

## ***FCA Test Case: Leapfrogging to the Supreme Court***



Following the High Court's Judgment in the FCA test case which was handed down on 15 September 2020 (our summary of the judgment can be viewed [here](#)), it has been anticipated that either the FCA or some of the insurers would appeal. The deadline for filing a leapfrog application to the Supreme Court was on 28 September 2020.

On 29 September 2020 the FCA released a statement confirming that it had filed an application. Likewise, seven insurers are understood to have done the same.

The FCA confirmed that the High Court Judgment provided clarity to the matter and remained positive that an agreement in principle could be reached with the insurers on a number of issues. Therefore, the FCA application had been made on a precautionary basis in case an agreement had not been reached by close of business on 30 September 2020.

The FCA released a further update indicating that an agreement with the insurers had not been reached and the appeal process will now progress.

Skeleton arguments were filed on 30 September 2020. The consequential hearing is scheduled on 2 October 2020.



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