

5 March 2021

An Open Letter to:

***Arch Insurance (UK) Limited, Argenta Syndicate Management Limited, Ecclesiastical Insurance Office plc, Hiscox Insurance Company Limited, MS Amlin Underwriting Limited, QBE UK Limited, Royal & Sun Alliance Insurance plc and Zurich Insurance plc***, being the eight insurers party to the Framework Agreement, along with the Financial Conduct Authority (FCA) representing policyholders, which came into effect on 1 June 2020.

We are aware that a large number of our professional members (as well as many other photographers) have outstanding claims with the insurers listed above under the provision of business interruption cover which has been taken out by our members in good faith. We are also aware that despite the Supreme Court judgement on appeal from the initial case, [2020] EWHC 2448 (Comm), confirming the initial overall judgement in favour of the FCA there remain legitimate claims that are still not being paid out.

The Supreme Court judgement is very clear that any 'restrictions imposed' on the ability of a business to function do not have to have the force of law behind it in order to be considered mandatory.

Accordingly, any of our members who have filed legitimate claims for business interruption under the cover provided in their policies on the basis that they were mandated to close by the public authorities should have those claims upheld.

Any continued delay in settling these claims or attempts to continue to deny liability causes additional undue and unwarranted financial and emotional distress to those policyholders and is intolerable.

The insurers concerned should do what they have been directed to by the Supreme Court and act swiftly to resolve these claims to avoid the need for any further action and to additionally attempt at the least to redress the substantial damage done to their own brands, as indeed recently acknowledged by Hiscox's own Chief Executive.

Yours sincerely,

Seamus McGibbon  
Chief Executive Officer AOP