

Bryte News

Reassessment of qualifying Business Interruption claims

Dear Broker Partner

As a responsible business, we take pride in the robust implementation of and fastidious adherence to our policy wording to ensure the fair, transparent and efficient resolution of claims. Appreciating that since March 2020, businesses have been working within an evolving and unprecedented set of circumstances, we initiated a range of customer relief measures to the value of more than R60 million. We also continued to prioritise the speedy resolution of all valid claims and have paid in excess of R200 million towards 5,300 valid COVID-19 related claims.

We recognise that due to differing interpretations of the defined parameters relating to Contingent Business Interruption (CBI) within the context of COVID-19 and subsequent government action, clarity has been sought from the courts.

Accordingly, having reviewed the decisions of the courts in the matters between policyholders and other insurers – specifically the Supreme Court of Appeal judgement in the case between *Guardrisk and Café Chameleon* – we are comfortable that the Supreme Court of Appeal's decision provides us with adequate legal certainty relating to CBI claims in respect of our Wine, Dine & Leisure; Boutique Stay; Tours & Transfers; and Takaful Cuisine Participation Agreement policies.

Qualifying CBI claims to be reassessed

As such, we have begun revisiting the assessment of CBI claims, which fall under the notifiable disease clause and have a radius requirement, that were submitted last year. This is being done with a view to consider settlement of all qualifying claims under our Wine, Dine & Leisure; Boutique Stay; Tours & Transfers; and Takaful Cuisine Participation Agreement policies.

Eligibility criteria

These are some of the key criteria/conditions that will determine eligibility for review:

Notice period

- *The claim was notified to Bryte within 30 days of the loss as per the policy condition*
- *A valid claim number is available*

Supporting documentation

All supporting documentation submitted to Bryte, including:

- *Proof submitted of an infection or notifiable disease occurring either on the premises or within the prescribed radius prior to 1 June 2020*
- *All required financial records that meet our requirements*
- *UIF Ters payments that the business received*

Active cover

- *The policy was active and Business Interruption cover in place at the time of the loss*
- *Applicable savings provided and noted*

Where a policyholder has received premium relief and/or any relief payments from Bryte, such amounts will be deducted from any settlement amounts that may be due to them.

Timeframes

If the claim is among those being reviewed, we will be in touch with you or the policyholder by the end of February to finalise the process. Due to the volume of claims that are being assessed, we ask that you please bear with us through this process. If you have any related questions in the interim, please direct these to hospitalitynewclaims@brytesa.com

Regards

Lana Mizen
Head: Hospitality