

Dated 12 October 2022

Ref: DF/EM/Quick-Sure.2

Re: Quick-Sure Insurance Ltd (in administration)

We act for the Joint Administrators of Quick-Sure Insurance Ltd (the “Quick-Sure”).

Background

As you are aware, on 23 January 2020, Quick-Sure entered into administration in Gibraltar. A copy of the Administration Order is enclosed [here](#)

The administration is governed by Gibraltar law. We understand from our client’s lawyers in Gibraltar that, pursuant to the Gibraltar Insolvency Act 2011 (“**IA2011**”), a moratorium was imposed on all legal proceedings and execution of any legal process against Quick-Sure (i.e., no claims can be progressed, or judgments issued, and there can be no enforcement of judgments against the Appellant) (the “**Moratorium**”).

Recognition of the administration in England & Wales

The Joint Administrators’ appointment is automatically recognised in the United Kingdom by the Gibraltar (Miscellaneous Amendments) (EU Exit) Regulations 2019 (the “**Gibraltar Regulations**”), which provide that the Insurers (Reorganisation and Winding Up) Regulations 2004 (the “**2004 Regulations**”) apply to Gibraltar Insurance companies. The effect of the 2004 Regulations is that the Moratorium imposed by the IA2011 applies to Quick-Sure in the United Kingdom, and in England & Wales in particular. Insofar as these proceedings include a claim against Quick Sure, the effect of all of this is that that claim is currently prevented from continuing.

We understand that, should a party to these proceedings wish to lift the Moratorium, they will need to apply to the Supreme Court of Gibraltar which would consider it under the laws of Gibraltar.

Claim against the insured driver

Insofar as these proceedings include a claim against a driver insured by Quick Sure, it is our position that the Moratorium should also act to prevent that claim from being pursued or continued. The effect, under section 151 of the Road Traffic Act 1988, of a judgment against the insured driver is to impose a liability on the insurer (Quick Sure). Accordingly, continuing with a claim against the insurer driver is prevented by the Moratorium. We understand that this point has not yet been determined in court.

Alternatively, insofar as continuance of a claim against the insured driver is not directly prevented by the Moratorium, our position is that it nonetheless provides good grounds for the English court to stay

(including potentially permanently) the claim against the insured driver. The appropriate recourse is for the Claimant in these proceedings to file a proof of debt with the Joint Administrators. They will then adjudicate on the proof of debt (decide whether to allow the claim) as part of the administration proceedings. You do not have to come to Gibraltar to file a proof of debt.

A copy of the correct form which may be lodged with our client by email at: admin@quicksure.gi is [here](#)

A link to the relevant page of the website for Quick-Sure is [here](#)

Next Steps

For the foregoing reasons, the Joint Administrators of Quick-Sure invite the Claimant[s] to discontinue [his/her/their] claim against the Defendants, including Quick-Sure, with no order as to costs. The Claimant then should submit a claim (proof of debt) in the administration so that it can be adjudicated upon by the Joint Administrators in accordance with the process outlined above.

We now look forward to hearing from you within **7 days**. Should we not hear back from you within this time, the Joint Administrators reserve the right to make the appropriate application in relation to this matter and seek the costs from [you/your client].

Madison Legal Ltd