

CONTINGENT BUSINESS INTERRUPTION

CBI EXPLAINER SERIES

WHAT IS THE IMPACT OF AN APPEAL PROCESS ON MY CLAIM WITH SANTAM?

By requesting leave to appeal, the operation and execution of the judgment of the Western Cape High Court in the Ma-Afrika case have been suspended until the appeal process has been completed. Final claim payments cannot be considered until the appeal process has been finalised and the stated indemnity period on the policy has lapsed.

It is important to note that time bars included in the policy for claims formulation have been, and will continue to be, extended to accommodate the timing of the court processes.

It is difficult to predict when the appeal process will be finalised. Request for leave to appeal was filed with the Western Cape Division of the High Court on Friday, 20 November, and the application will be argued on 8 December 2020. A ruling on the request for leave to appeal is typically expected either on the same day of arguing the application or shortly thereafter and, if granted, a date for the appeal hearing will be determined by the Supreme Court of Appeal.

Santam will continuously monitor rulings by local and international courts on related matters and is committed to pursuing an expedited appeal process. It is anticipated that an appeal hearing will take place in February 2021, with a ruling expected before April 2021.

