the ASG.

VF also discussing the issues regarding tape recordings that the MAIB make while interviewing witnesses. Discussions were had regarding the argument that by recording the witnesses they were losing the right to not self-incriminate themselves. The MAIB said they had not heard this argument and will consider it. VF is still waiting for comments from them.

The new regulations are due to come out in June/July 2012. A dialogue between the ASG and MAIB has therefore been opened and will be followed up. VF will report on any feedback.

7. **ADMIRALTY MARSHALL**

The Admiralty Marshall had recently had to apply for his own job and was successful in obtaining this! However, the issue remains that if the Admiralty Marshall is unavailable, he has no deputy and so there is no one else who can do his job. Additionally, TS reported that he did not think that the Admiralty Marshall will be able to recruit a deputy as the government/court service are trying to cut costs.

Dan Pope (who used to work in the Courts but is now at HFW) may be able to get some further information regarding this which can then be passed back to the group. TS to report back.

8. **MEMBERSHIP**

The membership criteria of the ASG circulated by BB had been seen by Marjorie Holmes who had confirmed that these were in accordance with EU competition law. Minor amendments were made to the draft and the wording was subsequently approved by the group. A final version will be e-mailed to the members shortly. BB unanimously instructed to ask Richard Shaw to accept the position of visitor of the ASG.

9. **ASG AND REPRESENTATIVE BODIES**

Currently the ASG only has a seat on the LSG. Discussions as to whether the ASG should join other panels. It was concluded that the ASG should try to maximise its voice in all appropriate forums. The ASG's position on the Commercial Court Users' Committee was to be investigated by TS (albeit it was unlikely this committee had in fact sat at all for some time).

James Wilson of Ince & Co is the ASG representative to Maritime London. KC to liaise with James for an update. Maritime London is the only body which the ASG are a "corporate" member and all present felt we should raise our profile within this body.

BB confirming that he will contact the Department of Transport to see whether there are any other boards or panels involved in policy making that the ASG can assist with.

10. **JVN**

JQ reporting that the 2011 dinner was attended by 61 people but it was felt that the price of £120 was too expensive. There was a loss of approximately £300 this year. In total, the cost for the dinner was £6,700 and £561 was spent on pots for retiring members. JQ had spoken

to Ian Teare of Norton Rose who felt that if the price was reduced there would be a greater increase in attendees.

To reduce the cost it was agreed that this year's JVN dinner would be held at Norton Rose's offices. They can seat 100 people and have proposed a cost of £40 per head including wine for the evening. A suggested ticket price is £60 per head, which will cover the pots. If there is any money left over this would be donated to charity.

This was agreed by the members and the date of the JVN was set for 15 November 2012 at the offices of Norton Rose.

11. DATE OF THE NEXT MEETING

The next meeting will be held at Holman Fenwick Willan's offices on Tuesday, 19 June 2012 at 5pm.

PCJ