

Commercial, Transactional and Regulatory

Our in-depth understanding of our clients' requirements, whether a corporation or an individual, active in the (re)insurance market, the not-for-profit sector or involved in the fine art world, enable us to work diligently to achieve their commercial goals. This may involve drafting documentation, advising on regulatory and competition issues, conducting transactions, or simply advising on the duties and obligations that arise from their business relationships.

What we do

Drafting and advisory

We work with our clients to navigate the legal complexities of a variety of contract wordings. This involves drafting the documentation that frames their business relationships, advising on the implications in the context of the specific needs of the business or, where required, working with our extensive network of overseas lawyers to coordinate a multi-jurisdictional approach.

Insurance and reinsurance contractual documents

We draft and advise in relation to the full range of (re)insurance documentation that is required, including:

- Insurance policies
- Reinsurance treaties
- Facultative contracts
- ILS-backed reinsurance
- Catastrophe programmes
- Underwriting agency agreements
- Broking agreements / TOBAs
- Run-off reinsurances
- Commutations / Policy buy-back agreements
- FSMA Part VII transfers
- Schemes of arrangement
- Claims protocols

Our lawyers have advised overseas governments on the drafting of their insurance legislation and on an Arbitration Act.

Transactional

Our combination of specialist knowledge of the insurance/reinsurance markets, allied to transactional expertise, ensures that our clients achieve results efficiently and cost-effectively.

Our lawyers have worked with clients on sales and purchases of (re)insurers, brokers and agencies, setting up insurance operations in the UK, restructurings, establishment of new brokers and underwriting entities, due diligence and work on the warranty and indemnity elements of general corporate transactions.

We have also been instructed by other London corporate law firms to provide insurance expertise, working alongside their own teams, on their transactional work.

Regulatory

We work with domestic and overseas (re)insurers, brokers and individuals in relation to issues involving their carrying on of business in the UK, FCA and Lloyd's authorisation, compliance and disciplinary proceedings.

We are particularly experienced in working with not-for-profit organisations (such as trade associations) in respect of their commercial and competition needs.

Our Experience

Auction house: Advising a major international auction house on its logistics insurance requirements and policy wording.

Educational charity: Advising an educational and research charity in arranging its insurance programme to cover its medical research and clinical trials.

Establishment in the UK: Advising an overseas reinsurer on the legal, regulatory and practical aspects of establishment in the UK and other jurisdictions, including coordination of overseas legal advice.

Establishment of overseas insurer: Acting for the corporate department of a London law firm to provide expert insurance advice in respect of their representation of a merchant bank financing a project to establish a new overseas insurer.

Healthcare insurer: Advising insurers on the drafting of a worldwide healthcare master policy (including medical liability, clinical trials, employers' liability and public liability).

Insurance-linked securities / property reinsurance: Advising an overseas property insurer on its catastrophe reinsurance protection wording and its securitisation by ILS.

Legislation: Advising an overseas government on the drafting of its external Insurance Act.

Loan restructuring: Advising on the reorganisation of a holding company's loans in relation to the disposition of its insurance broking subsidiary.

Lloyd's regulatory proceedings: Advising individuals in respect of Lloyd's regulatory action.

Not-for-profit - Military charity: Advising in respect of the charity's insurance arrangements for its organisation of air shows.

Not-for-profit - Trade organisation: Advising a retail trade organisation in respect of commercial and competition issues over a number of years.

Professional services: Acting for a professional services firm in its sale to an international accounting practice.

Public authority: Conducting a review of the public authority's liability, property and all risks insurance programme.

Retail group: Designing the D&O insurance programme covering an international group with more than 1,000 Directors worldwide, incorporating a number of local policies and difference in conditions coverage.

Run-off: Acting for a London Market insurer in all aspects of its closure by a solvent scheme of arrangement.

Run-off: Acting in a Part VII transfer of reinsurance business.

Sale of insurance broker: Sale of a French insurance broker by an English holding company, working with the French member of **Insuralex**.

Securities: Advising on the securities, governed by English law, to be provided in support of the financing for the upgrade to the Athens metro

Warranty and indemnity advice: Providing specialist insurance input to a London law firm on the sale by its client of an overseas telecoms company, including drafting a warranty and indemnity insurance wording and associated warranty and dispute resolution clauses in the transactional documents.

Directory Recognition

Legal 500

Carter Perry displays a 'deep understanding of their clients' market. Straightforward, commercial advice and always with the client's best interests at heart.'

'Carter Perry Bailey has experts who understand a variety of industries and how they can assist the best way possible. For us, their competency on the legal aspects of reinsurance matters, punctuality in correspondence and attention to detail were the outstanding elements of our experience when engaging with them.'

*CPB is 'Quick to respond. Exceptional service, with commercial nous.'
The firm provides 'Experienced professionals who genuinely value their client relationships.'*

Carter Perry Bailey LLP is 'always available' to give its clients 'unparalleled advice on any matter, large or small'

The firm has a 'Deep understanding of the insurance market practices. Fantastic ability to navigate through complex issues and come up with a solution.'

Key Contacts



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