

## Case summary

### Issue

For the purpose of interpreting a contract for public liability insurance provided by Hanover (the "Policy"), the Supreme Court is asked to consider whether the death of Ms Burnett's husband: (1) was brought about by a "deliberate act" within the terms of the Policy and, if so, whether Hanover's liability to indemnify is excluded by the relevant policy wording; and (2) was a consequence of a "wrongful arrest" within the terms of the Policy with the effect that Hanover's liability is limited to GBP 100,000.

### Facts

Ms Burnett is the widow of Mr Grant who died on 9 August 2013 following an assault by a door steward at a bar in Aberdeen. The door steward was employed by Prospect Security Limited ("PSL") which had obtained public liability insurance coverage from Hanover. Ms Burnett claims directly against Hanover under the Third Parties (Rights against Insurances) Act 2010 (the "2010 Act") as PSL is currently in liquidation. Hanover submits that its liability is wholly excluded under the terms of its Policy, which excludes liability for "deliberate acts, wilful neglect or default". Alternatively, the Insurer submits that door steward's actions qualified as a "wrongful arrest" under the Policy, for which liability is limited. The Outer House of the Court of Session did not accept either submission. It held that Hanover was obliged to indemnify PSL and that this right vested in Ms Burnett under the 2010 Act. The Outer House's finding was upheld by the Inner House of the Court of Session. The Insurer now seeks permission to appeal to the Supreme Court.

### Judgment appealed

[\[2019\] CSIH 9](#)

### Parties

#### Appellant(s)

International Insurance Company of Hanover Limited

#### Respondent(s)

Burnett or Grant

### Appeal

#### Justices

Lord Reed, Lord Briggs, Lord Hamblen, Lord Leggatt, Lord Burrows

#### Hearing start date

8 February 2021

#### Hearing finish date

8 February 2021

**Watch hearing**

8 Feb 2021 [Morning session](#) [Afternoon session](#)

**Judgment details**

**Judgment date**

23 Apr 2021

**Neutral citation**

[2021] UKSC 12