

# **Market Reform Contract Endorsement (Binding Authority) “MRCE-BA” Implementation Guide**

Version ~~1.1~~1.2  
~~March~~November ~~2009~~2013



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<b>Version</b>	<b>Date</b>	<b>Description</b>
1.0	May 2008	First published.
1.1	Feb 2009	Paragraph 4.3.2 amended to clarify that a physical Coverholder signature, and leader acknowledgement, is required for a binding authority endorsement.
<a href="#">1.2</a>	<a href="#">Nov 2013</a>	<a href="#">Make requirement for underwriter acknowledgement of Coverholder sign-off optional.</a>

## 1.1 Purpose of the Guide

To define the Market Reform Contract Binding Authority Endorsement (MRCE-BA) standard, including the layout and content of a standard paper form.

## 1.2 Intended Audience

This Guide is intended for business, operations and technology audiences.

## 1.3 Background

The Market Reform Contract Binding Authority (MRC-BA) was introduced in February 2008 and was adopted as the London Market standard for business incepting from the 1st July 2008. The MRC-BA guidance allows for the MRC-BA document to be used as the Binding Authority Agreement Schedule given to the coverholder. The "Market Reform Contract (Binding Authority) Implementation Guide" may be found at:

[http://www.marketreform.co.uk/index.php?option=com\\_content&view=category&id=42&Itemid=145](http://www.marketreform.co.uk/index.php?option=com_content&view=category&id=42&Itemid=145)

[www.londonmarketgroup.co.uk](http://www.londonmarketgroup.co.uk)

This MRCE-BA guidance has been agreed with the Market Associations on behalf of the Market Reform Group (MRG) to define the endorsement process and support changes to a Binding Authority.

This guidance should also be read in conjunction with the "Contract Certainty Code of Practice" which may be found at:

[http://www.marketreform.co.uk/index.php?option=com\\_content&view=article&id=210:index&catid=35:contract-certainty-guidance&Itemid=136](http://www.marketreform.co.uk/index.php?option=com_content&view=article&id=210:index&catid=35:contract-certainty-guidance&Itemid=136)<http://www.londonmarketgroup.co.uk/index.php/current-resources/placing-documentation/contract-certainty-guidance>

## 2.1 Objectives

The objectives of this implementation guide are:

- to standardise the endorsement format for contract changes. This new format may be used irrespective of how the endorsement is submitted and agreed;

- to streamline the overall endorsement process and standardise the agreement methodology; and
- to allow the endorsement documentation to be used as the Binding Authority Agreement change document.

## 2.2 Scope

~~The Market Reform Contract Endorsement (Binding Authority) is used to document and agree Binding Authority Agreement changes regardless of whether the original Binding Authority uses the MRC-BA format<sup>1</sup>.~~

~~The~~This MRCE-BA standard may be used immediately. ~~However, there is a transition period (to 31 August, 2008) before it is adopted as the London Market standard for endorsements. Binding Authority Agreement changes presented to insurers on or after 1 September, 2008 should use the MRCE-BA.~~<sup>±</sup> in conjunction with the 2006 or 2013 LMA binding authority model agreements; and allows the option of removing underwriter acknowledgement of the Coverholder sign-off. However, the physical underwriter acknowledgement of the Coverholder sign-off (as in the 2009 MRCE-BA version) remains a valid option if this is preferred.

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## 2.3 Benefits

~~The MRCE-BA standard:~~

- supports the principles of Contract Certainty by speeding up the prompt provision to the coverholder of Binding Authority Agreement change documentation;
- standardises the business process by allowing endorsements to be handled in a consistent manner and format;
- makes subsequent processes more efficient by allowing for the agreed endorsement to also be used as Binding Authority Agreement change documentation; and
- enables mapping to the ACORD Reinsurance & Large Commercial (RLC) "Placement" XML message so that as and when business partners move to electronic processing, there is

<sup>1</sup> Excepting any business that is outside the scope of MRC guidance e.g. Motor business not processed via Xchanging.

~~<sup>±</sup> Excepting any business that is outside the scope of MRC guidance e.g. Motor business not processed via Xchanging.~~

compatibility of information with that used in the paper placing process.

This section explains the layout of the MRCE-BA.

### 3.1 Document Sections, order and use of Headings

~~The document sections, order and use of headings are as follows:~~

	<b>BINDING AUTHORITY AND ENDORSEMENT IDENTIFICATION DETAILS</b>
	<b>SCHEDULE CHANGES (Where applicable)</b>
	<b>NON-SCHEDULE CHANGES (Where applicable)</b>
	<b>INFORMATION (Where applicable)</b>
	<b>AGREEMENT</b>

The position of this section can be varied as these changes may not be issued to the Coverholder.

If there are both Schedule and Non-Schedule changes to be made to a Binding Authority Agreement, brokers may choose to process these as separate MRCE-BAs, or as one combined MRCE-BA (see examples within Appendix A).

The MRCE-BA for Schedule and/or Non-Schedule changes must include the following sections. Where an MRCE-BA is produced containing Schedule and Non-Schedule changes then the following sections need only be included once:

- *Binding Authority and Endorsement Identification Details:*  
e.g. the UMR / Risk Reference, Binding Authority Agreement Number, Endorsement Reference and Coverholder. Brokers may additionally use other headings to uniquely identify the endorsement appropriate to the circumstances.

Where the UMR and the BA Agreement number are identical the headings can be combined with the reference only being shown once.

- *Schedule and/or Non-Schedule Binding Authority Changes:*  
details of the change(s) to the Binding Authority Agreement utilising MRC-BA headings where appropriate plus free-format text and specifying the effective (or agreement) date(s) of said change(s).

Note that the Non-Schedule changes heading only applies in respect of changes to the following MRC (BA) sections:

- Non-Schedule Agreements
  - Subscription Agreement
  - Fiscal and Regulatory
  - Broker Remuneration and Deductions
- 
- *Agreement*: identifies the parties who are required to agree the Binding Authority Agreement changes contained in the endorsement and provides a record of their formal agreement to the change(s).

Where more than one insurer participates in the Binding Authority, the Binding Authority terms may mean that it is not always necessary to obtain a record of agreement to the MRCE-BA from all of those insurers.

The MRCE BA for Schedule and/or Non-Schedule changes may include:

- *Information*: details of any information provided to insurers to support the Binding Authority Agreement change(s). Where the size or the format of the information is not suitable for inclusion it should be clearly referenced in this section.
- *Attachments*: If additional documents need to be attached these should be referenced in the relevant section.

### 3.2 Layout of MRCE-BA

~~The MRCE-BA contains as a minimum the "Binding Authority and Endorsement Identification Details" section, the "Schedule Changes" and/or "Non-Schedule Changes" sections and the "Agreement" section.~~

- The section titles are optional, but the headings used within these must correspond with the "MRCE Binding Authority Data Dictionary" .
- The MRCE-BA should be formatted in the same way as the MRC-BA with the headings printed on the left and the content relating to the heading printed on the right.
- Where the changes relate to specific headings present in the MRC-BA or the change(s) cover a subject matter which would be shown under a specific heading then these headings should be inserted in the MRCE-BA with the change reflected as the content to said heading(s) e.g. where the Period is being amended the heading of "Period" should be inserted.
- The size of the MRCE-BA may vary. Where the MRCE-BA extends over more than one page, each page should be numbered and contain the Binding Authority Agreement and Endorsement Identification Details. The Non-Schedule changes section of the MRCE-BA may be page numbered separately.

For illustrative purposes, examples of the MRCE-BA are attached in Appendices A.4 A.5 [A.6](#) and ~~A.6-7.~~



## 4.1 General Guidance

- Each MRCE-BA should be uniquely identified by the combination of a Binding Authority Agreement Number, UMR / Risk Reference, Endorsement Reference and Coverholder. Brokers may additionally use other headings to uniquely identify the endorsement appropriate to the circumstances.
- Separate MRCE BA endorsements may be produced for Schedule and Non-Schedule changes.
- Where monetary amounts are stated within the MRCE-BA, the currency must be clearly and unambiguously identified and should not use symbols such as £ or \$. The relevant three letter ISO currency code should be used, e.g. USD.
- The terms and conditions in an MRCE-BA must be clear and unambiguous. e.g. no "terms to be agreed".
- During placing the broker and insurers must ensure that the MRCE-BA clearly states all the amendments to the Binding Authority Agreement terms and:
  - references or attaches all standard or registered wordings and clauses where used; and
  - attaches all bespoke and non-standard wordings and clauses in full. (Note - National Laws (e.g. Marine Insurance Act 1906; German General Rules of Marine Insurance; etc) do not need to be attached in full, as they are in common usage and freely available to all interested parties).
- MRCE-BAs should be prepared in line with the principles of the consolidated "Contract Certainty Code of Practice" which may be found at:  
[http://www.marketreform.co.uk/index.php?option=com\\_content&view=article&id=210:index&catid=35:contract-certainty-guidance&Itemid=136](http://www.marketreform.co.uk/index.php?option=com_content&view=article&id=210:index&catid=35:contract-certainty-guidance&Itemid=136)  
<http://www.londonmarketgroup.co.uk/index.php/current-resources/placing-documentation/contract-certainty-guidance>
- Where the current broker number cannot be extracted from the UMR (e.g. where there has been a change of broker or if the UMR format has not been used) it is imperative that the endorsement identify the broker number explicitly.

## 4.2 Evidencing Binding Authority Agreement Changes

Whether the heading Binding Authority Agreement Production has been completed within the MRC (BA), or not, the MRCE-BA need not restate the form of Binding Authority Agreement documentation to be provided to the Coverholder to evidence the change(s).

Instead, when a Binding Authority Agreement change has been fully agreed by all appropriate insurer agreement parties, insurer authorised Binding Authority Agreement documentation evidencing the change(s) may be provided to the Coverholder as follows:

- a copy of the MRCE-BA;
- a Binding Authority Agreement endorsement document which is produced and authorised in accordance with the Binding Authority Agreement Production heading of the MRC-BA.

The broker may continue to evidence Binding Authority Agreement changes by means of a Broker Insurance Document (BID), however no reference to a BID should appear in the MRCE-BA.

The separate MRCE-BA, or the part of any combined MRCE-BA, effecting changes to Non-Schedule Sections does not need to be evidenced as these are predominantly internal agreements between the broker and insurers. However, if a broker wishes to evidence this type of MRCE-BA then it should be evidenced in the same manner as described above.

### 4.3 Related advice

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The MRCE-BA is designed for use with different types of agreement methodologies:

#### 4.3.1 Manual processes:

The MRCE-BA can be presented during face-to-face engagement, or mailed, or faxed to the recipient, for agreement. The coverholder and insurer's authorisation is applied to the MRCE-BA (See process flow in Appendix A.2).

#### 4.3.2 Electronic processes:

The following processes allow brokers to distribute the MRCE-BA to coverholders and insurers electronically and allow them to respond electronically.

- A physical Coverholder signature must still be obtained to confirm their agreement; ~~and this must be physically acknowledged by the leader~~. Nevertheless, the MRCE-BA can be attached to an email and the coverholder and insurer can respond by email, attaching a scanned, signed, stamped MRCE-BA. A leading underwriter acknowledgement is no longer mandatory, but remains a valid option.

The MRCE-BA can be used in conjunction with a software application that either generates an email or e-message with the MRCE-BA attached, or alerts coverholders and/or insurers to use the software application to review the MRCE-BA. The MRCE-BA can also be used as part of an ACORD standards based messaging process. This may either be via direct peer-2-peer connection, via a hub for routing or via a trading service.

~~In these cases, the Coverholder agreement and leader acknowledgement still need to be confirmed via a physical~~

~~signature, albeit that the signed document can then be sent as an attachment to an electronic communication.~~

The remote processes shown are not definitive and will vary dependent on the sophistication of technology application. Their key benefit is to enable the prompt provision of Binding Authority Agreement change documentation using either an insurer authorised Binding Authority Agreement document or a Broker Insurance Document (BID).

## 4.4 Further Information

For further information on the Market Reform Contract Endorsement (Binding Authority) please contact:

Type of Query	Contact	Address
Brokers	Mark Knight - <del>LMBC</del> <a href="http://liiba.com">LIIBA</a> Tel: 020 7397 0213 Email: <del>mark.knight@lmbc.co.uk</del> <a href="mailto:mark.knight@liiba.co.uk">mark.knight@liiba.co.uk</a>	<del>BIBA House</del> <a href="http://www.liiba.com">Leadenhall St</a> <del>14 Bevis Marks</del> LONDON
Lloyd's insurers	<del>Peter Martin or Neil Smith</del> <a href="http://www.adrian.graham.com">Adrian Graham</a> - LMA Tel: 020 7327 3333 Email: <del>peter.martin@lmalloyds.com</del> <a href="mailto:neil.smith@lmalloyds.com">neil.smith@lmalloyds.com</a> <a href="mailto:adrian.graham@lmalloyds.com">adrian.graham@lmalloyds.com</a>	Gallery <del>3,4</del> Lloyd's 1 Lime Street LONDON
IUA insurers	John Hobbs - IUA Tel: 020 7617 4445 Email: <a href="mailto:john.hobbs@iua.co.uk">john.hobbs@iua.co.uk</a>	Suite LG1, LUC 3 Minster Court LONDON
General Queries	<del>Market Reform Office</del> <a href="http://www.lmgs.com">LMGS</a> <del>Steve Hulm -</del> Tel: 020 7327 <del>5220</del> <a href="tel:02073275249">5249</a> Email: <del>mro@marketreform.co.uk</del> <a href="mailto:steve.hulm@londonmarketgroup.co.uk">steve.hulm@londonmarketgroup.co.uk</a>	<del>Room 447,</del> <a href="http://www.lmgs.com">Gallery 6,</a> Lloyd's 1 Lime Street LONDON

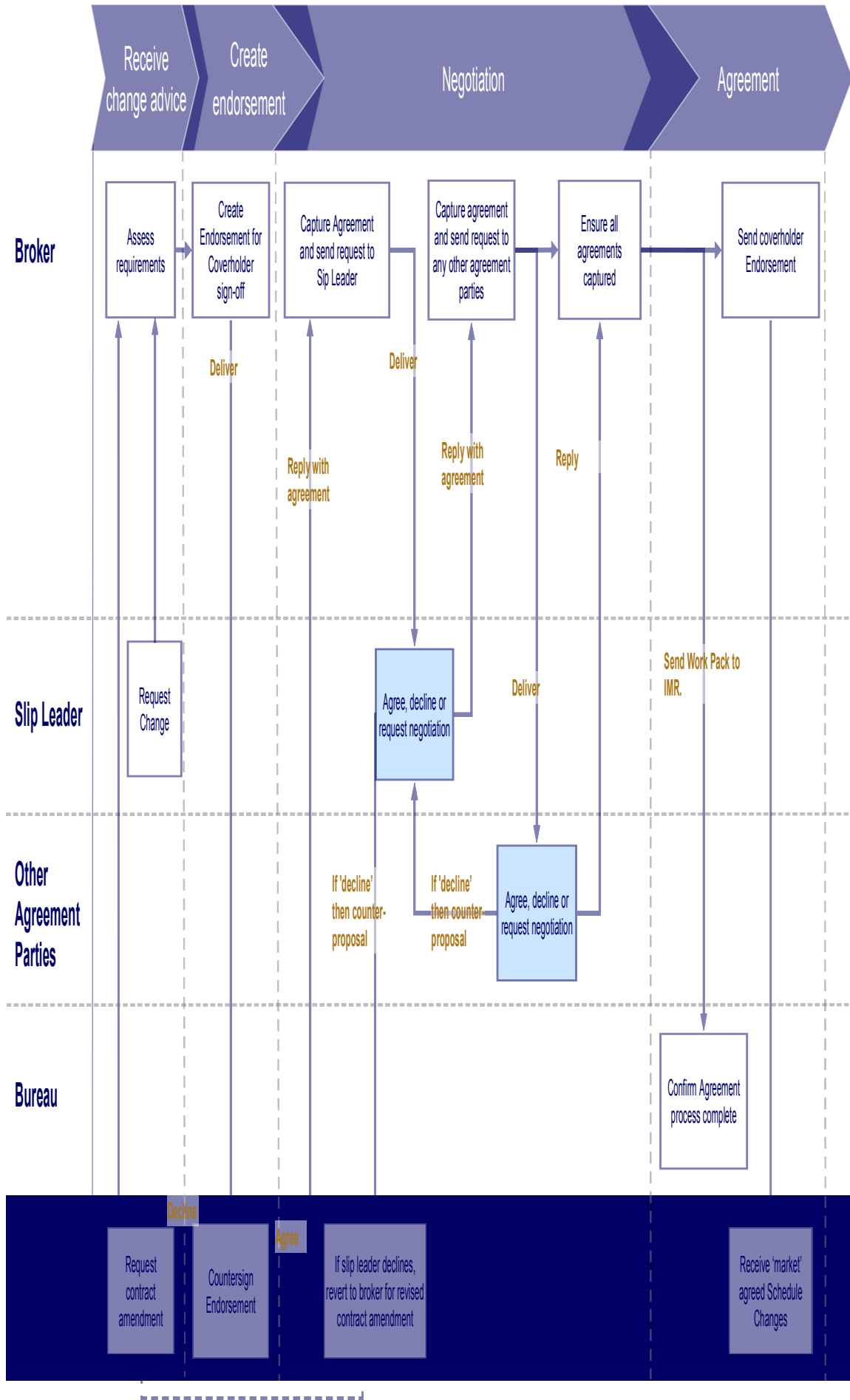
## A.1 MRCE-BA Data Dictionary

~~The "MRCE Binding Authority Data Dictionary" is made up of a listing of the "left hand side" headings specific to endorsements and indicates how these may in due course be mapped to the ACORD messages.~~

## A.2 MRCE-BA Process Flow for Schedule Changes

~~Below is an example of a Process Flow for a Binding Authority Schedule Endorsement where the Endorsement has first been sent to the coverholder for sign off before being sent on to the insurer for agreement and, optionally, underwriter acknowledgement. An alternative process is where the insurer agrees the Endorsement first, it is then sent to the coverholder for sign off before being returned to the insurer ~~for acknowledgement of the coverholder sign~~ (at this point the insurer can optionally acknowledge the Coverholder sign-off if this is preferred).~~

NB. There is no requirement for MRCE-BA's for Non-Schedule changes to be signed off by the coverholder so no Process Flow for this type of MRCE-BA is shown.



### A.3 MRCE-BA Examples

~~The examples are provided to illustrate what compliant MRCE-BAs could look like, but should not be taken as full definitions of the standard. Examples are provided of endorsements for Schedule changes, Non-Schedule changes and a combination of Schedule and Non-Schedule changes. Only one example is provided where the underwriter acknowledgment is retained; but this option remains valid for all MRCE-BAs.~~

## A.4 Binding Authority Endorsement – Schedule Example (no acknowledgment)

### BINDING AUTHORITY ENDORSEMENT

**Unique Market Reference:** B123412345678  
**Agreement Number:** XYZ1234  
**Endorsement Reference:** 003  
**Coverholder:** Acme Insurance Ltd

#### SCHEDULE CHANGES

This Binding Authority is amended as follows:

**ENDORSEMENT EFFECTIVE DATE:** 00.01 hours 1 August, ~~2008~~2014 local standard time  
**TERRITORIAL LIMITATIONS:** Sub Section 11.3. Territorial Limitations is amended to include New Zealand.  
**MAXIMUM LIMITS OF LIABILITY/SUMS INSURED:** Section 9 is amended to read as follows: GBP 100,000.00 any one loss

All other terms and conditions remain unchanged.

#### SIGNATURE OF THE COVERHOLDER

In accordance with Section 1 of LMA~~3019,3113~~, this Endorsement is signed on behalf of the Coverholder as acceptance of the change to the terms and conditions of the Agreement inclusive of any attachments identified in the Endorsement.

Signed and accepted on behalf of the Coverholder:

Name and Position of Signatory:

Date of Signature:

#### ~~ACKNOWLEDGEMENT OF THE UNDERWRITERS~~

~~Signed and accepted on behalf of the Underwriters~~

~~Date of Acknowledgement:~~

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Binding Authority Endorsement - Schedule example continued

## BINDING AUTHORITY ENDORSEMENT

**Unique Market Reference:** B123412345678  
**Agreement Number:** XYZ1234  
**Endorsement Reference:** 003  
**Coverholder:** Acme Insurance Ltd

### UNDERWRITER AGREEMENT

<date>				
XXX Insurance				

**Note:** Where ~~more than one~~ (re)insurer participates in the Binding Authority, the Binding Authority terms may mean that it is not always necessary to obtain a record of agreement to the MRCE-BA from all of those (re)insurers.

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## A.5 Binding Authority Endorsement – Schedule Example (with acknowledgment)

### **BINDING AUTHORITY ENDORSEMENT**

**Unique Market Reference:** B123412345678  
**Agreement Number:** XYZ1234  
**Endorsement Reference:** 003  
**Coverholder:** Acme Insurance Ltd

#### **SCHEDULE CHANGES**

This Binding Authority is amended as follows:

**ENDORSEMENT EFFECTIVE DATE:** 00.01 hours 1 August, 2014 local standard time

**TERRITORIAL LIMITATIONS:** Sub Section 11.3. Territorial Limitations is amended to include New Zealand.

**MAXIMUM LIMITS OF LIABILITY/SUMS INSURED:** Section 9 is amended to read as follows: GBP 100,000.00 any one loss

All other terms and conditions remain unchanged.

#### **SIGNATURE OF THE COVERHOLDER**

In accordance with Section 1 of LMA3113, this Endorsement is signed on behalf of the Coverholder as acceptance of the change to the terms and conditions of the Agreement inclusive of any attachments identified in the Endorsement.

Signed and accepted on behalf of the Coverholder:

Name and Position of Signatory:

Date of Signature:

#### **ACKNOWLEDGEMENT OF THE UNDERWRITERS**

Signed and accepted on behalf of the Underwriters

Date of Acknowledgement:

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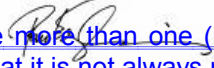
Binding Authority Endorsement - Schedule example continued

**BINDING AUTHORITY ENDORSEMENT**

**Unique Market Reference:**      B123412345678  
**Agreement Number:**        XYZ1234  
**Endorsement Reference:**     003  
**Coverholder:**                Acme Insurance Ltd

**UNDERWRITER AGREEMENT**

<u>&lt;date&gt;</u>				
<u>XXX Insurance</u>				

**Note:** Where ~~more~~ <sup></sup> than one (re)insurer participates in the Binding Authority, the Binding Authority terms may mean that it is not always necessary to obtain a record of agreement to the MRCE-BA from all of those (re)insurers.

**A.6** ~~A.5~~ Binding Authority Endorsement – Non-Schedule Example

## BINDING AUTHORITY ENDORSEMENT

**Unique Market Reference:** B123412345678  
**Agreement Number:** XYZ1234  
**Endorsement Reference:** 003  
**Coverholder:** Acme Insurance Ltd

### NON-SCHEDULE CHANGES

This Binding Authority is amended as follows:

**ENDORSEMENT EFFECTIVE DATE:** 00.01 hours 1 August, ~~2008~~2014 local standard time

**US CLASSIFICATION:** Amended to read “various”

All other terms and conditions remain unchanged.

### UNDERWRITER AGREEMENT

<date>				
XXX Insurance				

**Note:** Where more than one (re)insurer participates in the Binding Authority, the Binding Authority terms may mean that it is not always necessary to obtain a record of agreement to the MRCE-BA from all of those (re)insurers.



## A.7 ~~A.6~~ Binding Authority Endorsement – Combined Example (no acknowledgement)

### Binding Authority Endorsement **BINDING AUTHORITY ENDORSEMENT**

**Unique Market Reference:** B123412345678  
**Agreement Number:** XYZ1234  
**Endorsement Reference:** 003  
**Coverholder:** Acme Insurance Ltd

#### **SCHEDULE CHANGES**

This Binding Authority is amended as follows:

**ENDORSEMENT EFFECTIVE DATE:** 00.01 hours 1 August, ~~2008~~2014 local standard time  
**TERRITORIAL LIMITATIONS:** Sub Section 11.3. Territorial Limitations is amended to include New Zealand.  
**MAXIMUM LIMITS OF LIABILITY/SUMS INSURED:** Section 9 is amended to read as follows: GBP 100,000.00 any one loss

All other terms and conditions remain unchanged.

#### **SIGNATURE OF THE COVERHOLDER**

In accordance with Section 1 of LMA~~3019,3113~~, this Endorsement is signed on behalf of the Coverholder as acceptance of the change to the terms and conditions of the Agreement inclusive of any attachments identified in the Endorsement.

Signed and accepted on behalf of the Coverholder:

Name and Position of Signatory:

Date of Signature:

#### **~~ACKNOWLEDGEMENT OF THE UNDERWRITERS~~**

~~Signed and accepted on behalf of the Underwriters~~

~~Date of Acknowledgement:~~

Binding Authority Endorsement - Combined example continued

## BINDING AUTHORITY ENDORSEMENT

**Unique Market Reference:** B123412345678  
**Agreement Number:** XYZ1234  
**Endorsement Reference:** 003  
**Coverholder:** Acme Insurance Ltd

### NON-SCHEDULE CHANGES

This Binding Authority is amended as follows:

**ENDORSEMENT EFFECTIVE DATE:** 00.01 hours 1 August, ~~2008~~2014 local standard time

**US CLASSIFICATION:** Amended to read "various"

All other terms and conditions remain unchanged.

### UNDERWRITER AGREEMENT

<date>				
XXX Insurance				

**Note:** Where more than one (re)insurer participates in the Binding Authority, the Binding Authority terms may mean that it is not always necessary to obtain a record of agreement to the MRCE-BA from all of those (re)insurers.



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Statistics:	
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Insertions	105
Deletions	60
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	165