



HERBERT  
SMITH  
FREEHILLS

# Insurance issues in class actions

## Handy Client Guide to Class Actions in England and Wales

Issue 5: October 2019

Insurance policies are significant assets for any organisation. In the context of class actions, there may well be liability insurance that could respond and assist the company in recovering some of its exposure for costs and damages. Indeed, the Court of Appeal has expressly referred to insurance as a "solution" for the potential liabilities faced by a company in this context.

Our experience in pursuing insurance claims for policyholder clients, both in England and Wales and in other jurisdictions, has shown that class actions present some challenges in ensuring smooth realisation of this asset. It is crucial that these challenges are understood so that solutions can be found and recovery of insurance monies maximised.

For more information see this link:

### [Class actions and insurance](#)

Getting your policy wording right at placement is crucial in maximising recoveries. See our checklists of issues to consider at placement for:

### [Directors and officers insurance](#)

### [Insuring cyber risks](#)

“The solution is to insure against such catastrophes; and employers can likewise insure against losses caused by dishonest or malicious employees. ...The fact of a defendant being insured is not a reason for imposing liability, but the availability of insurance is a valid answer to the Domsday or Armageddon arguments put forward...on behalf of Morrisons”.  
***WM Morrison Supermarkets PLC v Various Claimants***  
[2018] EWCA Civ 2339

### Contacts



**Greig Anderson**  
Partner  
Dispute resolution, London  
T +44 20 7466 2229  
greig.anderson@hsf.com



**Sarah McNally**  
Partner  
Dispute resolution, London  
T +44 20 7466 2872  
sarah.irons@hsf.com



**Sarah Irons**  
Professional support consultant  
Dispute resolution, London  
T +44 20 7466 2060  
sarah.irons@hsf.com

### *Class Actions in England and Wales*

For an in-depth discussion of how class actions are litigated in the English courts, see our textbook ***Class Actions in England and Wales***, written by leading lawyers from Herbert Smith Freehills and published by Sweet & Maxwell in June 2018.

