

TABLE OF HIGH COURT AND SUPREME COURT DECLARATIONS ARRANGED BY POLICY TYPE – 14 JULY 2021

This table is intended to help policyholders navigate the High Court and Supreme Court [declarations](#) in the BI insurance test case.¹ It is intended to provide a starting point to highlight the most relevant declarations per policy type. It is not definitive or legally binding. The declarations declare how and to what extent the policies in the [representative sample](#) may respond to business interruption losses arising from UK Government action taken primarily in March 2020 in response to the national Covid-19 pandemic. The test case does not substantively deal with any other facts, such as the more recent ‘local’ lockdowns. The application of the declarations to any particular policy will depend on the wording of the policy and the full judgments of the High Court and the Supreme Court. Policyholders are encouraged to speak to their insurance broker, legal advisers or insurer for questions arising.

Policy type ²	Disease declarations	Prevalence declaration	Public authority action declaration	Causation and trends clauses declaration ³	Specific policy type declaration
Arch 1		8	9	10A, 11, 13	14
Argenta 1	1, 5, 7A	8		10, 11, 13	15
Ecclesiastical 1.1 and 1.2		8	9	13	16
Hiscox 1	1, 3	8	9	10A (hybrid), 11 (hybrid), 13	17 (hybrid), 18 (NDDA), 19 (hybrid)
Hiscox 2	1, 3	8	9	10A (hybrid), 11 (hybrid), 13	17 (hybrid), 18 (NDDA), 19 (hybrid)
Hiscox 3	1, 3	8	9	10A (hybrid), 11 (hybrid), 13	17 (hybrid), 19 (hybrid)
Hiscox 4	1, 5, 7A	8	9	10A (hybrid), 11 (hybrid), 13	17 (hybrid), 18 (NDDA), 19 (hybrid)
MS Amlin 1	1, 6, 7A	8	9	10 (disease), 11 (disease), 13	20 (disease), 21 (AOCA)

¹ Some of the declarations remain as per the High Court Declarations Order having not been appealed to or varied by the Supreme Court. These declarations are listed at the start of the Supreme Court Declarations Order.

² To view the names of the policies under each policy type, click on the policy type to be taken to the relevant part of the [Representative Sample of Policy Wordings document](#).

³ For the meaning and operation of “trends clauses”, see paragraphs 251-288 of the [Supreme Court judgment](#).

Policy type ²	Disease declarations	Prevalence declaration	Public authority action declaration	Causation and trends clauses declaration ³	Specific policy type declaration
MS Amlin 2	1, 6, 7A	8	9	10 (disease), 11 (disease), 13	20 (disease), 22 (AOCA)
MS Amlin 3		8	9	13	23
QBE 1	1, 7, 7A	8		10, 11, 13	24
QBE 2	1, 5, 7A	8		10, 11, 13	25
QBE 3	1, 5, 7A	8		10, 11, 13	26
RSA 1	1, 7, 7A	8		10, 10A, 11, 13	27
RSA 2.1 and 2.2		8	9	13	28
RSA 3	1, 5, 7A	8		10, 11, 13	29
RSA 4	1 (disease), 2 (disease), 4 (disease)	8	9	10 (disease), 11, 13	30 (disease), 31 (enforced closure), 32 (POA Non Damage)
Zurich 1 and 2		8	9	13	33