



28 August 2020

NOTICE

EXCELSIOR INSURANCE LTD

HAMILTON, BERMUDA - The Bermuda Monetary Authority (Authority or BMA) has successfully petitioned the Supreme Court of Bermuda to wind up Excelsior Insurance Ltd (Excelsior) pursuant to section 35 of the Insurance Act 1978 (Insurance Act) and the provisions of the Companies Act 1981. Excelsior was registered as a Class 2 insurer on 9 September 2016, by the Authority.

Pursuant to the winding-up order of the Supreme Court of Bermuda dated 28 August 2020, Rachele Frisby and John N Johnston of Deloitte Ltd. Corner House, 20 Parliament Street, Hamilton Bermuda were appointed as the joint provisional liquidators of Excelsior.

The Authority deemed it appropriate to petition to the Supreme Court to wind up Excelsior for several breaches of the Insurance Act:

- (i) Section 8(1A) – Failure to appoint and maintain a principal representative in Bermuda
- (ii) Section 15 – Failure to prepare accounts in respect of its insurance business (Statutory Financial Statements) from 2017 – 2019
- (iii) Section 15A – Failure to deliver a declaration to the Authority attesting that the insurer has complied with the requirements of that section for the years 2017 - 2019
- (iv) Section 17 - Failure to file a copy of its Statutory Financial Statements with the Authority from 2016 – 2019

The Authority viewed the above breaches as serious because of their extent and duration, and no longer had confidence in the Excelsior's ability to manage its affairs. The Authority's actions highlight the importance of its role in protecting the reputation of the jurisdiction and protecting the interests of policyholders.

If anyone has any immediate questions related to the Excelsior or the liquidation going forward, please contact Rachele Frisby at rachele.frisby@deloitte.com or Susan Davis-Crockwell at sdcrockwell@bma.bm.