You, insurance & Ince, in any case
In this fast-paced world you are seeking a pro-active business services partner that moves your company forward, someone who understands your challenges and the importance of commitment. Meet Ince, your trusted partner, in any case.

From our offices in Europe, the Middle East and Asia, our dedicated team of legal and business services professionals can guide you in developing and delivering on your roadmap for sustainable success and provide you with advice that will not only safeguard your business interests but ensure you reap commercial rewards.

Providing you with strategic guidance and well considered advice, we are renowned for the depth and breadth of our legal services and our understanding of the industries in which you operate. We recognise your needs and offer business focused legal services, together with advice that makes commercial sense.

One firm, in any case

With nearly 150 years of experience, we have cultivated a seamless ‘one-firm’ approach that is tailored to your personal needs and pairs you with the best legal and strategic business professionals in your field; whenever, wherever, and in any case.

Support, every step of the way

By leveraging our sector expertise, legal skills and market experience, you can feel safe in the knowledge that we will both handle complex legal issues on your behalf while providing you with expert strategic advice when the need arises.
We are one of the leading specialist insurance and reinsurance firms in the world with deep roots in the London and international markets.

Whatever your challenge, we will be there to help you meet it.

Our range of services include:

- Corporate & Regulatory
- Marine
- Energy
- Property & Construction
- Reinsurance & Alternative Risk Transfer (ART)
- Speciality
- Political Risk & Trade Credit

We recognise that pricing must be a collaborative process, with you at the centre. We guarantee to reflect your priorities and to give you value for money through innovative pricing models.
Commercial

As a firm specialising in the insurance sector, we are able to advise you across the full ‘lifecycle’ of insurance including:

- underwriting
- fronting and distribution agreements
- legacy arrangements

Our practice covers:

- life and general insurance (both for insurers and brokers)
- alternative risk transfer
- captive insurance
- reinsurance solutions
- Lloyd’s

Regulatory

We offer a full range of insurance regulatory advice on:

- prudential and conduct of business matters
- doing business into or out of a country (for example the use of EEA passport rights)
- regulatory proceedings
- Lloyd’s, both underwriting and distribution

“the team is strong on regulatory issues, advising a number of significant insurers in the market”

— Legal 500
Captives

Our specialist insurance and reinsurance expertise, coupled with our extensive regulatory knowledge and transactional experience, means that we are able to provide an exceptional service to captive insurers, their owners and managers.

Whatever the economic rationale for your captive, we are able to advise you across the full 'life-cycle' of your project. We will ensure that your overall interests and objectives are covered in all matters relating to the captive, including set-up, operation, claims and dispute resolution.

Our services relating to the creation and management of your captive include:

- Drafting documentation
- Providing jurisdiction-neutral advice on where and how to set up
- Dealing with compliance issues and ongoing corporate obligations

But we can help you far beyond this. We are focussed on ensuring that captive structures work efficiently and effectively throughout their life-cycles. Our specialist team has extensive experience of captives-related dispute resolution. We are able to draw on that experience to ensure that a captive’s insurance and reinsurance programme responds as and when it should be expected to, thereby avoiding problems when it comes to complex claims. This includes advising on:

- Structuring of the insurance and reinsurance programmes
- Policy wordings
- Global programmes and appropriate fronting arrangements
- Protected or segregated cell companies
- Management of claims under your reinsurance programmes
- We also advise on the run-off and wind-up of captives

Delegated underwriting

Delegated underwriting plays a vital and growing part in the insurance distribution chain. Establishing a Managing General Agency (MGA) or a Coverholder arrangement is an efficient and flexible way to provide innovative products, pool underwriting expertise and provide insurance carriers with opportunities to access niche markets.

Our specialist insurance and reinsurance and corporate expertise, coupled with our extensive experience in the market, means that we are able to provide an exceptional service to MGAs and coverholders. We are able to advise you across the full ‘life-cycle’ of your project and ensure that your overall interests and objectives are covered in all matters including set-up, operation, claims, dispute resolution and exit.

Corporate and regulatory

Our services relating to the creation and management of your MGA include:

- Start-up and establishment of MGA structures
- Regulatory advice on prudential and conduct of business matters
- Dealing with compliance issues and ongoing corporate obligations
- M&A and transactional advice (including advising on share sales, assets sales, joint ventures, schemes of arrangement or other structures)
- Advising on the run-off and wind-up of MGAs
- Implications of Brexit

Insurance Advisory

- Our broad expertise working with all kinds of stakeholders within the insurance market means we can deliver high quality and commercial advice on a wide range of matters. We can help you with:
  - Product concepts and structuring of the insurance and reinsurance programmes
  - Drafting policy wordings, TOBAs, binding authorities, underwriting and claims protocols

Claims

Our deep understanding of the risks our clients face, enables us to support our clients in all issues that arise when dealing with claims. We can advise you on large, complex and commercially sensitive disputes but are also adept at dealing with lower value matters on a cost effective basis. Our team can advise you on:

- Policy coverage issues
- Claims and litigation
- Subrogated recovery actions

General Commercial & Other

We recognise that there are number of different issues that affect businesses in the insurance market, just as they do businesses in other sectors. Our full service offering enables us to provide broader services to your business always keeping in mind the specific concerns for MGAs and coverholders specifically. We can advise on:

- General commercial agreements and arrangements, such as IT contracts, service agreements and other forms of outsourcing
- Employment issues, both contentious and non-contentious
- Real estate issues arising for your business, including advising on any leasing arrangements for office space
- Intellectual property and data protection
Marine insurance

Our insurance and reinsurance expertise and maritime background, complemented by the skills of our Admiralty, Energy, International Emergency Response and Pollution practitioners, enables us to provide a pre-eminent service to all parts of the insurance community.

We provide contentious and advisory services to Lloyd’s and London marine (re)insurance companies, international and specialist insurance providers, international broking houses and intermediaries, captives, ship owners, charterers and cargo owners.

Our established marine insurance practice covers the full spectrum of expertise including:

- Hull and machinery
- Cargo and freight
- Builders’ risks
- Mortgagee’s interest
- Strikes
- War and terrorism
- Owners, charterers and ship repairers liability insurance
- P&I

As a top shipping law firm, we boast an extremely well established casualty investigation practice where we act for owners and the market jointly. Further, our maritime grounding means that in addition to providing specialist legal advice, we are able to provide real commercial insight and technical understanding.

By their nature, marine insurance claims may arise anywhere in the world. Our network of overseas offices and strong relationships elsewhere provides us with a global reach, affording us worldwide local expertise.

In addition to our dispute resolution capabilities, having drafted many of the market’s most popular standard wordings, we also advise clients on new policy wordings from ‘seamless’ covers for marine intermediaries and service providers to specialist ‘crossover’ topics with our shipping practice.

“...Has been involved in most of the leading cases in the evolution of insurance and reinsurance law... and virtually every major maritime casualty.”

— Chambers & Partners
Energy

As the search for renewables moved offshore, it was natural for a firm with a strong marine insurance reputation to become heavily involved. Today, the energy industry, both on and offshore, poses some of the greatest challenges to the insurance market.

We (are proud to) have established a wealth of experience in both the energy and insurance markets and as a result consider ourselves true specialists in the energy insurance field. We deal with direct covers and facultative reinsurance.

We act for a broad cross section of insurers, buyers and brokers in the energy industry, across a range of high value onshore risks. Our offshore practice derives from contractors, oil and gas traders and the energy insurance market itself, from pure marine risks such as collision and salvage, through to issues such as control of wells.

The experience of our lawyers includes:

- Energy Upstream
- Offshore Construction
- Operating Risks
- Drilling Risks

Energy Downstream

- Refining
- Generation
- Mining
- LNG
- Renewables

Engineering

- Petrochemicals
- Waste Treatment
- Tunnelling
- Railways
- Health & Safety
- Machine Breakdown
- Project construction

Marine Transportation Risks

- Hull/Project Cargo/Cargo
- Loss of Hire
- Builders’ Risks
- Mortgagees’ Interest

The nature of the underlying issues varies from the catastrophic to the day to day incidents associated with heavy industry operating in harsh conditions and at the cutting edge of technology.

We are widely recognised as the ‘go to’ firm on the technicalities of energy insurance and are frequently instructed to engage in policy and programme reviews on contracts covering everything from drilling rigs to their insurance of offshore liabilities. We are experienced in property and liability claims as well as BI, LOPI and DSU matters.
Property & Construction

Whether it results from a storm, flood, fire or explosion, property work can be complex. That’s why you need a law firm with deep knowledge of the property insurance market and the expertise that comes from having done decades of work in this area. We specialise in both UK and international work – our property expertise is spread across our global network of offices. As specialists across the spectrum of property insurance matters, we can help you with everything from product enhancement to policy drafting, coverage advice to claims handling.

Whatever problem you face, you can be confident that we will have dealt with a similar problem before. We can advise you on:

- Business interruption
- First party property
- Fraud
- Subrogated recovery actions
- Third party property/property liability

We are familiar with all types of policy, including Building Guarantee, Commercial Combined, Global Master/Local, Household, Property Owners Liability and Facultative Reinsurance of property risks. We regularly advise on issues of pre-contractual misrepresentation and non-disclosure, the interpretation of exclusions, claims conditions, policyholder fraud and, in the context of large natural catastrophes, aggregation.

Our industry expertise means that in addition to expert legal advice we can provide you with real commercial insight. We can advise you on property insurance claims relating to:

- Construction and engineering
- Energy and natural resources
- Manufacturing
- Mining
- Real estate – domestic and commercial
- Waste management
Reinsurance & Alternative Risk Transfer (ART)

Reinsurance

A reinsurance policy reflects the complex business relationship between an insurer and its reinsurer. In handling any reinsurance issue, you need a law firm with specialist expertise in reinsurance issues; a firm that understands the unique challenges in a reinsurance relationship, including:

- The trust placed by the reinsurer in its cedant
- The sharing of risk (understanding the subtle nuances between treaty and facultative, proportional and excess of loss)
- The management of claims, when must a reinsurer follow, who has control and how it is exercised

We have many years of experience and deep knowledge of the reinsurance market. We have acted in some of most important cases determining reinsurance principles including:

- The duty of utmost good faith (the House of Lords in Pan Atlantic v Pine Top and PCW Syndicates)
- Aggregation (the seminal decision on “event” in Dawson’s Field)
- Follow settlements
- Claims control

Our views have been cited with approval in some of the leading reinsurance cases, including by the House of Lords in for example, WASA v Lexington.

We have advised in relation to numerous classes of business and the different facets of the reinsurance market. We draw on our experience both of disputes and of the practicalities of the market in drafting reinsurance policy wordings and in responding to judicial and legislative developments. We have dedicated teams focused upon:

- Captives
- ART (including insurance linked securities, sidecars ILWs and collateralised reinsurance).

We also continue to advise the legacy and run-off markets. We have experience in all of the issues and claims that arose from business written right up to the 1990s including long tail asbestos and pollution risks, the LMX Spiral, commutations and the recoverability of commutation payments. We are active participants in the industry body, IRLA (Insurance and Reinsurance Legacy Association) and advise many clients on how best to collect any remaining reinsurance debts.

Alternative Risk Transfers (ART)

Treaty and facultative reinsurance are the traditional methods of transferring the risk of loss. But many risks – because of their size, profile or uncertain nature – cannot easily be transferred to the conventional market. That is where ART comes in.

Our specialist reinsurance expertise, combined with our transactional and regulatory experience, means that we are able to advise in relation to a wide range of ART arrangements from both a contentious and non-contentious perspective.
Insurance-linked securities
We advise on the wide range of products that are available to offer insurers the ability to access capital markets and investment banks for capital and to provide investors with the opportunity to gain exposure to insurance risks. In particular we advise on:

- Industry loss warranty contracts
- Catastrophe bonds
- Swaps, including longevity swaps
- Transformer structures necessary to enable the issue of ILSs
- The efficacy of security arrangements holding underlying assets
- Agreements with investment banks, custodians and service providers
- The correct classification of any given instrument for regulatory purposes

“This firm is noted for its expertise on high-value insurance and reinsurance disputes…”

– Chambers & Partner
Specialty

From horses to fish farms, from tour cancellations to exploding fridges, we can provide you with legal advice on a wide variety of specialty risks. Our team of specialist lawyers advise on product development, policy wordings, claims, recoveries and disputes.

Our areas of expertise within the specialty insurance classes include accident & health/life, bloodstock, livestock & aquaculture, contingency/cancellation, cyber security, fine art & specie, product liability and trade credit.

- Accident & Health/Life
- Bloodstock, Livestock & Aquaculture
- Contingency
- Cyber Security
- Fine Art & Specie
- Political Risk
- Product Liability
- Trade Credit

Accident & Health/PA

We regularly advise in relation to a broad range of claims and coverage issues including claims for Permanent Total Disablement (PTD) and Temporary Total Disablement (TTD).

Examples of our recent experience include:

- Advising in relation to Sports PA coverage claims
- Advising the IUA and market underwriters in relation to the EU “Gender Directive” 2004/113/EC and exclusions related to pregnancy conditions
- Acting on behalf of a Lloyd’s syndicate on reinsurance issues arising from workers compensation business and the operation of “sunset” clauses
- Representing insurers in respect of claims made under travel and life policies in relation to diving related “accidents”
- Advising an international coverholder in relation to contractual arrangements in relation to medical/healthcare expatriate business
- Advising Lloyd’s syndicates on regulatory issues arising out of the sale of event cancellation products (and whether such constituted life business)

Life

We regularly advise life insurers on outwards reinsurance matters and on intra-group arrangements both in a contentious and non-contentious context, including as part of cross-border global programmes.

We also advise on non-traditional life products in the context of reinsurance.
Livestock
From aardvarks to zebras, we are familiar with most livestock risks. We have acted on claims involving dairy farms, pig breeding and rearing operations, poultry breeding farms, zoos and safaris, both on a direct and a Facultative Reinsurance basis.

Aquaculture
The aquaculture industry is growing rapidly and our specialist knowledge has developed with it. We frequently advise on market wordings, issues and disputes involving the insurance of onshore and offshore fish and shellfish farms and public aquaria.

Contingency
From sickly pop stars to adverse weather, there are many ways in which the smooth running of an event can be affected. We have extensive experience of advising on contingency insurance and reinsurance disputes and have been involved in a number of reported cases, including International Management Group (UK) Ltd v Simmonds, relating to the cancellation of Sahara Cup cricket matches.

Members of our team advised on the notorious ‘gap’ film finance insurance and reinsurance claims of the early 2000s, acting for Lloyd’s syndicates and major London and international insurers and reinsurers.

We regularly advise on:
- Event cancellation, postponement, abandonment and interruption
- Film producers’ indemnity claims (covering cast, negatives, props, sets and wardrobes)
- Non-appearance claims (resulting from the death, accident, illness or unavoidable travel delay of a performer)

As the market has developed into more niche areas, we too have grown our offering. We have the specialist knowledge required to advise you on issues arising from death and disgrace, transmission failure and prize indemnity fund insurance.

Bloodstock, livestock and aquaculture
Bloodstock, livestock and aquaculture insurance are niche products. That’s why you need a law firm that understands your business. We are one of the very few firms that can claim to have real expertise in this area, having advised Lloyd’s syndicates and London and international insurers for many years. As specialists we can help you with everything from policy drafting to coverage advice to claims handling.

Bloodstock
We are familiar with all types of policy wording, including:
- All Risks of Mortality
- Congenital (first season) infertility
- Infertility due to accident, sickness and disease
- Loss of income
- Prospective foal/barrenness insurance
- Transit

We also advise on liability claims involving bloodstock, including those arising from veterinary negligence and road traffic accidents.
Here are just some of the ways in which we have helped our clients:

- In the well-publicised and reported Commercial Court case, Kamidian v Holt, we represented successful Lloyd’s insurers in a dispute arising from damage sustained to a clock during the transportation of items to and from a fine art exhibition in the USA.
- We advised insurers on their coverage and subrogation position following an armed robbery of US$12 million worth of gold bars.
- We advised insurers on a claim arising from the theft of jewels from the vehicle of a travelling salesman.
- We advised insurers on coverage issues in relation to claims made under jewellers’ block policies, including in relation to the application of policy exclusions and territorial limits.
- We redrafted an insurer’s specie policy wordings, including jeweller’s block and cash in transit.

**Fine art & specie**

With our in-depth knowledge of the insurance market, we are well placed to handle the issues that arise when dealing with fine art and specie claims. We can advise you on large, complex and commercially sensitive disputes but are also adept at dealing with lower value matters on a cost effective basis. Many cases within this class of business have an international angle and our experienced network of offices and associations throughout Europe, the MENA and Asia-Pacific regions allows us to advise on a multi-jurisdictional basis.

We can advise you on a wide range of issues, including:

- Policy drafting
- Coverage
- Fraud
- Insured’s liability to third parties
- Subrogated recovery actions

We are familiar with a variety of policy wordings, including All Risks and Liability Specie policies, Jewellers’ Block policies and Fine Art policies for specific items as well as for collections and exhibitions. We regularly advise on issues of pre-contractual misrepresentation and non-disclosure, the interpretation of exclusions and on claims conditions.
Political Risk & Trade Credit

Political risk

Political Risk is one of the most innovative and exciting classes of insurance. We played an active role in creating the original private market political risk insurances placed in the 1970s and have been a recognised market leader ever since. When the Lloyd’s Market began to underwrite export credit insurance in the 1990s, we developed an expertise in Trade Credit insurance.

Our contentious practice has handled numerous claims in countries ranging from Afghanistan through to Zambia. In addition to claims triggered by war, revolution, coups d’état and other political violence such as terrorism, the revival of resource nationalism has brought with it claims arising from government intervention and non-performance around the globe.

As specialists in this sector we can help you with everything from drafting and advice on policy wordings; guidance on actions to be taken when claims situations threaten; review of claims under the policies (and reinsurances); and, when required, the resolution of any disputes either amicably or by way of litigation/arbitration. An important part of our role has been the preservation, pursuit and enforcement of recovery rights against third parties including the intrusive state or government institution responsible for a political risk.

We are familiar with all types of policy, including Confiscation Expropriation Nationalisation and Deprivation (CEND), Contract Frustration (CF), Terrorism, Political Violence and Comprehensive Contractor’s Plant (CCP). Whatever problem you face, you can be confident that we will have dealt with a similar problem before. Our industry expertise means that in addition to expert legal advice we can provide you with real commercial insight. We can advise you on:

- Expropriation, Nationalisation, Confiscation and Deprivation of assets and investments
- Political Violence: War, Terrorism, Riots, Strikes, Civil Commotion, Malicious Damage
- Forced abandonment/divestiture of assets
- Embargo and licence cancellation
- Currency inconvertibility and non-transfer
- Breach of Concession Agreements
- Non-honouring of arbitration awards or court judgments
- Pre-shipment risks
- Non-honouring of sovereign and sub sovereign debt obligations such as guarantees or letters of credit
- Non-repossession of aircraft and mobile equipment
- Subrogated recovery actions, including those against sovereigns under Bilateral Investment Treaties
Trade credit

Allied to our Political Risk practice, we developed an expertise in trade credit insurance in the 1990s. Since then, insurance providing cover for commercial credit risk has developed significantly and is often provided in conjunction with cover for political risks.

Our services include drafting, refining and advising on policy wordings, including ones which constitute Basel II compliant credit mitigation instruments.

We have advised clients on contractual defaults, including those prompted by the recession, from debtors coming from many different industries and based in numerous countries. Whatever problem you face, you can be confident that we will have dealt with a similar problem before. In addition to issues arising out of Political Risks we can advise on:

- Non-payment by corporate entities
- Non-honouring of guarantees, letters of credit, promissory notes, arbitration awards
- Unfair calling of bonds
- Non-repayment of advance payments

And in the event of claim payment:

- Restructuring of the debt
- Subrogated recovery actions

“This firm is noted for its expertise on high-value insurance and reinsurance disputes, and it has established itself as a leader in this sphere, especially in the aviation, marine and energy sectors.”

— Chambers & Partners UK