

ANATOMY OF AN INSURANCE POLICY: AN ANALYSIS OF INSURANCE CONTRACT WORDINGS

Course Description

This course will provide a detailed analysis of the words and clauses used in Property and Casualty insurance policies with an emphasis on the courts' interpretation of commonly used terminology.

Target Audience

The course will be of interest to delegates engaged in drafting or interpreting wordings, including brokers, underwriters, lawyers and claims handlers.

Course Objectives

On completion of the course delegates will be able to:

- Understand the structure of insurance policies
- Understand the rules of construction of policies
- Appreciate the interpretations of various widely used words and phrases
- Appreciate the dangers of careless drafting

Course Format

The course will be run as an interactive presentation with discussion and case studies based on actual cases.

Course Content

The Legal Framework

- Regulation in the UK
- The Rules of Construction
- Contra Proferentem
- Rectification
- Privity of Contract
- Joint and Composite Insureds

Choice of Law and jurisdiction

The Relevance of the Recital Clause

Operative Clause (Insuring Clause)

- The basis of cover
- *Indemnify, pay the Insured, pay on behalf of the Insured, reinstate, insure, cover*

Extent of Cover

- The meaning of words used to define the extent of cover such as: "in respect of", "arising from"

Policy Triggers

- Claims Made Wordings
- Circumstances
- Losses Occurring:
 - Caused or Sustained
 - and many more

Sum Insured and Limit of Indemnity, Excess and Deductible

- “any one claim”
- “any one occurrence”
- “any one event”

Policy Schedule

Conditions

- Conditions Precedent to the Policy
- Conditions Precedent to Liability
- Innominate Conditions

Duties and Rights of the Insurers and the Insured

- Reasonable Precautions
- Claims Notification
- Claims Handling and Control
- Contribution
- Subrogation
- Cancellation

Extensions

- Mitigation Costs

Exclusions

- How wordings differ in extent of application – “in respect of”, “arising from”, “for”
- Not to defeat the purpose of the policy
- Burden of Proof

Endorsements

- The status of endorsements in relation to the original wording
- Effective wording of endorsements

Warranties

- What do the courts regard as warranties?
- The effective wording of warranties
- Remedies for breach of warranty – pre and post Insurance Act 2015

Presented by Tony Gregory BA(Hons) Dip Mgmt FCII RPLU CPCU

Tony Gregory is Managing Director of Insurance Market Conferences. He had many years experience in the London Market underwriting Liability and Professional Indemnity business, before establishing IMC. He is a Fellow of the Chartered Insurance Institute and a Vice-President of the Insurance Institute of London. He holds the Registered Professional Liability Underwriter designation of the Professional Liability Underwriting Society (US) and the Chartered Property and Casualty Underwriter designation (US). He holds a Postgraduate Diploma in Laws from the University of London. He was the leader of the Insurance Institute of London's Research Groups on *Professional Indemnity Insurance* (First Edition) and of *Liability and Accident Compensation*. He was a founder member of the Liability Underwriters Group. He lectures and provides training in a range of insurance topics in the London market and worldwide and for academic institutions including the University of Cardiff, the University of Swansea and Florida State University.

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| Duration | 1 day |
| Date | 16th June 2021 |
| Time | 9.00 am - 4.30 pm |
| Venue | Online using Zoom |
| Fee | £100.00 + VAT |
| In-House Fee | £750.00 + VAT for up to 12 delegates |
| Bookings | To reserve a place on this course please contact Tony Gregory Telephone: +44 (0)1491 872 839 / +44 (0)7712 482 212 Email: tony.gregory@imc-seminars.com |

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