

DATED THE 24TH DAY OF SEPTEMBER, 1998

Between

THE MOTOR INSURERS' BUREAU OF SINGAPORE
(the "Bureau")

And

THE MEMBERS

SUPPLEMENTAL AGREEMENT

SUPPLEMENTAL AGREEMENT made this 24th day of September, 1998 BETWEEN:-

- (1) The Motor Insurers' Bureau of Singapore (hereinafter called "the Bureau") of the one part; and
- (2) Each of those Insurance Companies and Lloyd's Underwriters transacting Compulsory Motor Vehicle Insurance Business in Singapore by or on behalf of whom these presents are signed (hereinafter called "the Insurers") of the other part; and also
- (3) BETWEEN each and all the Insurers inter se so that each one of the Insurers binds itself severally to each and every other of the Insurers to perform this Agreement.

WHEREAS:-

- (1) The parties hereto have entered into an Agreement dated the 22nd day of February 1975 (hereinafter referred to as "the 1975 Members' Agreement") for the purposes of carrying out the Agreement dated the 22nd day of February 1975 made between the Bureau and the Government of Singapore implementing a scheme to secure compensation to third party victims of road accidents in cases where, notwithstanding the provisions of the Motor Vehicles (Third-Party Risks and Compensation) Act (Chapter 189) relating to compulsory insurance, the victim is deprived of compensation by the absence of insurance or effective insurance; and
- (2) The parties hereto are desirous of implementing certain amendments and/or changes and/or modifications to the 1975 Members' Agreement.

NOW IT IS HEREBY AGREED as follows:-

1. The words "the Motor Vehicles (Third-Party Risks and Compensation) Act (Chapter 88)" be deleted and replaced wherever they appear in the 1975 Agreement with the following words:-

"the Motor Vehicles (Third-Party Risks and Compensation) Act (Chapter 189)".
2. The definition of "Insurers" in Clause 1 be deleted and the following substituted:-

"Insurers" means any Insurance Company, Co-operative Society or Lloyd's Underwriter who is or may become a party to this Agreement, including but without limiting the generality of the foregoing, Malaysian insurance companies."
3. The definition of "Insurer Concerned" in Clause 1 be deleted and the following substituted:-

"Insurer Concerned" means the Insurer who at the time of the accident which gave rise to a liability required to be insured by the Compulsory Insurance Legislation was providing an insurance against such liability in respect of the vehicle arising out of the use of which the liability of the Judgment Debtor was incurred. An Insurer is concerned within the meaning of this Agreement notwithstanding that -
 - (i) the insurance was arranged after the accident but purported to be effective at the time of the accident; or
 - (ii) the insurance has been obtained by fraud, misrepresentation, non-disclosure of material facts or mistake; or

- (iii) some term, description, limitation, exception or condition (whether express or implied) of the insurance or of the proposal form on which it is based expressly or by implication excludes the Insurer's liability whether generally or in the particular circumstances in which the Judgment Debtor's liability was incurred; or
- (iv) the Judgment Debtor was in unauthorised possession of the vehicle arising out of the use of which the liability of the Judgment Debtor was incurred

and only ceases so to be concerned -

- (i) when the insurance policy has been cancelled in accordance with the provisions of Section 9(3)(c) of the Motor Vehicles (Third-Party Risks and Compensation) Act (Chapter 189); or
- (ii) when the insurance policy has ceased to operate by reason of a transfer of interest in the vehicle and the provisions of Rule 24 of the Road Traffic (Motor Vehicles, Registration and Licensing) Rules 1972 (and includes any statutory modifications thereto and any re-enactment thereof) have been complied with; or
- (iii) when the insurance policy has been avoided in accordance with the provisions of Section 9(4) of the Motor Vehicles (Third-Party Risks and Compensation) Act (Chapter 189) and/or the Insurer has obtained a declaration from a Court of competent jurisdiction that the insurance is void or unenforceable; or
- (iv) in any other case, from the date on which the insurance by its term lapsed:

Provided always that for the purpose of this Agreement an Insurer being an Insurer Concerned in respect of a Motor Trade Road Risk Policy covering unspecified vehicles shall in relation to such vehicles and irrespective of the basis of the Policy be the Insurer Concerned -

- (1) in respect of vehicles not the property of the Insured if and only if the vehicle in respect of which the claim arises was in the custody or control of the Insured or was only removed from that custody or control without the authority of the Insured; or
- (2) in respect of vehicles which are the property of the Insured, at all times, except that such Insurer shall not be the Insurer Concerned in respect of any vehicle specifically excluded from the cover of the Policy by reference to its registration mark and number or specifically insured in the name of the motor trader with another Insurer.

Where an Insurer Concerned under such a Motor Trade Policy and an Insurer Concerned under a specified vehicle Policy are both involved in circumstances in which neither Insurer is liable under its Policy any claim in respect of a liability required to be insured by the Compulsory Insurance Legislation shall be handled by agreement between the Insurers Concerned each being liable for one half of the damages and costs.

- 4. Save for the amendments herein set out, the 1975 Members' Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have set their hands and seals on the day and year first above written.

The Common Seal of the
**MOTOR INSURERS' BUREAU OF
SINGAPORE** was hereunto affixed
on this 24th day of September 1998
in the presence of:

Seal Affixed

(Signed)
CHEW LOY KIAT
Member of the Council
Motor Insurers' Bureau of Singapore

(Signed)
WEE JIM HOCK
Member of the Council
Motor Insurers' Bureau of Singapore

(Signed)
AMPUSAM GOPINATHAN
Secretary
Motor Insurers' Bureau of Singapore

(Signed)
ANDREW CHNG SOON TEW
General Manager, Boustead Services Private Limited
the representative of the Lloyd's
Underwriters' Group of London
this 11th day of September 1998

(Signed)
CHRISTINA CHANG WAI HARN
Development Underwriting Manager
on behalf of AGF Insurance (Singapore) Private Limited
this 11th day of September 1998

(Signed)
DOLLY CHENG
Senior Claims Manager
on behalf of Allianz Insurance (Singapore) Private Limited
this 11th day of September 1998

(Signed)
RICHARD LOH
Vice President
on behalf of American Home Assurance Company
this 11th day of September 1998

(Signed)
RICHARD LOH
Vice President
on behalf of American International Assurance Company Limited
this 11th day of September 1998

(Signed)
CHUA PENG CHER
Manager (Legal & Claims)
on behalf of Asia Insurance Company Limited
this 11th day of September 1998

(Signed)

JESSAMYN TIAN MEE NYUK

Assistant Vice President, Claims

on behalf of AXA Insurance Singapore Private Limited

this 21st day of September 1998

(Signed)

LAU LOO EE

Senior Manager, Non-Marine Underwriting

on behalf of China Insurance Company Limited

this 11th day of September 1998

(Signed)

DEREK TEO

Managing Director

on behalf of CIGNA Insurance Singapore Limited

this 11th day of September 1998

(Signed)

PETER KOH TIEN HOE

Managing Director

on behalf of Citystate Insurance Private Limited

this 11th day of September 1998

(Signed)

CHANG BEE WAH

Claims Manager

on behalf of Commercial Union Assurance Company PLC

this 11th day of September 1998

(Signed)

TEO LIP MOH

Assistant General Manager

on behalf of Cosmic Insurance Corporation Limited

this 11th day of September 1998

(Signed)

CHEW SU KEE

Assistant General Manager (Technical)

on behalf of Eagle Star Insurance Company Limited

this 24th day of September 1998

(Signed)

EDDIE ONG

Underwriting Manager

on behalf of Federal Insurance Company

this 11th day of September 1998

(Signed)

HO JONG SENG, SIMON

Claims Manager

on behalf of First Capital Insurance Limited

this 11th day of September 1998

(Signed)

NIRMALA NAIR

Legal Adviser

on behalf of General Accident Insurance Asia Limited

this 11th day of September 1998

(Signed)

NGO SIEW POD

General Manager

on behalf of Guardian Royal Exchange Assurance PLC
this 11th day of September 1998

(Signed)

RAYMOND TAN

Assistant Branch Manager

on behalf of HSBC Insurance (International) Limited
this 11th day of September 1998

(Signed)

TAN HUE PENG

Manager

on behalf of India International Insurance Private Limited
this 11th day of September 1998

(Signed)

FARIDAH RAHMAT ALI

Senior Manager

on behalf of Industrial & Commercial Insurance Limited
this 11th day of September 1998

(Signed)

THAM KOK HENG

Assistant General Manager

on behalf of ING General Insurance International N.V.
this 11th day of September 1998

(Signed)

KOH HAI NGHEE

Manager

on behalf of Insurance Corporation of Singapore Limited, The
this 18th day of September 1998

(Signed)

VIOLET CHIA

Assistant General Manager

on behalf of Kemper International Insurance Company (Private) Limited
this 11th day of September 1998

(Signed)

KAY KIM TECK

General Manager, General Insurance

on behalf of Keppel Insurance Private Limited
this 11th day of September 1998

(Signed)

MICHAEL CHAN

Marketing Manager

on behalf of London & Pacific Insurance Company Berhad
this 11th day of September 1998

(Signed)

ROSLIND SIM

Motor Manager

on behalf of Mitsui Marine and Fire Insurance (Asia) Private Limited
this 11th day of September 1998

(Signed)

LOW HUNG WAH

Senior Manager

on behalf of Nanyang Insurance Company Limited, The
this 11th day of September 1998

(Signed)

RICHARD LOH

Vice President

on behalf of New Hampshire Insurance Company
this 11th day of September 1998

(Signed)

FOO FOOK KHANG

Claims Manager

on behalf of Nippon Fire & Marine Insurance Company Limited, The
this 11th day of September 1998

(Signed)

ALOYSIUS TEO

General Manager

on behalf of NTUC INCOME Insurance Co-Operative Limited
this 11th day of September 1998

(Signed)

LAM CHEE LONG

Assistant General Manager

on behalf of Overseas Assurance Corporation Limited, The
this 11th day of September 1998

(Signed)

TAN POH LAY

Senior Executive

on behalf of Overseas Union Insurance Limited
this 11th day of September 1998

(Signed)

CHEW LOY KIAT

Principal Officer

on behalf of People's Insurance Company Limited, The
this 11th day of September 1998

(Signed)

WEE JIM HOCK

Deputy Manager for Singapore

on behalf of QBE Insurance (International) Limited
this 11th day of September 1998

(Signed)

RICHARD TAN

Senior Manager

on behalf of Royal & SunAlliance Insurance (Singapore) Limited
this 11th day of September 1998

(Signed)

GEORGE VARUGHESE

Assistant Manager

on behalf of Singapore Aviation & General Insurance Company (Private) Limited
this 11th day of September 1998

(Signed)

TAN JUAY HEOK

Assistant General Manager (Claims)

on behalf of Sumitomo Marine & Fire Insurance Company Limited, The
this 11th day of September 1998

(Signed)

YEW KAI HAU

Assistant General Manager

on behalf of Tai Ping Insurance Company Limited, The
this 11th day of September 1998

(Signed)

EMMELINE TSAI

Senior Manager

on behalf of Tat Lee Insurance Limited
this 11th day of September 1998

(Signed)

JAMES CHANG YING WA

Senior Manager

on behalf of Tokio Marine & Fire Insurance Company (Singapore) Private Limited, The
this 11th day of September 1998

(Signed)

TAN PHUAN YEE

Assistant General Manager

on behalf of UMBC Insurans Berhad
this 11th day of September 1998

(Signed)

FARIDAH RAHMAT ALI

Senior Manager

on behalf of United Overseas Insurance Limited
this 11th day of September 1998

(Signed)

RICHARD CHNG WAY GEK

Manager

on behalf of Wing On Fire & Marine Insurance Company Limited, The
this 11th day of September 1998

(Signed)

CORINA TAY

Claims Manager

on behalf of Winterthur Insurance (Far East) Private Limited
this 11th day of September 1998

(Signed)

OTSUKA KOJI

General Manager

on behalf of Yasuda Fire & Marine Insurance Company (Asia) Private Limited
this 11th day of September 1998

(Signed)

STEVEN TEO SAN HONG

Managing Director

on behalf of Zurich Insurance (Singapore) Private Limited
this 11th day of September 1998