

SWCAA Public and Product Liability Insurance Terms and Conditions

OUR INSURANCE POLICY was designed specifically for our needs. It is provided by Faraday Reinsurance Co. Limited to cover your liability at law (with costs and expenses) arising from injury to any person (including death), damage to any property, or interference with the property of others arising from obstruction, trespass or nuisance. English Law applies and you need to get the consent of the insurer first.

Product liability: - The policy also covers any liability arising from goods sold or supplied (but not the costs of recalling or repairing them) as long as they are fit for the purpose for which the allotment hut sold them.

The limit of the cover is £5,000,000 for personal liability and £5,000,000 for product liability.

Motor vehicles **are not** covered since they have motor insurance anyway. Although damage done to third parties while unloading might be looked at depending on the circumstances.

Exclusion Clause: - you are liable for the first **£250.00** of any claim proved against you.

Exceptions: - you are not covered by this policy for additional liability you deliberately take on, or for fines, or damage done by you to your own property, or through negligence; nor is their cover against acts of terrorism and war and suchlike. Of these exceptions the one which might concern us most is claims against you **from damage to the environment** caused by pollutants, including gradual leakage: so watch out for any drums of pesticide, or the pollution of watercourses, and for asbestos, or other contaminants: claims arising from these are not covered, so its best to be environmentally friendly!

This is an individual policy and it only applies to you personally: Associations might be advised to take out employee liability insurance if they are instructing volunteers to do work and anticipate the possibility of a claim against the association if one of them is hurt.

Care: - In general you must take reasonable steps to avoid claims, such as First Aid arrangements and complying with local authority regulations on safety, fire prevention etc.

Making a claim: - Now for the gloomy bit!

In the unfortunate event of a claim being made against you, you must inform us at once (so that we can involve the company): we need the full particulars. Notify us in writing of any threatened prosecution, inquest, or fatal accident inquiry, sending in every letter, claim, writ or summons relating to the claim. Normal procedure applies: do not negotiate, admit liability, or make any promise or payment unless we get approval first. Keep a log of any incidents. Let us know if an incident occurs which might cause a claim, as we do not like to be taken by surprise. Have a plan if any visitors (including children) should go missing. If you have a hall or building anyone hiring it must have their own separate insurance. Of course incidents are mercifully rare on allotments, but do take care to avoid them! **Please keep these details in a safe place.**

All material in this note is provided for information only and may not be construed as legal advice or instruction. Professional advice will be sought. This Insurance is not available to Associations you must join as an individual.