

Business Interruption Insurance and Covid-19

Justice Patricia Edwards

AIFC Small Claims Court

PROPERTY DAMAGE

1. Does Covid-19 cause damage to property?
2. How long does any damage last?
 - Virus dies
 - Deep cleaning
 - Waiting period or excess
 - Business closed subsequently in any event
3. Other property loss or damage

INFECTIOUS DISEASES

1. Which diseases are covered?
 - Any disease which results in an order for closure
 - Notifiable diseases
 - List of diseases covered or excluded: does SARS include Covid-19 (SARS-CoV-2)?
2. Order of a competent authority
3. Location

OTHER COVERAGE

1. Denial of access: damage or non-damage
2. Order of a competent authority
3. Contingent business interruption insurance

CAUSATION & MITIGATION

1. Causation

- Poor trading conditions: *Orient-Express Hotels v Assicurazioni Generali* [2010] EWHC 1186 (Comm)

2. Mitigation

CONCLUSION

1. Examine policy terms in full
2. Give notice to insurers promptly
3. Proof of profits
4. Contemporaneous notes of reasons for decisions
5. Settlement

Business Interruption Insurance and Covid-19

Justice Patricia Edwards
AIFC Small Claims Court

Questions