

## INSURANCE AGAINST RIOT AND CIVIL COMMOTION IN ENGLAND.

The following article, published in a recent issue of *The Secretary*, London, England, is of interest to insurance companies, in view of the important volume of riot and civil commotion business written on this continent:

The ordinary fire policy excludes the risk of damage by fire arising out of riot and civil commotion, except in the case of policies upon the contents of private dwelling houses where the risk has been included without payment of additional premium.

In view, however, of the fact that fire is only one of the means by which property may be damaged by strikers and the possibility of such disturbances occurring, a demand for further protection has arisen.

The tariff offices have announced the terms upon which they are prepared to include these risks.

In the case of the building as well as the contents of private dwelling houses the risk of damage by fire caused by riot or civil commotion is now to be included without additional premium, and loss or damage other than fire caused by riot and civil commotion is to be included for an additional premium of 3d. per cent.

Churches, chapels, hospitals and the like are covered for an additional 6d. per cent. for fire loss or damage, and a further 6d. per cent. for loss or damage other than fire caused by riot and civil commotion, and in the case of breweries, collieries, clothiers, bakers, etc., etc., the rates are 2s. 6d. per cent. for fire loss or damage, or 5s. for the wider cover and fire loss or damage.

It may not be generally known that the terms "riot" and "civil commotion" have been the subjects of consideration by the Courts, and the legal construction of these two terms is hardly as wide as that given to the words when in general use; and in order, therefore, to give the cover which is required, the policy will cover all loss or damage to the property insured directly caused by riot, civil commotion, and loss or damage (other than fire loss or damage) to the property insured caused by strikers, lockouts, workers, or persons taking part in labour disturbances. The reason for the insertion of the "words other than fire loss or damage" so far as the damage caused by strikers, etc., is concerned is that the ordinary policy only excludes riot and civil commotion, and, therefore, fire damage caused by strikers, etc., which would not necessarily come within the terms riot and civil commotion, is already covered by the ordinary fire policy.

It would perhaps be as well to examine very briefly the terms riot and civil commotion.

There are two kinds of riot—that at common law and that created by the Riot Act of 1715.

At common law it has been laid down that whenever as many as three persons met together for any purpose which is likely to involve violence or to produce in the mind of their neighbours any reasonable

apprehension of violence, it will be the indictable misdemeanour of unlawful assembly. This wide definition has been somewhat curtailed by the case of *Field v. The Receiver for the Metropolitan Police District* (1907).

An unlawful assembly develops into a rout as soon as the assembled persons do any act towards carrying out the illegal purpose which has made their assembly unlawful, and the rout will become a riot as soon as this illegal purpose is actually put into effect.

The Riot Act, 1715, provides that whenever an unlawful assembly of twelve or more persons does not disperse within an hour after a Justice of the Peace has read or has endeavoured to read to them a proclamation (set out in the Act), calling upon them to disperse, they cease to be mere misdemeanants and become rioters and liable to a maximum punishment of penal servitude for life. Reading this proclamation is what is commonly called ("absurdly enough called" are the words Dicey uses) "reading the Riot Act."

The term civil commotion was considered by the Court of Appeal in the recent case of *London and Manchester Plate Glass Insurance Co., Ltd., v. Heath* (1913), where the Court, affirming Mr. Justice Bucknill, reluctantly felt obliged to follow the definition laid down by Lord Chief Justice Mansfield at the latter end of the eighteenth century, when he said, "I think a civil commotion is this—an insurrection of the people for general purposes, though it may not amount to a rebellion where there is usurped power."

It will be seen, therefore, that the legal definitions of two terms hardly cover the risks which the public would wish to be covered by the policy, and the wider wording is therefore essential.

The legislature has not been silent on the question as to who shall pay for any damage done. The Riot (Damages) Act provides that:—

"Where a house shop or building in any police district has been injured or destroyed or the property therein has been injured stolen or destroyed by any persons riotously and tumultuously assembled together such compensation as hereinafter mentioned shall be paid out of the police rate of such district to any person who has sustained loss by such injury stealing or destruction; but in fixing the amount of such compensation regard shall be had to the conduct of the said person whether as respects the precautions taken by him or as respects his being a party or accessory to such riotous or tumultuous assembly or as regards any provocation offered to the persons assembled or otherwise."

A Secretary of State is empowered to make regulations as to these claims which the police authorities must cause to be published in their districts. These regulations have been duly made and can be obtained from H.M. Stationery Office for 1d.

This Act does not apply to Scotland or Ireland.

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