

**U.S. SERVICE OF SUIT CLAUSE UPDATES:  
LMA5020A, LMA5020B, LMA5021A and NMA1998A**

**GUIDANCE NOTE**

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The LMA has published LMA5020A, LMA5020B and NMA1998A model Service of Suit clauses for use on Lloyd's market policies and mixed Lloyd's/non-Lloyd's market policies in the United States.

Lloyd's Underwriters are permitted to use Lloyd's America as their default agent in the case of suit being served but retain the right to nominate an agent of their choosing within the U.S. to receive service of suit on their behalf, so long as they have a prior agreement with that agent. Lloyd's Underwriters should notify Lloyd's America of their chosen agent if not using the default option so that Lloyd's America can forward any service they receive.

Non-Lloyd's Underwriters are obligated to arrange an agent to receive service of suit on their behalf, the address of which should be clearly stated on the completed LMA5020B form. Lloyd's cannot receive service of suit on behalf of non-Lloyd's Underwriters and so it is important to make sure that this section is filled out clearly in the space provided.

It is also important for all Underwriters to include a notice of claims address within their policies as Lloyd's will not accept notice of claims on behalf of Underwriters operating on either Lloyd's or mixed market policies.

In a change from the previous versions of these clauses (LMA5020 and NMA1998) Lloyd's will not provide written undertaking or general appearance on behalf of Underwriters in the case of legal action. Underwriters should take care to be easily identifiable from the information in their policies in order to prevent this from happening.

Neither LMA5021 nor NMA1998A should be used in conjunction with contracts with an arbitration provision. The change in title of LMA5021 to include '(NOT FOR USE WITH ARBITRATION CLAUSE)' reflects this.

The original LMA5020 and NMA1998 clauses will be withdrawn shortly.

Arabella Ramage,

Legal and Regulatory Director

11/04/2025