

On behalf of the First Applicant

Second Witness Statement

Andrew John Taylor

19 November 2020

Exhibit AJT2

CR-2020-000103

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND WALES
COMPANIES COURT (ChD)

**IN THE MATTER OF THE UNITED KINGDOM MUTUAL STEAM SHIP
ASSURANCE ASSOCIATION (EUROPE) LIMITED**

AND IN THE MATTER OF UK P&I CLUB NV

**AND IN THE MATTER OF PART VII OF THE FINANCIAL SERVICES AND
MARKETS ACT 2000**

SECOND WITNESS STATEMENT OF

ANDREW JOHN TAYLOR

I, Andrew John Taylor of 90 Fenchurch Street, London EC3M 4ST, say as follows:

A. INTRODUCTION

1. I am a director of The United Kingdom Mutual Steam Ship Assurance Association (Europe) Limited (referred to herein as ‘UKE’ or ‘**First Applicant**’). I have held office as a director continuously since 1 July 2014. I have also acted for UKE in the following ‘controlled functions’, as defined by the Prudential Regulation Authority (‘**PRA**’):

(a) as SMF1 (Chief Executive Function) since 10 December 2018; and

(b) as CF Director (AR) since 1 April 2014.

2. I am duly authorised by the Applicants to make this Second Witness Statement. I make this statement from knowledge and information acquired by me in my capacity as a director of UKE, and in the roles described above, where I have acquired knowledge of the affairs of both Applicants. Where the facts are within my knowledge they are true. Where they are not within my knowledge they are true to the best of my information and belief.

3. I made a first Witness Statement on behalf of the First Applicant dated 12 August 2020 (‘**First Witness Statement**’).

4. Capitalised terms used in this Second Witness Statement shall have the meaning given to them in the First Witness Statement unless otherwise defined herein.

5. Attached to this witness statement as exhibit AJT2 is a bundle of documents to which I refer in this statement. All page references in this statement are references to exhibit AJT2, save where otherwise stated.

B. SCHEME DOCUMENT

6. I explained in the First Witness Statement at paragraph 5 that the Applicants seek the sanction of the Court of the transfer to UK P&I Club NV (‘**UKNV**’) of part of the insurance and reinsurance business carried on by UKE, excluding certain policies, assets and liabilities more particularly described in the proposed Scheme (as defined in paragraph 5 of the First Witness Statement).

7. The proposed Scheme contained a definition of ‘Transferred Policies’ which the Applicants now seek to amend to more accurately reflect the administrative and actuarial processes undertaken or to be undertaken by the Applicants in connection with the Scheme. The amendments to the definition of ‘Transferred Policies’ are as follows:

Transferred Policies every Policy written by or on behalf of UKE or which is otherwise a Policy of UKE (including any Policy written by another entity and subsequently transferred or novated to or otherwise assumed by UKE) prior to the Effective Time ~~to the extent that such Policy~~ (i) relates to (†) any vessel the flag state of which at any time during a policy year is noted in such Policy as being an EEA State (other than the UK) and/or (ii) any Policyholder relates solely to charterers’ (other than demise or bareboat charterers’) risks where the establishment of which the charterer is situated in an EEA State (other than the UK), but excluding (i) the Excluded Policies and (ii) any Policy comprised in the Excluded Assets and Liabilities.

8. There is now shown to me at pp. 1 to 23 a copy of the amended proposed Scheme.

C. NOTIFICATION TO PRA AND FCA

9. The Applicants have notified the PRA and the Financial Conduct Authority (‘FCA’) of the intention to amend the definition of ‘Transferred Policies’ in the manner set out in paragraph 7 above, and neither the PRA nor the FCA have raised any objection.

D. TRANSFERRING POLICYHOLDERS

10. The amendment to the definition of ‘Transferred Policies’ as set out in paragraph 7 above will not result in a greater number of policies transferring under the Scheme.

E. COMMUNICATION TO POLICYHOLDERS, BROKERS, REPRESENTATIVES AND REINSURERS

11. The Applicants have notified the policyholders, their brokers and Representatives of the proposed amendment to the definition of "Transferred Policies" by way of a notification sent by post on 3 and 4 November 2020, and have notified the reinsurers and reinsurance brokers by way of a notification sent by email on 8 November 2020. Each form of notification sent by the Applicants identified the proposed amendment and referred the recipient to UKE's website at www.ukpandi.com and UKNV's website at www.ukpandi.com where the amended Scheme and this Second Witness Statement are available.
12. There is now shown to me at pp. 24 to 25 a copy of the post notification and email notification.
13. I refer to the Applicants' notification proposals in respect of the Scheme (as set out in paragraphs 74 to 95 of the First Witness Statement). As the identity of the policyholders, brokers, Representatives or reinsurers and reinsurance brokers to be notified under those proposals is not determined by, or dependent on, the definition of "Transferred Policies", the change to the definition does not impact the identity of any third parties who are required to be notified of the Scheme and, accordingly, no additional policyholders, brokers, Representatives or reinsurers and reinsurance brokers are required to be notified of the Scheme as a result of the proposed amendment.

STATEMENT OF TRUTH

I believe that the facts stated in this Witness Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Andrew John Taylor

Dated 19 November 2020