

British Insurance Law Association

Virtual Speaker Event: Business Interruption Insurance – Covid-19

Dr Ozlem Gurses
King's College, London
15 May 2020 – 1.00pm

Business interruption insurance seeks to return to the assured the amount of profit it would have earned had there been no interruption to the business' operations. In recent weeks the cover for business interruption has been under specific scrutiny. In this seminar, we will discuss issues relating to the interpretation of typical business interruption policy wordings, with reference to a number of different common law cases. The first key issue is to identify the clear purpose of the business interruption clause in a policy. Such clauses will vary from policy to policy. However, a close analysis of the relevant case-law reveals some common problems that derive from such wordings. Some of those issues are

- What does trigger the operation of the business interruption policy (What is an insured peril under a business interruption cover?)
- How are the principles of 'causation' analysed in respect of the business interruption cover?
- What does amount to
 1. property
 2. damage
 3. loss
- The significance of the word 'physical' (does the business interruption clause have to be consequent upon a physical damage or loss?)

This interactive seminar that includes a number of case studies will conclude by the determination of whether the COVID-19 related business interruption claims are unprecedented.



Ozlem Gurses is an academic at King's College London where she teaches insurance and reinsurance law. She studied law at Istanbul University, and completed her masters' degree in Maritime Law and PhD in Reinsurance Law at the University of Southampton. Ozlem is the author of *Reinsuring Clauses* (Informa, 2010), *Marine Insurance Law* (Routledge, 2016, 2nd ed), *The Law of Compulsory Motor Vehicle Insurance* (Informa, 2019) and she is the updating author of *The Insurance of Commercial Risks* (Sweet and Maxwell, 2016 5th ed). She is a Committee Member of BILA, she sits on the Presidential Council of AIDA and she is the Vice-Chair of the Reinsurance Working Party of AIDA.