

## Chapter 6

# Guidance on the Identification of Contracts of Insurance

## 6.4 Limitations of this guidance

- 6.4.1 **G** Although what appears below is the *FCA's* approach, it cannot state what the law is, as that is a matter for the courts. Accordingly, this *guidance* is not a substitute for adequate legal advice on any transaction.
- 6.4.2 **G** The list of principles and factors is not closed and this *guidance* by no means covers all types of insurance-like business.
- 6.4.3 **G** The *FCA* will consider each case on its facts and on its merits.
- 6.4.4 **G** In some cases transactions with the same commercial purpose or economic effect may be classified differently, ie some as insurance and some as non-insurance.