

## Angling Trust

### Civil & Employers' Liability Insurance: Frequently Asked Questions

#### What criteria do I need to meet to participate in the Angling Trust Liability insurance facility?

You must be a member of Angling Trust to apply for the insurance cover and preferential rating which has been negotiated.

#### What is Civil Liability insurance?

Civil Liability insurance provides for Legal Liability following negligence/nuisance/trespass. Unlike other Liability insurances, it not only covers Public Liability (where you are liable for injury or damage to other persons or their property), but also **includes** cover for the following which are excluded from other providers' standard covers:

- Professional Indemnity – Injury following Advice (eg during coaching/instruction)
- Libel and Slander – Liability following something you might have said or written down (including web sites/emails etc)
- Directors and Officers cover – for decisions made by committees
- Abuse (only if a club/National Governing Body have fulfilled the criteria of the Protection of Children and Vulnerable Adults Act/Code/Policy)

#### Who is the cover designed for?

It is designed specifically for the needs of Sports and Recreational based organisations.

#### Are there any age limits?

There is no age limit on the policy, however age limits or guidelines may be set by Angling Trust or the club and insurers would expect you to follow these guidelines.

#### Does it include Public Liability?

Yes – see above.

#### What is 'Claims Made'?

This means that the policy provides cover for those claims reported during the period of insurance (rather than the policy that was in force at the time of the incident). All potential claims incidents should be reported immediately, however, at renewal we require that a declaration is made of all incidents.

#### Am I protected if another member brings a civil action against me?

Member to member cover is provided automatically in the Angling Trust club policy.

#### Can I include someone else on my club policy?

Club Policies will normally automatically include the club committees/and members. However, sometimes a third party will request to be added to the cover (if you are using their facilities or venue, for example). The cover requested will automatically be included under "indemnity to principles" in the Civil Liability policy.

#### What about people who buy day permits?

The day permit holder is not insured however if his/her actions result in a claim against the club who sold them the day permit, the club may be protected by the Civil Liability policy.

### **How about spectators who are not members?**

If a spectator is injured (or in fact any member of the public), and it is as a result of negligence of the insured, the member/club responsible for causing the injury will be covered should a claim be made against them.

### **If I am a committee member - what protection do I get?**

As a committee member you may not realise it, but the constitution of your club/association almost certainly makes you personally liable for the liability of your club/association. Civil Liability cover protects directors and officers in the event of you being sued for negligent decisions.

### **I thought only Trustees needed D & O Cover?**

No, trustees will usually sign legal documentation for the club/association; however the constitution will often extend liability to the whole committee or even all members.

### **My employees/volunteers are included on the Civil Liability policy - why do I need Employers' Liability as well?**

If you have Civil Liability insurance, you are insured for liability incurred by volunteers following their negligent actions. Employers' Liability cover provides protection to you as an employer in the event of the volunteer employee becoming injured and suing you for negligence.

The Angling Trust club policy automatically includes Employers' Liability insurance for up to 4 employees. If you have more than 4 employees, additional Employers' Liability premiums will be required.

### **Do I need Employers Liability for volunteers?**

Under British Law, you can still be called an "employee" even if you are not paid. Our advice would always be to take out Employers' Liability insurance.

### **How is Employers' Liability different to Public Liability?**

Employers' Liability protects the employer in the event of an injury to an employee, for which the employer is liable ie when the employee sues the employer.

Public Liability protects the club/member/employee if a member or a member of the public, sue them for injury/damage caused by the club etc.

### **Why do I need £5m limit of indemnity as a minimum?**

In the event of a claim, your limit of indemnity is the maximum your policy will pay. We are seeing awards in sport exceed this amount. We would advise that £5m should be taken out as a minimum and recommend that you seriously consider higher limits.

### **Is this limit of indemnity the same for all sections?**

No, there is a limit of £2.5m for the abuse section.

Within the Directors and Officers section there is a £1m limit for Employment Protection Liability, £250,000 defence costs incurred in defending yourselves against criminal or regulatory proceedings in respect of seepage pollution or contamination of any kind which results from a Wrongful Act. Full details can be found in the Directors and Officers section of the policy wording (page 12) and limits are as detailed on your policy schedule.

### **Why do I need professional indemnity?**

Professional Indemnity provides cover following negligent advice. If you are advising your members, providing guidance, or making decisions on safety etc., you need this aspect of the cover.

### What do I do if.....?

- I am involved in an incident involving 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 or any circumstance involving damage to third party property?
  - Report the incident to Perkins Slade's claims department immediately/or as soon as is practical after the incident occurred
- I have a claim?
  - Speak to Perkins Slade Claims Department ASAP. Tel 0121 698 8000
- There is verbal/written allegation against me/us?
  - Advise Perkins Slade ASAP, and pass on any documentation you may have received

Please refer to the incident notification requirements and recording guidelines which are provided automatically when you purchase the insurance.

### Does my cover include any legal expenses?

Yes, but only for:

- Legal expenses for defence of actions arising and qualifying under the Civil Liability policy
- Legal expenses for defence of employment protection disputes in your role as a director/officer of your organisation

### What if I want additional Legal Expenses Insurance?

If additional legal expenses insurance is required the following separate policy cover is available from Perkins Slade in addition to that provided by the civil liability.

#### With Insurers consent:

Pursuit or defence of claims of legal proceedings in connection with the your Angling Club related activities, made or brought by or against your organisation within the UK and notified to the insurers during the Period of Insurance, in respect of:

- Section A. Criminal Prosecution
- Section B. Employment Disputes
- Section C. Tax Protection
- Section D. Property Disputes
- Section E. Data Protection
- Section F. Personal Injury
- Section G. Wrongful Arrest Defence
- Section H. Pension Trustee Defence

Please note this in no way replaces the work that Fish Legal do for their members.

Premiums will usually start at £50 for a £50,000 legal expenses limit and full details of the cover available can be obtained from Perkins Slade.

### Why do I need libel and slander?

There have been cases of members having disputes within clubs. Anything on web sites and contained in emails regarding suspension of or expelling members could be potentially libellous, for example.

### Is there any Employment Practices Liability cover?

For directors and officers only, up to £1m limit.

### Does the policy cover me for everything I do?

The policy covers you for the activities you have listed on the proposal form or for activities that are recognised/approved by Angling Trust. These will be detailed on your Civil Liability Certificate. You should ensure that you disclose full details of all activities on your proposal form/at inception and at renewal.

The Civil Liability Insurance will provide cover in respect of the following Angling Trust recognised activities:

- All disciplines of angling
- On land or at sea within UK waters (200 miles) and these include Channel Islands and the whole of Ireland
- Coaching, including teach-ins & road shows provided there is no payment other than that of expenses. (Coaching outside of the club and/or for remuneration should be registered with The Angling Development Board and more specific insurance be obtained)
- Casting, including casting competitions on land
- Indemnity is also provided to clubs who provide events for non-members (no indemnity is provided to the non-member)
- All Club officers and officials are insured for non-angling activities whilst acting on behalf of the club
- Contingent cover in respect of launch and recovery where a marine policy fails to respond. The ownership possession or use of winches to launch and/or recover vessels is excluded unless declared to Perkins Slade and recorded with insurers
- Personal angling activities of the individual club members within the UK as well as club activities
- Club authorised activities are insured world wide but limited cover is provided in respect of USA Canada
- Clubs who offer day permits/tickets are insured but insurance is not provided to the person applying for the day permit
- Sale of angling/fishing products

It is also understood that in respect of Riparian clubs they:

- may own or lease land/woodland, waterways (lakes, stretches of rivers etc) fishing rights and property with ownership and maintenance responsibilities
- may undertake fisheries management tasks

### Am I protected if I am piloting a boat/waterborne craft?

The Civil Liability policy automatically has the following waterborne craft exclusion:

Civil Liability will not apply to:

- The ownership, possession or use of any mechanically propelled vehicle, aircraft, hovercraft or water-borne craft **other than**
  - Waterborne craft less than 3 metres in length and with a maximum speed of 7 knots
  - Hand propelled or sailing craft
  - Model craft

In inland or territorial waters.

Specifically for the Angling Trust cover has been extended to include contingent marine liability cover for your use of boats not owned by you and in inland waters only.

Details of the endorsement are listed below.

#### Contingent Marine Liability

Notwithstanding Exclusion 8 (detailed above) the Insurer will provide indemnity to the Insured against liability arising out of the use in the course of the Business / Activity of any water-borne craft **not the property of nor provided by the Insured.**

The indemnity will not apply to liability:

- (a) in respect of loss of or damage to such water-borne craft or to property conveyed therein
- (b) arising from the usage of any water-borne craft exceeding 7m in length or with a maximum speed exceeding 10 knots
- (c) arising from the usage of any water-borne craft carrying more than 8 passengers

- (d) for accidents caused by or to water skiers whilst being towed or preparing to be towed by any water-borne craft to which this extension applies
- (e) for accidents arising from any person engaged in kiting or other airborne sport whilst being towed by any water-borne craft to which this extension applies
- (f) for accidents arising whilst the water-borne craft is in transit by mechanically propelled road vehicle, rail ship or aircraft
- (g) in respect of which the Insured is entitled to indemnity under any other insurance
- (h) arising outside the inland waterways of Great Britain Northern Ireland the Channel Islands or the Isle of Man

#### **Is my boat insured if it is damaged?**

The boat/waterborne craft itself is not insured under the Civil Liability Insurance and we recommend that you purchase a separate Marine policy for any boats that you own. This type of policy will usually also automatically provide Marine liability insurance.

#### **If my club ceases to operate what cover is provided?**

Specifically for the Angling Trust members, the civil liability section of the policy automatically provides cover up to 36 months after the club ceases to operate.

#### **If I cease to be a director, officer or committee member of the club what cover is provided to me?**

Specifically under the Civil Liability policy is a separate directors and officers section which is not provided in a standard Public Liability policy.

This Directors and Officers section of the policy provides an extended reporting period for retired, former directors and officers' In the event that any Insured person retires from their post as a director or officer during any period of insurance such insured person shall be entitled to an extended reporting period of 72 months after the expiry of the period of insurance.

If concerned please contact Perkins Slade to discuss.

#### **As an individual member directly affiliated to Angling Trust, what insurance is automatically provided to me?**

As an individual angler you have a duty of care to those around you when you participate in your activity.

As an individual member of the Angling Trust you automatically benefit from Civil Liability insurance in respect of the following Angling Trust recognised activities:

- All disciplines of angling
- On land or at sea
- Coaching (within your club) including teach-ins and roadshows provided there is no payment other than that of expenses
- Casting, including casting competitions
- Anywhere in the world – limited cover applies in respect of USA/Canada. Cover in USA/Canada is provided in respect of recognised events only eg participation in recognised competitions

Civil Liability Insurance includes Public & Products Liability, Professional Indemnity insurance and Libel and Slander.

#### **Does the Policy cover anyone who is not defined as UK Resident?**

No.

#### **If I am injured, can I claim from my own policy?**

No. However you may wish to consider purchasing a Personal Accident policy.

**If I am a member of a club which is a member of Angling Trust, am I covered anywhere in the world?**

Under the Angling Trust club scheme you are covered as a member for club activities anywhere in the world (with the exception of USA/Canada) provided you are on club official trips. Personal angling activities are limited to the UK. The only persons covered in USA/Canada are official instructors/coaches or representative teams.

If you are an Individual member of Angling Trust, your personal angling activities are covered anywhere in the world however only limited cover is provided to the USA/Canada.

For both club and individual affiliation the insurance outside the UK is always on the basis that you are not outside of the UK for more than six months of the year. Those who spend more than six months outside of the UK should seek cover in the country in which they reside.