

Summary of Liability Cover

Insured: Mountaineering Scotland its employees, committee members & volunteers, individual & honorary members of the Mountaineering Scotland, affiliated Mountaineering Scotland clubs whether incorporated or unincorporated, their officers, committee members, club members, trustees, club hut trustees hut wardens and volunteers

Period of Cover: 1 January 2018 to 31 December 2018

Retroactive Date: 01 January 1985

Insured Activities:

The following are recognised by the Mountaineering Scotland and its insurers as authorised activities which are covered under this policy:

- **Mountaineering activities:** Winter and summer mountaineering, ski mountaineering, ski touring, scrambling and via ferrata, rock climbing, bouldering, climbing on artificial climbing walls (indoor and outdoor, including competition climbing), using climbing specific training apparatus (campus and finger boards) in public climbing wall facilities, route setting, abseiling, hill walking, low-level walking, guided walks, fell and mountain running, navigation, orienteering, gorge-walking, canyoning and camping, tyrolean traversing, coasteering, slack lining, emergency first aid in the outdoors and dry tooling. **Notes:** club members are covered for these activities whether undertaken as part of a club meet or on an individual/personal basis.
- **Secondary activities (i.e. activities which are not be the main activities of the Club):** These include cycling, mountain biking, canoeing, kayaking, caving and potholing (excluding the use of explosives and underwater exploration), mine exploration of an existing mine subject to the appropriate legal permission and not for the purposes of 'developing' or 'mining' the existing mine. **Notes:** club members are covered for these activities but in the context of club meets only.
- Maintenance of mountaineering huts (excluding work above 3m, use of chainsaws, work on gas appliances and electrical work requiring a Part P certification unless confirmed by insurers in advance)

The policy also extends to provide cover in respect to the following:

- Liability for club members who are sued as a result of an incident involving members' domestic dogs when the dog is accompanying a member on a club meet.
- Indemnity to any person hiring or loaning land to a club in respect of legal liability for which the insured club would have been entitled to indemnity under this policy.
- Representation on any management committee or acting as a trustee with respect to the operation of mountaineering huts
- **Combined Liability**

Policy Number HU PI6 9402341

Insurer Hiscox Insurance Company Limited, 1 Great St Helens, London, EC3A 6HX

This policy covers legal liability for damages and legal costs arising out of Third Party death, injury or damage, in connection with the activities described above and notified to Insurers within the insured period noted above. Cover includes public liability, professional indemnity, liability for damage to leased and rented premises, member to member liability, indemnity to principals and liability arising out of goods sold or supplied including refreshments. The cover is written on a 'claims made' wording, which means that the cover will respond when the claim is made, not when the incident occurred.

Primary Limits of Indemnity

1	Public Liability	£10,000,000	any one event (any one period for Products, Pollution)
2	Professional Indemnity	£10,000,000	any one claim excluding defence costs
2	Criminal Legal Defence Costs for Health & Safety &/Consumer Protection	£ 100,000	any one period
3	Directors' and Officers' Liability	£ 10,000,000	any one period including defence costs
4	Abuse	£ 2,500,000	any one period

Employers Liability Cover is not automatically applicable, but is available free of charge following completion of an application form available from Howden.

Principal Exclusions

Liability arising out of:

- Criminal Acts
- The ownership, possession or use of any mechanically propelled vehicle, aircraft, hovercraft or water-borne craft
- Product Guarantee or recall, repair or replacement
- In connection with damage to any data
- Medical malpractice
- Incidents prior to start date of membership
- Instruction for which a fee has been either agreed or charged.
- The first £250 of any claims for Third Party Property Damage
- Damage to own property
- Abuse in respect of the individual accused or alleged to have committed abuse or have permitted abuse
- Incidents prior to the retroactive date
- Incidents / claims known to you but not reported to Insurers.
- Tour operators liability or any liability arising from The Package Travel, Package Holidays and Package Tours Regulations 1992

Restricted cover applies in respect of legal actions brought in a court of Law within the USA or Canada

IMPORTANT: In the event of a claim:

You must report every claim and any incident that is likely to give rise to a claim in the future. Incident Notification Guidelines are attached to this document to assist you. Please contact Howden on 0121 698 8000 and complete the necessary report/claim form as soon as possible to avoid prejudicing your claim. Do not admit liability and do not make an offer or promise to pay.

CLAIMS ADVICE

Should you have need to make a claim under the policy, please contact Howden claims department immediately on 0121 698 8000. We will advise you of the necessary course of action. You are required to report ANY incident that may give rise to an insurance claim, particularly in cases involving personal injury, please refer to the following Incident Notification & Recording Guidelines.

LIABILITY INCIDENT RECORDING GUIDELINES

We would recommend that a designated person within your organisation is made responsible to record any reportable accident. Records must be kept for at least 6 years and significantly longer where the incident involves a minor as they have up to the age of 18 plus 3 years to make a claim. Names and addresses of any possible witnesses should also be recorded.

It is essential that you use a data protection compliant, accident book, available from HSE Books.

The register must contain the following information relating to all reportable accidents or dangerous occurrences:

- date and time of accident
- as regards a person at work - full name; occupation; nature of injury; age
- as regards a person not at work - full name; status [e.g. customer]; nature of injury; age
- place where accident occurred

- a brief description of the circumstances
- method by which the event was reported.

INCIDENT NOTIFICATION GUIDELINES

It is important that all incidents that may give rise to a claim are reported to Howden as soon as possible after the event. This will enable Insurers to carry out investigations at an early stage whilst information relating to the claim remains fresh in the mind. This will also ensure that you are complying fully with your policy terms and conditions.

Additionally you are also required to comply with the Ministry of Justice procedures which came in July 2013. These require disclosure of insurance details within 24 hours of contact by Third Party solicitors following an injury where you may be liable. Failure to comply with the revised procedures can result in a sharp increase in costs.

In order to achieve this, you should notify Howden immediately of any incident that involves:-

- a fatal accident.
- an injury involving either referral to or actual hospital treatment.
- any allegations of libel/slander.
- any allegations of Professional Negligence i.e. arising out of tuition, coaching or advice given.
- any investigation under any child protection legislation.
- any circumstance involving damage to third party property.

An injury is defined as:-

- any head injury that requires medical treatment (Doctor or Hospital).
- any fracture other than to fingers, thumbs or toes.
- any amputation, dislocation of the shoulder, hip, knee or spine.
- loss of sight (whether temporary or permanent).
- any injury resulting from electrical shock or burn, leading to unconsciousness or requiring resuscitation or admittance to hospital for more than 24 hours.
- any other injury leading to hypothermia, heat induced illness or to unconsciousness which requires resuscitation or admittance to hospital for more than 24 hours.
- loss of consciousness caused by asphyxia or by exposure to a harmful substance or biological agent.

Please note the above list is not exhaustive and if you are unsure as to whether an incident should be reported, then please do not hesitate to contact Howden Claims Department for further advice.

We would remind you that in NO circumstances should you admit liability or agree to pay for any damage caused as this may prejudice the position of Insurers and COULD result in the withdrawal of any indemnity.

Finally, please note that this is a Liability Policy where Insurers decide if negligence attaches to you. Therefore any payments you make to any third parties will not necessarily be reimbursed.

REPORTING INCIDENTS TO HEALTH & SAFETY EXECUTIVE

RIDDOR - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

You may also have obligations under the RIDDOR 95 regulations to report incidents to the HSE. For further information and to obtain a copy of the "RIDDOR explained" leaflet log onto the HSE website www.hse.gov.uk.