



FD&D Rule changes 2023/2024

Changes have been made to the following FD&D Rule:

- Rule 7 Employment of lawyers or other persons



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Without prejudice to any other provisions of these Rules and without waiving any of the Association's rights hereunder, the Association may at any and all times appoint and employ on behalf of the Member, upon such terms as it may think fit, lawyers, surveyors or other persons, whether or not lawyers, surveyors or other persons have already been appointed or employed by the Member, for the purpose of dealing with any matter liable to give rise to a claim by the Member upon the Association, including, but not limited to, investigating, or advising upon any such matter and taking or defending legal or other proceedings in connection therewith. The Association may also at any time discontinue such employment as it may think fit.

The costs and expenses incurred in connection with a particular case shall only be recoverable from the Association on condition that all lawyers, surveyors, and other persons employed in the case are appointed with the prior consent of the Association, or by the Association under the first paragraph of this Rule.

All lawyers, surveyors and other persons appointed by the Association on behalf of the Member or appointed by the Member with the prior consent of the Association shall at all times be and be deemed to be appointed and employed on the terms

- (i) that, without prejudice to their right to retire from the matter on any other grounds, they shall be entitled to retire from the matter if either the Association or the Member so requests or if such person considers that a conflict of interest has arisen or may arise between the Member and the Association so that he ought to retire from the matter,
- (ii) that they have been instructed by the Member at all times, both while so acting and after having retired from the matter, to give advice and to report to the Association in connection with the matter without prior reference to the Member,
- (iii) that they are to produce to the Association without prior reference to the Member any documents or information in their possession or power relating to such matter,

as if such person had been appointed to act and had at all times been acting on behalf of the Association and notwithstanding that any such advice, reports, documents, or information would otherwise be the subject of legal or any other form of privilege.

Where there is a risk of conflict of interest because the opponent is also being insured for similar risks with the Association, the Assured should be given the choice to entrust the defence of his interests, from the moment he has the right to claim from the Association under the policy, to a lawyer of his choice.