

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
COMMERCIAL COURT (QBD)
FINANCIAL LIST
FINANCIAL MARKETS TEST CASE SCHEME

BETWEEN

THE FINANCIAL CONDUCT AUTHORITY

Claimant

-and-

- (1) ARCH INSURANCE (UK) LIMITED**
(2) ARGENTA SYNDICATE MANAGEMENT LIMITED
(3) ECCLESIASTICAL INSURANCE OFFICE PLC
(4) HISCOX INSURANCE COMPANY LIMITED
(5) QBE UK LIMITED
(6) MS AMLIN UNDERWRITING LIMITED
(7) ROYAL & SUN ALLIANCE INSURANCE PLC
(8) ZURICH INSURANCE PLC

Defendants

AGREED FACTS – DOCUMENT 8

ECONOMIC IMPACT

1. By no later than the end of 11 March 2020 and prior to the UK Government issuing any material guidance or imposing restrictions of national application as a result of COVID-19 (other than, if and to the extent relevant, making the Health Protection (Coronavirus) Regulations 2020 quarantining those believed to have the disease, issuing the COVID-19 Action Plan and explanatory guidance entitled “What is Social Distancing?” and making the disease notifiable), there was already a more than *de minimis* economic impact from COVID-19 within the UK on many of the businesses in each Category of business in the FCA’s Assumed Facts document (Annex 2 to the Particulars of Claim).
2. It is not agreed that all businesses in all Categories would necessarily have suffered a negative economic impact by 11 March 2020. For example, at the very least anecdotally, supermarkets were doing very well as a result of panic buying. Also, schools and nurseries were still open at that stage (although, in particular but without limitation, private schools with overseas students may already have been impacted), as were churches. However, the parties agree that there would have been some impact on each Category as a whole.
3. That economic impact would have continued for at least as long as COVID-19 remained a significant threat in the UK (and potentially overseas), and may have increased, even if the UK Government had not issued such guidance or restrictions.