

PRESS RELEASE

Association of Average Adjusters champions highest professional standards amid challenges of an “extraordinary year”

London, Wednesday 26th May 2021: At the Association of Average Adjusters recent virtual annual general meeting, the over-riding message from chairman Michiel Starmans was that “the association has continued vigorously to serve the marine market and support its members professionally in the face of a most extraordinary year with the Pandemic putting nearly all Association events on hold.”

Mr Starmans said: “The committee of management has continued to undertake the day-to-day business via virtual meetings hosted on Zoom. Although not as pleasant as actually meeting up in person, it has at least allowed us all to see each other and discuss ongoing matters. I very much hope we can all meet in person in the forthcoming 12 months.”

Mr Starmans commended the late Jeff Allen, chairman of the Association in 1993, who died in late 2020, for championing the allocation of resources to training and qualifications to secure high standards in the “serious, technical business” of insurance. The current chairman said that the Association with its qualified membership had done just that.

“The level and organisation of the AAA examinations remains one of the pillars of strength of our Association within the marine insurance market. That did not change during the Covid-19 crisis.”

The Association’s representative on the Lloyd’s Salvage Group, Amy O’Neill, was among signatories of a letter from the Group objecting to plans by Lloyd’s to phase out the Lloyd’s Salvage Arbitration Branch (LSAB). The letter insisted that the role of the LSAB was crucial to the independence and integrity of the Lloyd’s Open Form salvage contract, to ensure prompt provision of security, appointment of arbitrators, enforcement of awards and distribution of reports. “It remains to be seen if the LSAB will be put in run-off towards the end of this year,” said Mr Starmans, “but considering the number of responses issued by various international maritime organisations, we are hopeful that this plan by Lloyd’s will be withdrawn.”



150 YEARS OF MARINE CLAIMS PROFESSIONALISM

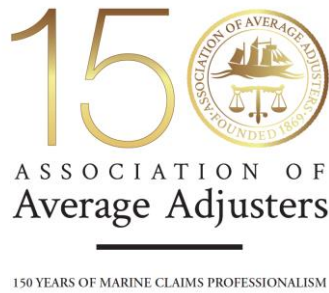
Ms O'Neill in her Lloyd's Salvage Group role succeeds Richard Cornah, a former Association chairman, and Mr Starmans thanked him for his years of work on that panel. Mr Starmans said that the Association's participation allowed consideration of the adjusting perspective on issues such as collection of security and related matters. Mr Cornah oversaw the launch of three versions of the Lloyd's Open Form, "which is no mean feat," said Mr Starmans.

Operations in March 2021 to re-float the box-ship Ever Given, which ran aground blocking traffic in the Suez Canal, underlined the vital function of salvors. "It will be interesting to see how this salvage case, involving one of the largest containerships with over 20,000 TEU on board, progresses," observed Mr Starmans. He welcomed the appointment by the Japanese shipowner of one of the Association's member firms as General Average adjuster. It was however disturbing that the Suez Canal Authority had demanded what was considered by the UK P&I Club to be excessive security.

Although the seminars the Association runs in conjunction with the International Underwriting Association are on hold, the first joint webinar between the AAA and Young CMI was organised on April 29, 2021. Young CMI comes under the auspices of Comité Maritime International, a non-governmental organisation promoting unification of maritime law. As co-chairman of the webinar, Mr Starmans pointed out that the two maritime associations had a joint history in drafting the York-Antwerp Rules and more recently the General Average security documentation. At the webinar, Ms O'Neill (Fellow of the AAA) spoke of the adjusters' role in collision cases and John Thompson (Senior Associate of the AAA) highlighted claims arising from off-spec bunkers, and IMO 2020 low sulphur fuel issues. Both speakers, from the Richards Hogg Lindley Liverpool office, helped make the webinar a big success, said Mr Starmans, as did Iris Regtien, a Dutch lawyer and Associate of the AAA, who spoke on behalf of Young CMI and clarified the role of the lawyer in collision cases.

Following cancellation of the Association's 2020 dinner, many members donated the annual dinner proportion of their subscription to charity, enabling the Association to send £7,720 to the Seafarers Covid-19 Emergency Appeal, which was much appreciated by Seafarers UK.

Association membership as of May 7, 2021, was: Affiliates 3; Associates 84; Fellows 42; Honorary Members 15; Honorary Fellows 4; non-practising Fellows 2; overseas Associates 48; Overseas subscribers 185; Representatives 8; Senior Associates 11; and UK subscribers 68.



David Clancey of the Association advisory committee has reinstated a system of looking at practical issues presented by Fellows on points of adjusting. It will be open for all Fellows to pass comment on any point of practice, with the outcome circulated to all Fellows. This will be a welcome new instrument to maintain and enhance uniformity of practice, said Mr Starmans.

The General Average sub-committee, chaired by Burkhard Fischer, continued to work on guidance notes following the Supreme Court decision in the Longchamp case in 2017 which was seen as overturning years of practice in applying Rule F of the York-Antwerp Rules 1974. An opinion has been obtained from Stephen Kenny QC on the interaction between Rule F and Rule Paramount in the York-Antwerp Rules as from 1994. The sub-committee will report its findings in the next 12 months.

Mr Starmans thanked Mr Fisher, who has agreed to continue as Association vice-chairman, for his support, and Mr Cornah for producing a special annual report commemorating the Association's 150 years, which was greeted by messages of congratulation from marine and legal interests from around the world.

Notes For Editors

The Association of Average Adjusters promotes professional principles in the adjustment of marine claims, uniformity of adjusting practice, and the maintenance of high standards of professional conduct. Irrespective of the identity of the instructing party, the average adjuster is bound to act in an impartial and independent manner.

The Association plays an important part in London insurance market committees and has strong relationships with international associations and insurance markets.

For more information please visit: www.average-adjusters.com

Photo

A photo of the AAA Chairman, Michiel Starmans, accompanies this press release.

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