

Bombs away – (another) case on proximate cause

30 March 2023

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[This month sees another interesting case on proximate cause.](#)

The case of [Allianz v The University of Exeter](#) concerned a bomb which had been discovered in 2021 during building works. The bomb had initially been dropped by hostile German forces in 1942. The bomb was analysed and discovered to have degraded to such an extent that the only viable option was for it be detonated on site.

The detonation resulted in damage to buildings in the vicinity owned by the University of Exeter (“the University”). The University sought an indemnity under its buildings and business interruption policies.

Insurers declined cover on the basis that the cause, or in the alternative the proximate cause of the damage (and subsequent interruption) was the act of the bomb being dropped and that, as such the war exclusion in the policy would apply. The University asserted that the proximate cause of the damage was the destruction of the bomb and that the war exclusion could never have intended to exclude the consequences of historic wars.

Judgment

The Court agreed with the insurers that the proximate cause of the damage was indeed war and that the policy exclusion applied.

In reaching this decision, the Court re-emphasised previous case law that confirmed that causation is to be considered on a ‘net’ and not a ‘linear’ basis because causal factors ‘may converge from all directions’ rather than occurring in a convenient and linear way. In the words of the judgment, it is the ‘character of those events rather than the chronological order’ that determines the proximate cause.

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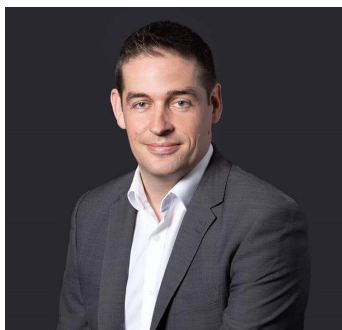
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