

Insurers response to the Supreme Court Judgement

Following the Supreme Court judgment in the FCA business interruption Test Case which was delivered on 15th January 2021 we sought guidance from our Insurers who provide Business Interruption Cover for some of our policies, and their responses are detailed below.

MS Amlin Underwriting Limited

Post-Supreme Court Judgment Update to Brokers

Dear Broker,

Further to our previous communications we would like to provide a further update regarding the Covid-19 Financial Conduct Authority (FCA) Test Case.

As you will be aware the High Court's judgment on the test case was appealed to the Supreme Court, and a hearing was held in late November 2020. We are writing to let you know that the Supreme Court's judgment was delivered on 15 January 2021.

We are now considering the detail of this and will write to individual clients shortly outlining the key elements of the judgment and its implications. We will provide you with a copy of that communication.

Our intention is to follow that up by contacting clients again with details of how the judgment affects their own claim and explain how we intend to progress their claim as quickly as possible.

We are writing to clients outlining the above position to keep them informed. In addition, we will again provide them with links to further information and resources, including a link to the FCA's website so they can follow latest developments there.

We should emphasise that although the Supreme Court's judgment has now provided the clarity needed to move forward, applying the judgment to the circumstances of each individual claim is likely to be complex. We remain committed to doing so as quickly as possible.

MS Amlin
Claims Department

The following link may also be useful:

<https://www.msamlin.com/en/about-us/MSAmlin-and-Covid-19.html>

Aviva Insurance Limited

You will be aware that there has been a great deal of comment in the press regarding the outcome of the Supreme Court judgment in the FCA business interruption Test Case.

In order to provide some clarity please note:

- If your client has received a communication stating that their claim or complaint will not be affected by the Financial Conduct Authority's Test Case process, this remains the case and the Supreme Court judgment will not affect the decision we have made. We will therefore not be engaging in any further communications in respect of such claims for business interruption as a result of Covid-19.
- If your client has received a communication that their claim or complaint may be affected by the Financial Conduct Authority's Test Case process, this remains the case. We will contact you further once we have assessed the impact of the Supreme Court judgment on their claim or complaint.

For most Aviva policies there is no cover for business interruption as a result of the Covid-19 pandemic and these were outside the scope of the FCA Test Case. Please visit our website <https://www.aviva.co.uk/business/support/the-impact-of-coronavirus/business-Insurance/business-interruption/> for further details.

We will update this as and when we obtain further information from Insurers.

Glemham Underwriting Limited
21/01/2021