



## HKU | LAW

### LECTURE 9: MISREPRESENTATION I

#### Instructions

Do the assigned reading and prepare answers to the questions below. There is no need to read the sections entitled “*Zurich* and Precedent” and “*Zurich* Re-explained?”.

The assigned reading is uploaded on Moodle.

#### Assignment Reading

P. Davies and W. Day, ‘A Mistaken Turn in the Law on Misrepresentation’ [2019] *Lloyd’s Maritime & Commercial Law Quarterly* 390–409

#### Questions

Based on the assigned reading, answer the following questions.

- a. What do the authors take issue with?
- b. What are the facts of *Zurich Insurance v Hayward*? How did the Supreme Court read the requirement of belief in the defendant’s representation?
- c. What is the effect of *Zurich* on the insurance industry? Do you think it is desirable?
- d. Can or should the decision in *Zurich* extend to innocent misrepresentation?
- e. What is the link between the belief in the defendant’s representation and the justifications of the doctrine of misrepresentation?
- f. How can *Zurich*’s effects be limited?