

ANATOMY OF A GENERAL LIABILITY INSURANCE POLICY

Course Description

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

Target Audience

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

Course Objectives

On completion of the course delegates will be able to:

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

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

- The Rules of Construction
- Contra Proferentem
- Rectification
- Privity of Contract
- Joint and Composite Insureds

The Recital Clause

Operative Clause (Insuring Clause)

- Joint and composite insureds
- The meaning of "accidental", "loss", "damage", "property", "injury"
- Extensions of cover – nuisance, wrongful arrest and many others

Policy Triggers on Liability Wordings

- Employers Liability
 - Caused or Sustained
- Public and Products Liability
 - Injury or Damage occurring
 - Claims Made and Circumstances Notified Wordings
 - Integrated Loss Occurrence

Limit of Indemnity, Excess and Deductible

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

Extensions

- Mitigation Costs
- Representation costs at civil and criminal proceedings
- Many others

Exclusions

- How wordings differ in extent of application
- Not to defeat the purpose of the policy
- Burden of Proof
- Detail of policy exclusions
- Non-efficacy exclusion

Liability Policy Conditions

- Conditions Precedent to the Policy
- Conditions Precedent to Liability
- Innominate Conditions
- Reasonable Precautions
- Claims Notification
- Claims Handling and Control
- Contribution
- Subrogation
- Cancellation

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 post Insurance Act 2015

Presented by Tony Gregory LLM BA(Hons) 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). 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.

Duration One day

Date **27 April 2023**

Time 9.00 am - 4.30 pm (London)

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
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