



**BUSINESS INTERRUPTION INSURANCE TEST CASE**

**PROPOSED ISSUES MATRIX**

This matrix contains a few of the key terms that are likely to be argued. In including exclusions or trends clauses, the FCA does not thereby accept that they are in fact applicable to any or all claims being considered here.

Policy type	PoA			Disease	All	
	Just denial or prevention of access	Authority includes 'government'	Vicinity	Vicinity	Trends clause?	Exclusions?
MS Amlin type 1	Yes	No	'vicinity'	25 miles	Applies to damage	(Disease clause) Only premises directly affected
MS Amlin type 2	No (also hinder)	Yes	1 mile	25 miles	Variants: (i) Leisure and Retail; (ii) Office and Surgery (iii) Digital Shop  All apply to damage	(Disease clause) Only premises directly affected
MS Amlin type 3	No (also hinder and use)	No	'vicinity'	-	Applies to damage	Outbreaks of foot & mouth disease or avian flu
Arch type 1	Yes	Yes	No vicinity limit	-	Two variants: (i) Commercial Combined, (ii) Retailers, Powerplace  Both apply to damage	'Notifiable Human Infectious or Contagious Disease' [a defined term] as defined in the current relevant legislation occurring at the Premises

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	Just denial or prevention of access	Authority includes 'government'	Vicinity	Vicinity	Trends clause?	Exclusions?
Argenta type 1	-	-	-	25 miles	Two variants: (i) Guest House and B&B; (ii) Holiday Home and Self Catering  Both apply to damage	Only premises directly affected, micro-organism exclusion
Ecclesiastical type 1	No (also hinder and use)	Yes	No vicinity limit	-	Applies to damage  No trends clause in ME857 or ME858	Exclusion for closure or restriction in the use of the premises due to the order or advice of the competent local authority as a result of an occurrence of an infectious disease (or the discovery of an organism resulting in or likely to result in the occurrence of an infectious disease)
Hiscox type 1	No (also hinder)	Yes	1 mile	No vicinity limit	(i) Applies to insured damage; optional. (all policies except BI - OM (Jelf) - 8671 WD-HSP-UK-JMBI(3))  (ii) Applies to damage, restriction, failure or cyber attack (BI - OM (Jelf) - 8671 WD-HSP-UK-JMBI(3) only)	-

Policy type	PoA			Disease	All	
	Just denial or prevention of access	Authority includes 'government'	Vicinity	Vicinity	Trends clause?	Exclusions?
Hiscox type 2	No (also hinder)	Yes	1 mile	No vicinity limit	Five variants: (i) 15779, 9102 – applies to damage; (ii) 16258, 7103 – applies to insured damage; (iii) 10117 – applies to damage or restriction; (iv) 18680, 7620, 9280, 10199, 11335, 11905, 10883 and 12578 – apply to insured damage or restriction; (v) remainder: apply to insured damage, insured failure or restriction	-
Hiscox type 3	-	-	-	No vicinity limit	Two variants: (i) 8006 and 10272 – applies to damage; (ii) 8358, 9519 – applies to insured damage or restriction	-
QBE type 1	-	-	-	25 miles	PBCC and POFF: applies to damage.  POFP: uses the term 'trend adjusted' in the definitions of standard gross fees and standard gross revenue, but does not have a definition of that phrase	Pollution or contamination (PBCC only)

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QBE type 2	-	-	-	25 miles	Applies to damage	Pollution or contamination
RSA type 1	-	-	-	25 miles	No	Pollution or contamination; requires closure or restrictions placed on the Premises as a result of a disease "manifesting itself"
RSA type 2	No (also hindrance and use)	No	'vicinity'	-	Applies to damage	Pollution or contamination; v27.6 APR18 has a limit of £10,000 for loss as a result of infectious or contagious diseases
RSA type 3	-	-	-	25 miles	Applies to 'incident' = loss or destruction of or damage to property or book debts	Epidemic and disease; only loss arising at Premises directly affected by the occurrence discovery or accident

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RSA type 4	<p>First clause: enforced closure</p> <p>Second clause: also hindrance and use</p>	Both clauses: any governmental authority or agency	<p>First clause: no</p> <p>Second clause: an area surrounding or adjacent to an Insured Location in which events that occur within such area would be reasonably expected to have an impact on an Insured or the Insured's Business</p>	An area surrounding or adjacent to an Insured Location in which events that occur within such area would be reasonably expected to have an impact on an Insured or the Insured's Business	Applied to 'covered event' = events as described in relevant insuring clauses	No
Zurich type 1	Yes	Police or other competent Local, Civil or Military Authority	'vicinity'	-	No	Loss resulting from pollution or contamination

Policy type	PoA			Disease	All	
	Just denial or prevention of access	Authority includes 'government'	Vicinity	Vicinity	Trends clause?	Exclusions?
Zurich type 2	Yes	Police or other competent local, civil or military authority	'vicinity'	-	Applies to 'incident' = loss or destruction of or damage to property used by the Insured at the Premises for the purpose of the Business; loss resulting from PoA clause is deemed to be an incident	Loss resulting from pollution or contamination