



Public CPD Points: 1.5



Supporting Organisation:



## Arbitration in the Face of A Global Pandemic (Where Now for Non-Damage Business Interruption?)

Thursday, 11 March 2021, 5.30pm – 7.15pm

### About this Webinar

This webinar examines *FCA v Arch Insurance (UK) Ltd*, a judgment of the UK Supreme Court with significant implications for business interruption insurance and the Covid-19 pandemic, and broader implications for the law of causation in insurance and potentially beyond. With speakers from London and Singapore, the webinar will unpick the legal and commercial consequences of the case as well as consider how this may affect businesses operating in Singapore and Asia.

The closing down of businesses (indeed, virtually whole countries) has been a common solution globally to the Covid-19 pandemic of 2020/21. However, this has had a devastating effect on businesses. Whilst governments have provided financial support, there have been inevitable gaps. The insurance industry has therefore faced substantial claims under business interruption (B.I.) insurance policies, and many Property and B.I. policies would not respond to a financial loss without a designated property damage loss having occurred and the majority of such claims (forming billions of dollars globally) have been denied. In an unprecedented step, several prominent insurance market regulators stepped in to try to obtain a better result for suffering businesses, many of whom are on the verge of collapse. In the UK this process was speedily put through a test case in the courts in London ending up at the Supreme Court, which handed down its judgment in mid-January.

In this webinar, Ben Lynch QC (who appeared in the UK Supreme Court) will explain the UK test case, its outcome, and what it means for insurers and policyholders with English law policies. Then Mr Simon Goh will examine the implications of the UK decision for the Singapore and Asian marketplace, including differences arising from how the Singapore Government has reacted to the pandemic. Mr Brett Davey will join the discussion from an insurance industry perspective to set the scene for the future of Non-Damage B.I. coverage. Amongst other matters, the speakers will consider the implications of the case, including what questions remain unanswered and will have to be resolved in future disputes, including by arbitration. This webinar is incredibly topical as the results of the rulings in January are still being deciphered and acted upon right now.

### Webinar Programme

Webinar participants will be able to watch and listen to (via computer audio or telephone line) the video presentation and Q&A discussion on their screens, receive a PDF copy of the presentation slides, as well as participate in the Q&A discussion by sending in their questions to the moderator via text using the built-in Q&A function.

5.30 – 5.45pm	<b>Opening Remarks by Chairperson</b> <i>Ms. Tan Wei Yi - Partner, Harry Elias Partnership LLP; Council Member, Singapore Institute of Arbitrators</i>
5.45 – 7.00pm	<b>Arbitration in the Face of A Global Pandemic (Where Now for Non-Damage Business Interruption?)</b> <i>Mr. Brett Davey – Managing Director, Insurance Consultants &amp; Experts Pte Ltd</i> <i>Mr. Simon Goh – Partner, Rajah &amp; Tann Singapore LLP</i> <i>Mr. Ben Lynch QC – Silk, Fountain Court Chambers</i>
7.00 – 7.15pm	<b>Q&amp;A Session</b>

### About the Speakers



**Mr. Brett Davey** is currently the Founder and Managing Director of Insurance Consultants & Experts Pte. Ltd. (I.C.E.), based in Singapore. His new venture with his own consultancy has focused on helping clients with difficult, large and complex risks find solutions in the London market where they could not, perhaps, locally. I.C.E. is constantly learning and adapting to this ever-changing and challenging environment we now face, and determined to help clients protect themselves as much as they can from risks that are no longer seen as run of the mill and common. Previously Brett has had over 35 years of underwriting experience in the London marketplace including 5 years in the Asiapac regional market. He has worked for many top companies at a senior underwriting and managerial level including most recently RSA, Tokio Marine and Allianz. He has vast Insurance knowledge and experience of underwriting Property and Business Interruption insurance, including Non-Damage B.I. in the commercial and global markets. He has previously been involved in Non-Damage B.I. losses and claims within the companies he has worked for, and worked on many projects trying to find solutions for clients

with identifiable Non-Damage Interruption issues.



**Mr. Simon Goh** is a partner at Rajah & Tann Singapore LLP, one of Singapore's largest law firms, which he joined in 2001 after five years with another established law firm. He is currently the Head of the Insurance & Reinsurance Practice Group at Rajah & Tann and oversees four other practice groups ranging from Intellectual Property, Restructuring & Insolvency to Commercial Litigation. His 24 years of unparalleled experience in private practice has resulted in him receiving various international accolades and being consistently recognised by established publications in his area of expertise over the years as one of the world's leading insurance and reinsurance lawyers, including the latest editions of "*Chambers Asia Pacific (2020)*" (where he is the only Singapore-qualified lawyer ranked as a Band 1 – Leading Individual), "*The International Who's Who of Insurance and Reinsurance Lawyers 2020*", and in "*Experts Guides for Insurance & Reinsurance (2020)*". The winner of the Client Choice Awards 2017 for Insurance Law in Singapore and listed as a Leading Individual for Rajah & Tann Singapore LLP's Tier 1 ranked Insurance Practice by *Legal 500* in 2020, Simon has also been selected by peers for inclusion in *The Best Lawyers in Singapore (2020)* for Insurance Law as well as by clients as a Global Elite Thought Leader in *Who's Who Legal's*

*Thought Leaders: Global Elite 2019* guide.



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### About the Chairperson

**Mr. Ben Lynch QC** is a highly regarded commercial silk, who has been described in the directories as “a barrister with a frighteningly astute mind, who doesn’t leave any stone unturned”. Ben has a specialist practice in insurance and reinsurance, acting in various landmark cases. Ben is commended for his “great work ethic, who has a fantastic eye for detail, excellent technical ability and superior client-handling skills”, he won the ‘Insurance Junior of the Year’ award in 2017 and is ranked in the legal directories across a number of practice areas including insurance reinsurance. Ben is also an editor of MacGillvray on insurance law.



**Ms. Tan Weiyi** is a partner in the Litigation and Dispute Management Practice Group at Harry Elias Partnership LLP. She represents and advises clients in a range of cross-border commercial disputes, including transactional, licensing, intellectual property, employment and tenancy disputes. Weiyi also advises and represents clients in investigations and enforcement actions, focused on corruption, financial fraud and other white-collar criminal offences.

Weiyi is an accredited arbitrator and mediator, and has been appointed as sole arbitrator in SIAC proceedings and co-mediator in mediation proceedings administered by the SMC. Weiyi is an elected Council member and serves as Chairperson of the Activities Committee of the Singapore Institute of Arbitrators. She is also a Certified Fraud Examiner and serves as President of the Association of Certified Fraud Examiners’ Singapore Chapter.

REGISTRATION CLOSING DATE: <u>4<sup>th</sup> March 2021</u>	FEES
<b>Membership</b>	<b>Regular Rate</b>
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Others	S\$ 90.00

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Practice Area: **Alternative Dispute Resolution**  
Training Level: **General**  
Public CPD Points: **1.5**

#### SILE Attendance Policy

Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, this includes logging in at the start of the webinar and logging out at the conclusion of the webinar in the manner required by the organiser, and not being away from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.

#### **REGISTRATION, REFUND & CANCELLATION POLICY**

- Places are limited and can only be allocated in order of priority upon receipt of registration and any payment due.
- SI Arb reserves the right to update or amend the details of the programme and/or the names of speakers without prior notice.
- SI Arb will not entertain any request for a refund of fees. However, a confirmed registrant who has paid in full the webinar fees but does not turn up for the webinar will be entitled to collect a set of the materials provided.
- If you are unable to attend the event, an equivalent substitute may attend in your place at no extra charge provided that at least 3 days prior written notice is given to SI Arb.
- We reserve the right to refuse to register or admit any participant, and to cancel or postpone the event.
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