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**Business Interruption Insurance in the
time of corona – the devil is in the policy
wording**

Webinar: 2 June 2020

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Notifiable Disease Extensions

Part of the webinar: 2 June 2020

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Different Wordings

- “any occurrence of a Notifiable Disease at the Premises”
- “the discovery of an organism at the premises which is likely to give rise to the occurrence of a notifiable disease”
- “any occurrence of a Notifiable Disease within a radius of 25 miles from the premises”

What is a notifiable disease?

- Usually a defined term?
 - List of specific diseases
 - Does list include a more general formulation or mutant variations?
- Where it is not see HK caselaw (*New World Harbourview Hotel v Ace Insurance* [2012] LI Rep IP 537)

New World Harbourview Hotel v Ace Insurance [2012] LIRep IP 537

- “infectious or contagious disease, food or drink, poisoning or contamination, and closure ... due to vermin or pests all occurring on the Premises of the Insured or of notifiable human infectious or contagious disease occurring within 25 miles of the Premises”
- No definition of “notifiable human infectious or contagious disease”
- SARS outbreak
- 11.02.2003: Government requested hospitals to report all cases
- 27.03.2003: SARS added to First Sch of Quarantine and Prevention of Disease Ordinance
- Sir Anthony Mason: “notifiable human infectious or contagious disease” was one required by law to be notified to an authority

When did COVID-19 become notifiable?

- **Scotland:**
 - Framework: The Public Health (Scotland) Act 2008 amended by The Public Health etc. (Scotland) Act 2008 (Notifiable Diseases and Notifiable Organisms) Amendment Regulations 2020 (SI 2020/51)
 - Notifiable: **22 February 2020** (Reg 1(2) SI 2020/51)
- **Northern Ireland:**
 - Framework: The Public Health (Northern Ireland) Act 1967 amended by Public Health Notifiable Diseases Order(Northern Ireland) 2020
 - Notifiable: **29 February 2020** (Rule 1(1) SR 2020/23)
- **England:**
 - Framework: The Public Health (Control of Disease) Act 1984 (as amended by the Health and Social Care Act 2008) + The Health Protection (Notification) Regulations 2010 (SI 2010/659), amended by The Health Protection (Notification) (Amendment) Regulations 2020 (SI 2020/237)
 - Notifiable: **5 March 2020** (Reg 1(2) SI 2020/237)
- **Wales:**
 - Framework: The Public Health (Control of Disease) Act 1984 (as amended by the Health and Social Care Act 2008) + Health Protection (Notification) (Wales) Regulations 2010, amended by The Health Protection (Notification) (Wales) (Amendment) Regulations 2020 (SI 2020/232)
 - Notifiable: **6 March 2020** (Reg 1, SI 2020/232)

Exclusions

- May list specific diseases/conditions
- Where list includes a more general formulation or mutant variations
- “any pandemic Influenza or strain identified by the World Health Organisation”
- “any pandemic coronavirus or strain identified by the World Health Organisation”

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