

FREQUENTLY ASKED QUESTIONS – PUBLIC & PRODUCTS LIABILITY INSURANCE

All Local U3As which have paid their annual membership subscription to the Trust have the benefit of a nationally organised Public & Products Liability Insurance Cover, which is underwritten by Ecclesiastical and ACE Europe. Indemnity Limit - £5,000,000.

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 £5m 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 is not correct as any damage or injury caused by a defect in the property and/or the facilities is the responsibility in law of the building owner. You should bring this to the attention of the person handling the hire and ask that the clause be removed but if you fail to achieve that, our insurers have said that in the last resort, you can sign the contract because that clause is unenforceable.

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.

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.

Question No.20

Do U3A group leaders need to have a professional qualification to lead physical activity groups?

Answer

No they do not.

Question No.21

Can U3A members who belong to a walking group take grandchildren or dogs with them?

Answer

As far as our insurance cover is concerned there is no problem.

Question No.22

If a U3A member needs to bring a carer when attending U3A activities/events, is this permissible under our insurance cover.

Answer

Yes it is providing it is discussed in advance with the group leader.

Question No.23

Are we required to have trained first aiders within U3A?

Answer

You are not required to do so and insurance advice is to contact the emergency services immediately in the event of a serious incident, even if there happens to be a member present who has attended a first aid course.

If you have any queries regarding the above, please contact Lin Jonas at the National Office ([/national.office@u3a.org.uk](mailto:national.office@u3a.org.uk)).

January 2009