



THE UNIVERSITY OF THE THIRD AGE

THE THIRD AGE TRUST

19 east Street, Bromley, Kent, BR1 1QH

Telephone: 020 8466 6139 • Fax: 020 8466 5749

e-mail: national.office@u3a.org.uk • web site: www.u3a.org.uk

U3A LIABILITY INSURANCE

This document is designed to be an 'at a glance' guide to the very complex subject of Liability Insurance. Should you need further clarification then please refer to Lin Jonas at the National Office (0208 466 6139).

Public & Products Liability

The cover will indemnify U3A members against all sums which you may become **legally** liable to pay as a result of

- Accidental bodily injury to, or death of, any person.
- Accidental loss or damage to material property not belonging to you.

arising from or in connection with a **U3A activity**.

Incidents not covered

- Injury or damage sustained due to a defect in a hired building.
- Injury or damage sustained whilst under instruction with a third party i.e. a specialist instructor.
- Injury or damage sustained whilst participating in hazardous activities such as abseiling, hang gliding, Whitewater rafting, bungee jumping etc UNLESS the activity has been cleared in advance by Lin Jonas.
- Claims where no injury or damage is sustained.
- Injury or damage arising from the result of a motor vehicle, aircraft or boat.
- Incidents which are not attributable to U3A activities.

A copy of the current year's insurance certificate is held by the Hon Treasurer

FREQUENTLY ASKED QUESTIONS - PUBLIC & PRODUCTS LIABILITY INSURANCE

All Local U3As who have paid their annual membership subscription to the Trust have the benefit of a nationally organised Public & Products Liability Insurance Cover.

**Underwritten by Ecclesiastical and ACE Europe.
Indemnity Limit - £10,000,000.**

Question No. 1

What is meant by Public Liability Insurance?

Answer

In general, Public Liability Insurance is intended to indemnify the insured against compensation, which they become legally liable to pay, following injury or property damage sustained by a third party, as a result of an activity. Legal liability to another person can arise in a number of ways but by far the most common is negligence. A third party is a person or legal entity who is not party to the contract of insurance.

Question No. 2

What is meant by Product Liability Insurance?

Answer

Product liability protects the policy holder against claims arising from injury or damage sustained due to a failure with a product, for which you are held **legally liable**.

Question No. 3

Does the cover dilute with the number of public liability claims?

Answer

The Limit of indemnity is £10m on any one claim arising from one incident or a series of incidents with no limit on the amount payable in the aggregate in any one period of insurance.

Question No. 4

If a Local U3A uses a hall to run a conference, is it covered for Public Liability?

Answer

Yes, subject to the normal test of legal liability. Any and every claim is subject to a policy excess of £250.

Question No. 5

What is the situation regarding the hire of a hall where the contract appears to make the U3A responsible for all loss and damage?

Answer

This should be quite rare and in general should not be agreed to. The situation should be that you are responsible for damages arising from your occupation of the hall and the owner of the building is responsible for claims stemming from the building and the facilities.

Question No. 6

Does the insurance apply when groups are held in members' houses?

Answer

Yes it does.

Question No. 7

Does the Public Liability Insurance cover the Local U3A against accidents whilst using machinery, such as power lathes, drills, saws and the like, either owned by the U3A or others?

Answer

The Public Liability Insurance does provide cover for your legal liability to others following incidents whilst using machinery whether it is owned by the U3A or others. It does not cover the machinery itself, since in common with other Public Liability Insurance policies, it excludes liability in respect of property within the custody or control of the insured. With regard to particularly hazardous activities, it is important that you check with the National Office in advance.

Question No.8

If I drive a Mini Bus on behalf of my Local U3A am I covered against accidents on the coach other than vehicle accidents and would the same apply if I was using my own private car?

Answer

The question of accidents in motor vehicles is complex. Any accident arising from the driving of a vehicle would fall outside the scope of a Public Liability insurance because Motor Insurance is an entirely separate matter and such incidents are properly covered under a Motor insurance policy. This would normally include accidents which occur whilst mounting or dismounting a vehicle. However, on a coach where one member is injured by the actions of another member, in circumstances which have nothing to do with the fact that they are driving in a motor vehicle, it would be covered by the Public Liability insurance. For example, should one member accidentally cause a cigarette burn on another's clothing, this would properly be dealt with under the Public Liability insurance.

Question No. 9

Does the Public and Products Liability policy cover against loss of U3A property or property belonging to others?

Answer

The policy protects you against claims made by third parties and therefore U3A owned equipment will not be covered. The National Office has a separate arrangement which offers this cover at extremely favourable rates. Loss or damage to property belonging to others will in the main be covered.

Question No. 10

What happens if I parked my car in a recognised car park whilst on U3A activities and it is damaged?

Answer

As explained, the policy is an insurance against the legal liability of the U3A and so any claim would have to prove negligence in some way against the U3A, for example, it would have to be shown that any accident to a parked car, whether in a recognised car park or not, has been occasioned wholly or in part by the negligence of the U3A. This would not normally arise just because the car owner had permission to use a recognised car park at, for example, a local school or village hall. For a claim to succeed against the U3A, the car owner would have to show that he had been led to expect that his property would be protected and would have to show that the U3A or its agents, had been negligent in failing to provide the proper level of protection.

Question No. 11

If a member loses personal property whilst taking part in a U3A activity would it be possible to claim against the Public Liability policy?

Answer

The Public Liability does not automatically cover loss of property, but if such loss or damage is caused by an act of negligence or omission by the U3A, or any member (other than the member whose property it is), a claim could be made. Here again, it should be remembered that most Household Comprehensive insurance policies cover the policyholder and members of his family living with him for personal liability.

Question No. 12

If a Local U3A runs a function and serves meals or light refreshments and someone is taken ill as a result - can a claim be made against Public Liability Insurance?

Answer

Public Liability insurance will cover this eventuality if you are found to be legally liable.

Question No. 13

Does Public Liability cover the Local U3A against accidents whilst out walking or any other type of outdoor or strenuous activity?

Answer

So long as it is remembered that the Public Liability policy is an insurance against legal liability, the answer to the question about accidents happening whilst out walking etc., is in the affirmative. The Policy is not an automatic Personal Accident insurance. It would have to be shown that U3A, its agents or members had in some way been negligent in causing injury to the victim.

Question No. 14

How does this cover apply to Group Leaders?

Answer

The policy is set up to protect all U3A members, and includes 'member to member' cover so if somebody is injured undertaking a U3A activity and legal liability could be proven, the insurers would deal with any claim.

Question No. 15

Do we have any cover for Employers' Liability?

Answer

No. The basis of the policy is that U3As do not have any employees. This type of cover is very different to public liability and is in fact compulsory so if you have any concerns please consult Lin Jonas.

Question No. 16

Does this policy provide cover for outside speakers invited to general meetings?

Answer

Yes.

Question No. 17

If somebody wants to try a couple of U3A activities prior to deciding whether to join, is it allowable under our insurance cover?

Answer

Yes it is providing somebody is monitoring the situation to ensure the attendance as a non-member does not continue indefinitely.

Question No. 18

Is it permissible for a non-member e.g. spouse of a member, to attend an outing?

Answer

If this is a 'one-off' situation there is no problem but it is not acceptable for the same non-member to regularly attend U3A events.

Question No. 19

Is the public liability insurance cover confined to U3A activities in the UK?

Answer

No. Cover now extends to Europe.

If you have any queries regarding the above please contact Lin Jonas at the National Office.

April 2005