

Factual Scenarios

All examples are illustrative only and reference may be made to other dates as appropriate

Category	Assumed Facts	Assumed incidence of COVID-19	Heads of Claim
<p>1) Category 1</p> <p>Businesses which public were advised not to attend, and were then mandated to close save that can stay open to extent sell food or drink for consumption off the premises.</p>	<p>a) Business AA is a restaurant and café located in city centre or suburbs, which did not sell food for takeaway.</p> <p>b) Downturn from 1.3.20 due to increasing concern about COVID-19 outbreak.</p> <p>c) Further downturn from 17.3.20 following Government statement.</p> <p>d) Closure from 21.3.20 mandated by Government order.</p> <p>e) Partially re-opened from 1.5.20 selling food for takeaway.</p>	<p>On any relevant date referred to:</p> <p>COVID-19 was within 1 mile and/or 25 miles and/or as required</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required</p>	<ul style="list-style-type: none"> • Partial loss of revenue) 1.3.20 - 17.3.20; • Partial loss of revenue 17.3.20 - 21.3.20; • Total loss of revenue from 21.3.20 following the Government order to close the premises. • Partial loss of revenue from 1.5.20 following partial re-opening and Increased Cost of Working claim for adapting to trade as takeaway.
<p>2) Category 2</p> <p>Businesses which public were advised not to attend and were then mandated to close.</p>	<p>a) Business BB is a nightclub located in a city centre.</p> <p>b) Downturn from 1.3.20 resulted in decision to open on Fridays and Saturdays only from 6.3.20</p> <p>c) Closure from 21.3.20 mandated by Government order.</p>	<p>On any relevant date referred to:</p> <p>COVID-19 was within 1 mile and/or 25 miles and/or as required</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required</p>	<ul style="list-style-type: none"> • Loss of revenue (if any) pre 21.3.20; • Total loss of revenue from 21.3.20.

<p>3) Category 3.</p> <p>Businesses expressly permitted to stay open. No express restrictions. In England guidance and in Scotland and Wales a requirement to take reasonable measures to ensure, for example, compliance with the 2-metre rule.</p>	<p>a) Business CC is a hardware/DIY store in City Centre.</p> <p>b) Upturn in trade from 1.3.20, because customers were keen to stock up on home DIY essentials especially given the time of year and weather.</p> <p>c) Downturn from 17.3.20 following Government statement.</p> <p>d) Further downturns from 21.3.20 and 27.3.20 due to lockdown and its impact on public/consumer behaviour.</p> <p>e) Closure from 13.4.20 due to low trading volumes.</p> <p>f) Reopened 11.5.20 but limited trade due to operating "one in one out" policy.</p>	<p>On any relevant date referred to:</p> <p>COVID-19 was within 1 mile and/or 25 miles and/or as required</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required</p>	<ul style="list-style-type: none"> • Partial loss of revenue 17.3.20 – 13.4.20. • Total loss of revenue from 13.4.20 - 11.5.20. • Partial loss of revenue from 11.5.20.
<p>4) Category 4.</p> <p>Unlisted retail businesses offering goods for sale or hire advised to close, then mandated to close other than for deliveries or services in response to telephone, online or mail orders</p>	<p>a) Business DD has clothing retail outlets in city centre or country town.</p> <p>b) There was no downturn and shop remained open until 17.3.20 or 23.3.20.</p> <p>c) Closed for in person sales from 17.3.20 or 23.3.20 but modified business to focus on online trading.</p> <p>d) Supply chain issues including the closure of an overseas factory due to COVID-19 and social distancing modifications by a wholesaler.</p>	<p>On any relevant date referred to:</p> <p>COVID-19 was within 1 mile and/or 25 miles and/or as required</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required</p>	<ul style="list-style-type: none"> • Partial loss of revenue from 17.3.20 or 23.3.20. • Online sales initially successful in partially mitigating loss but hampered by supply issues subsequently.

<p>5) Category 5.</p> <p>Other unlisted service business neither expressly required to close nor expressly permitted by the Regulations to remain open (Category 5: Regulations unlisted services).</p>	<p>a) Business EE is an accountancy firm (or financial adviser) employing 5 people, with an office in a city centre.</p> <p>b) Downturn from 1.3.20 because (in the event of accountants) of unwillingness of audit clients to have auditors on their premises due to Covid-19 fear and (in both cases) because of lower footfall from passing trade, particularly start-up businesses.</p> <p>c) Closure of office from 17.3.20 or 12.3.20 in light of Government guidance.</p> <p>d) Employees continued to work from home on remote projects.</p>	<p>On any relevant date referred to: COVID-19 was within 1 mile and/or 25 miles and/or as required</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required</p>	<ul style="list-style-type: none"> • Partial loss of income from 1.3.20 due to downturn. • Partial loss of income from 17 or 12.3.20 following closure of office. • Increased costs of providing staff with the facilities to work from home.
<p>6) Category 6.</p> <p>Hotels, cottages, holiday accommodation advised to close, then mandated to close.</p>	<p>a) Business FF is a holiday lettings company which has short term let holiday cottages in rural locations.</p> <p>b) Cottage 1: continued unaffected until mandated to close on 26.3.20.</p> <p>c) Cottage 2: continued until mandated to close on 26.3.20 but booking due to commence on 21.3.20 was cancelled on 19.3.20, with the customer providing no reason for cancelling.</p>	<p>On any relevant date referred to: COVID-19 was within 1 mile and/or 25 miles and/or as required</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required</p>	<ul style="list-style-type: none"> • Loss of revenue (cottage) as a result of the cancellation of bookings due to commence between 1.3.20 and 25.3.20; • Loss of revenue (cottage) as a result of the cancellation/termination of bookings due to commence on or after 26.3.20.

	<p>d) Cottage 3 - booking due to commence on 5.3.20 was cancelled on 3.3.20, due to customer's suspected COVID-19.</p> <p>e) Cottage 4 - occupant was diagnosed as suffering from COVID-19 on 18.3.20, further bookings for that cottage cancelled for the next 7 days.</p> <p>f) Cottage 5 – closed on 16.03.20 following Government statement.</p> <p>g) Cottage 6 - booking due to commence on 11.3.20 was cancelled because the Italian customer was prohibited from travelling to the UK.</p>		
<p>7) Category 7.a</p> <p>Nursery or educational establishment or place of worship.</p>	<p>a) Church GG is a small rural Church of England parish church, staffed by a vicar. Church HH ordinarily holds weekly services and rents the church hall to local groups two evenings per week. The PCC's income derives from the weekly collection at services, rental income from hire of the hall.</p> <p>b) During March, rental income decreased and attendance at services decreased (therefore reducing the weekly collection).</p> <p>c) No public services were held after 17.3.20.</p>	<p>On any relevant date referred to: COVID-19 was within 1 mile and/or 25 miles and/or as required</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required</p>	<ul style="list-style-type: none"> • Loss of income from church hall hire from 1.3.20; • Reduced collections from 1.3.20. • A monthly donation from a City law firm partner in the congregation ceased at the end of March, because she came under financial pressure due to the effects of the pandemic on her firm.

	<p>d) Church closed (except for funerals, broadcasting an act of worship or providing essential voluntary services or urgent public support services) from 24.3.20 in line with Government announcement, and subsequent Government Regulations which came into force on 26.3.20.</p>		
<p>8) Category 7.b</p> <p>As above</p>	<p>a) School HH is a private boarding school located in a rural area.</p> <p>b) Three children were withdrawn from school on 23.2.20, because of concerns about the spread of COVID-19 in the general population in the UK. Six children were withdrawn from school on 16.3.20, following the Government's advice to avoid social contact and observe social distancing. School HH waived the fees for these 9 pupils for the remainder of the term as a goodwill gesture</p> <p>c) School closed to day pupils and most boarders were sent home from 23.3.20 in line with Government announcement.</p> <p>d) School HH has continued to teach pupils via online lessons with a few children of key workers continuing to attend in person.</p> <p>e) School was due to hire out its facilities for a residential course during the Easter</p>	<p>On any relevant date referred to: COVID-19 was within 1 mile and/or 25 miles and/or as required</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required</p>	<ul style="list-style-type: none"> • Loss of revenue for waived or partly rebated fees. • Loss of revenue for cancelled facility hire.

	<p>holidays, from 6 – 17 April 2020, for Italian students learning English. The students cancelled as they were unable to travel. School HH provided a full refund.</p> <p>f) School HH has offered a 25% rebate on fees during the period of closure and furloughed some staff.</p>		
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CATEGORY 1

<p>Assumed Facts:</p>	<p>Business AA operates a restaurant and café located in the city centre or suburbs. Business AA's business was the sale of food and drink for consumption on the premises. It did not operate any takeaway business.</p> <p>From 1 March 2020 Business AA began to experience a downturn in trade due to increasing concern about the COVID-19 outbreak.</p> <p>Business AA experienced a further downturn in trade after the UK Government statement on 17 March 2020, although Business AA was not required to close and did not do so.</p> <p>Business AA did not open on 21 March 2020, in accordance with the UK Government order.</p> <p>On 1 May 2020 Business AA re-opened the premises to operate a takeaway food and drink service for consumption of such goods off the premises.</p>
<p>Assumed Incidence of COVID-19</p>	<p>On any relevant date referred to:</p> <p>COVID-19 was within 1 mile and/or 25 miles of the premises and/or as required by policy language.</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required by policy language.</p>
<p>Heads of Claim:</p>	<p>Business AA has submitted a claim for:</p> <ol style="list-style-type: none"> 1. Partial loss of revenue from to 1 March to 17 March 2020 following a reduction in trade; 2. Additional loss of revenue from 17 March 2020 to 21 March 2020; 3. Total loss of revenue from 21 March 2020 following the Government order to close the premises; and 4. Partial loss of revenue from 1 May 2020 following partial re-opening and an Increased Cost of Working claim for adapting to trade as a takeaway.

CATEGORY 2

Assumed Facts:	<p>Business BB is a nightclub located in a city centre.</p> <p>Business BB experienced a reduction in revenue from 1 March 2020. From 6 March 2020, Business BB decided to only open on Friday and Saturday nights as it had become uneconomical to open on the other nights of the week.</p> <p>Business BB closed entirely from 21 March 2020, as mandated by the UK Government order.</p>
Assumed Incidence of COVID-19	<p>On any relevant date referred to:</p> <p>COVID-19 was within 1 mile and/or 25 miles of the premises and/or as required by policy language.</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required by policy language.</p>
Heads of Claim:	<p>Business BB has submitted a claim for:</p> <ol style="list-style-type: none"> 1. Loss of revenue pre 21 March 2020; and 2. Total loss of revenue from 21 March 2020.

CATEGORY 3

<p>Assumed Facts:</p>	<p>Business CC is a hardware/DIY store located in a city centre.</p> <p>From 1 March 2020, Business CC experienced an upturn in trade because customers were keen to stock up on home DIY essentials, especially given the time of year and the weather.</p> <p>From 17 March 2020, Business CC experienced a downturn in trade following the UK Government statement.</p> <p>Business CC experienced further downturns from 21 March 2020 and 27 March 2020 due to lockdown and its impact on public/consumer behaviour.</p> <p>Business CC closed on 13 April 2020 due to low trading volumes.</p> <p>On 11 May 2020, the store reopened but trade was limited due to operating a "one in, one out" policy.</p>
<p>Assumed Incidence of COVID-19</p>	<p>On any relevant date referred to:</p> <p>COVID-19 was within 1 mile and/or 25 miles of the premises and/or as required by policy language.</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required by policy language.</p>
<p>Heads of Claim:</p>	<p>Business CC has submitted a claim for:</p> <ol style="list-style-type: none"> 1. Partial loss of revenue between 17 March 2020 and 13 April 2020; 2. Total loss of revenue from 13 April 2020 to 10 May 2020; and 3. Partial loss of revenue from 11 May 2020.

CATEGORY 4

<p>Assumed Facts:</p>	<p>Business DD operates clothing retail outlets in city centres and/or country towns.</p> <p>Business DD's shops remained open until 17 March OR 23 March 2020, experiencing no change in trading conditions.</p> <p>Business DD's shops closed for in-person sales from 17 March OR 23 March 2020, following which Business DD modified its business to focus on online trading.</p> <p>Business DD has experienced supply chain issues including:</p> <ul style="list-style-type: none"> a. An overseas factory closure due to COVID-19; and b. A wholesaler making modifications to allow socially-distanced working.
<p>Assumed incidence of COVID-19</p>	<p>On any relevant date referred to:</p> <p>COVID-19 was within 1 mile and/or 25 miles of the premises and/or as required by policy language.</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required by policy language.</p>
<p>Heads of Claim:</p>	<p>Business DD has submitted a claim for partial loss of revenue from 17 March OR 23 March 2020.</p> <p>Online sales initially successfully in partially mitigating loss but hampered by subsequent supply issues.</p>

CATEGORY 5

<p>Assumed Facts:</p>	<p>Firm EE is an accountancy firm (OR financial adviser) employing 5 people. It has an office in a city centre.</p> <p>Firm EE experienced a downturn from 1 March 2020 due to:</p> <ul style="list-style-type: none"> a) In the case of accountants, unwillingness of its audit clients to have auditors on their premises due to COVID-19 fears; and b) In the case of accountants and financial advisers, lower footfall of passing trade, and in particular, from start-up businesses. <p>On 12 March OR 17 March 2020, Firm EE closed its office in line with Government guidance.</p> <p>Firm EE's employees were able to continue to work from home on remote projects.</p>
<p>Assumed Incidence of COVID-19</p>	<p>On any relevant date referred to:</p> <p>COVID-19 was within 1 mile and/or 25 miles of the premises and/or as required by policy language.</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required by policy language.</p>
<p>Heads of Claim:</p>	<p>Firm EE has submitted a claim for:</p> <ul style="list-style-type: none"> 1. Partial loss of income from 1 March 2020; 2. Partial loss of income from 12 OR 17 March 2020 following closure of the office; and 3. Increased costs of providing staff with the facilities to work from home.

CATEGORY 6

Assumed Facts:	<p>Business FF is a holiday lettings company with 6 short-term let holiday cottages in rural locations.</p> <ul style="list-style-type: none"> • Cottage 1 – continued unaffected until mandated to close on 26 March 2020. • Cottage 2 - continued until mandated to close on 26 March 2020 but booking due to commence on 21 March 2020 was cancelled on 19 March 2020, with the customer providing no reason for cancelling. • Cottage 3 – booking due to commence on 5 March 2020 was cancelled on 3 March 2020 due to customer's suspected COVID-19. • Cottage 4 – occupant was diagnosed as suffering from COVID-19 on 18 March 2020. Further bookings for that cottage cancelled for the next 7 days. • Cottage 5 – closed on 16 March 2020 following Government statement. • Cottage 6 – booking due to commence on 11 March 2020 was cancelled because the Italian customer was prohibited from travelling to the UK.
Assumed incidence of COVID-19	<p>On any relevant date referred to:</p> <p>COVID-19 was within 1 mile and/or 25 miles of the premises and/or as required by policy language.</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required by policy language.</p>
Heads of Claim:	<p>Business FF has submitted a claim for:</p> <ol style="list-style-type: none"> 1. Loss of revenue as a result of the cancellation/termination of bookings due to commence between 1 and 25 March 2020; and 2. Loss of revenue as a result of the cancellation/termination of bookings due to commence on or after 26 March 2020.

CATEGORY 7.a

<p>Assumed Facts:</p>	<p>Church GG is a small rural Church of England parish church, staffed by a vicar. Church GG ordinarily holds weekly services and rents the church hall to local groups two evenings per week. Church GG's income derives from the weekly collection at services and rental income from hire of the hall.</p> <p>From 1 March 2020 the rental income decreased as existing bookings were cancelled and future bookings were not being made. Attendance at weekly services also decrease, reducing the weekly collection.</p> <p>No public services were held after 17 March 2020.</p> <p>On 24 March 2020, the church was closed (except for funerals, broadcasting an act of worship or providing essential voluntary services or urgent public support services).</p>
<p>Assumed Incidence of COVID-19</p>	<p>On any relevant date referred to:</p> <p>COVID-19 was within 1 mile and/or 25 miles of the premises and/or as required by policy language.</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required by policy language.</p>
<p>Heads of Claim:</p>	<p>Church GG has submitted a claim for:</p> <ol style="list-style-type: none"> 1. Loss of income from church hall hire from 1 March 2020; 2. Reduced collections from 1 March 2020; and 3. A monthly donation from a City law firm partner in the congregation ceased at the end of March 2020 because she came under financial pressure due to the effects of the pandemic on her firm.

CATEGORY 7.b

Assumed Facts:	<p>School HH is a private boarding school in a rural location.</p> <p>Three children were withdrawn from school on 23 February 2020 because of concerns about the spread of COVID-19 in the general population in the UK. Six children were withdrawn from school on 16 March 2020 following the government's advice to avoid social contact and observe social distancing.</p> <p>School HH waived fees for the remainder of the term for all nine children as a goodwill gesture.</p> <p>School HH closed to day pupils and most boarders were sent home from 23 March 2020 in line with the Government announcement.</p> <p>School HH has continued to teach pupils via online lessons. A few children of key workers have continued to attend the school in person.</p> <p>School HH was due to hire out its facilities for a residential course during the Easter holidays from 6 - 17 April 2020 for Italian students learning English. The students cancelled as they were unable to travel. School HH provided a full refund.</p> <p>School HH has offered a 25% rebate on fees during the period of closure and furloughed some staff.</p>
Assumed incidence of COVID-19	<p>On any relevant date referred to:</p> <p>COVID-19 was within 1 mile and/or 25 miles of the premises and/or as required by policy language.</p> <p>OR</p> <p>COVID-19 was not within 1 mile and/or 25 miles and/or as required by policy language.</p>
Heads of Claim:	<p>School HH has submitted a claim for:</p> <ol style="list-style-type: none"> 1. Loss of revenue for waived or partly rebated fees; and 2. Loss of revenue for cancelled facility hire.