



N1(CCFL)  
**Claim Form**  
 (CPR Part 7)

In the **High Court of Justice**  
**Queen's Bench Division**  
**Commercial Court** 09 Jun 2020  
**Financial List**  
**Royal Courts of Justice**



|            |                                  |
|------------|----------------------------------|
|            | <i>for court use only</i>        |
| Claim no.  | FL-2020-000018<br>FL-2020-000018 |
| Issue date |                                  |

**Claimant(s)**

The Financial Conduct Authority  
 12 Endeavour Square  
 London  
 E20 1JN



**Defendant(s)**

- |  |   |   |
|--|---|---|
| (1) Arch Insurance (UK) Limited<br>5th Floor Plantation Place South<br>60 Great Tower Street<br>London<br>EC3R 5AZ | (4) Hiscox Insurance Company Limited<br>1 Great St Helens<br>London<br>EC3A 6HX                             | (7) Royal & Sun Alliance Insurance Plc<br>St Marks Court<br>Chart Way<br>Horsham<br>West Sussex<br>RH12 1XL |
| (2) Argenta Syndicate Management Limited<br>5th Floor 70 Gracechurch Street<br>London<br>EC3V 0XL                  | (5) MS Amlin Underwriting Limited<br>The Leadenhall Building<br>122 Leadenhall Street<br>London<br>EC3V 4AG | (8) Zurich Insurance Plc<br>The Zurich Centre<br>3000 Parkway<br>Fareham<br>Whiteley<br>PO15 7JZ            |
| (3) Ecclesiastical Insurance Office Plc<br>Beaufort House<br>Brunswick Road<br>Gloucester<br>GL1 1JZ               | (6) QBE UK Limited<br>Plantation Place<br>30 Fenchurch Street<br>London<br>EC3M 3BD                         |   |

Name and address of Defendant receiving this claim form  
 See attached schedule.

|                              |        |
|------------------------------|--------|
|                              | £      |
| Amount claimed               |        |
| Court fee                    | 528.00 |
| Legal representative's costs |        |
| <b>Total amount</b>          | 528.00 |

The court office at the Admiralty and Commercial Registry, The Rolls Building, 7 Rolls Building, Fetter Lane, London, EC4A 1NL is open between 10 am and 4.30 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number.

## Brief details of claim

1. The Claimant is the conduct regulator of firms authorised to effect and carry out contracts of insurance in the United Kingdom. By s1A(3) of the Financial Services and Markets Act 2000 (“FSMA”), the Claimant has the functions conferred on it by or under the Act.
2. The Defendants each carry on an insurance business. The First, Third, Fourth, Sixth, Seventh and Eighth Defendants are each authorised under FSMA to effect and carry out contracts of insurance in the United Kingdom. The Second and Fifth Defendants are each authorised under FSMA to manage the underwriting capacity of a Lloyd’s syndicate as managing agent at Lloyd’s.
3. The claim is brought pursuant to the Financial Markets Test Case Scheme. This is a test case by the Claimant seeking a determination of a number of the key points of contractual construction and principle relating to coverage and causation.
4. COVID-19 and the Government controls imposed as a result of it are causing a substantial level of loss and distress to businesses, in particular (although not solely) SMEs. A large number of claims are being made to insurers and managing agents under the terms of insurance policies providing cover for (among other matters) property damage and business interruption insurance losses. Several businesses and groups of businesses have indicated their intention to challenge the rejection of their claims.
5. The Defendants have confirmed to the Claimant their views that certain policies which they underwrite (for themselves or, in the case of the Second and Fifth Defendants as managing agents for a Lloyd’s syndicate) and which provide cover in principle for business interruption losses without the need for physical/property damage may not cover losses resulting from the COVID-19 pandemic. The Defendants (or some of them) further dispute whether as a matter of law and fact and in the light of the policies the necessary causal link to any loss suffered by customers which is the subject of claims under the policies can be established, including the impact, if any, of any trends clauses or similar/equivalent provisions.
6. The Claimant contends that, subject to proof of loss and individual policy points such as sub-limits, the wordings written by the Defendants which have been selected to be tested in this claim do respond to the events of COVID-19 and the Governmental action responding to it in the first half of 2020.
7. The Claimant, as the conduct regulator of the Defendants and other insurers, managing agents and insurance intermediaries in the UK, seeks declaratory relief in order to resolve the legal uncertainty in relation to COVID-19 business interruption claims so that it can determine and pursue its regulatory and supervisory policy in relation to the handling of these claims by the Defendants and other insurers.
8. The Claimant is bringing these proceedings against the Defendants pursuant to a framework agreement dated 31 May 2020 that has been agreed between the Parties.
9. The Claimant seeks declarations as set out in the Particulars of Claim.

Particulars of Claim attached.

**Statement of Truth**

~~\*(I believe)~~(The Claimant believes) that the facts stated in this Claim Form and the Particulars of Claim attached to this Claim Form are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I am duly authorised by the Claimant to sign this statement

Full name Greig Anderson\_\_\_\_\_

Name of \*(Claimant)(’s legal representative’s firm) Herbert Smith Freehills LLP \_\_\_\_\_

signed GA position or office held Partner \_\_\_\_\_

\*(Claimant)(’s legal representative) (if signing on behalf of firm, company or corporation)

For the attention of Greig Anderson  
Herbert Smith Freehills LLP  
Exchange House  
Primrose Street  
London  
EC2A 2EG

Claimant’s or legal representative’s address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.

DX 28 London Chancery Lane

**Email:** Greig.Anderson@hsf.com