

**Guidance on Public Liability Insurance for visitors under the
Club & Society Insurance Scheme arranged by
Walker Midgley Insurance Brokers**

Applies to

This guidance is to Officers of societies welcoming visitors to use their society facilities and to society members who visit other societies.

Background

Public liability is liability to third parties. It is liability that arises following damage to third party property or injury to third party persons (injury means bodily injury, mental injury, death, disease, illness, wrongful arrest or false imprisonment). Cover is provided for the society and also for all members 365 days per year whilst they are undertaking modelling or model engineering activities of all and every kind including when they are 'on their own'. The Public Liability cover extends to include the liability of one member to another member and cover applies to members of all ages - there is no upper or lower age limit.

A club & society public liability policy provides cover for damages awarded following injury to a third party person or damage to third party property caused by a negligent act of the club or society or by a negligent act of a club or society member.

The geographical limits are the United Kingdom and Europe (for members who are permanent residents of the UK, the Channel Islands or the Isle of Man the geographical limits of the cover are anywhere in the United Kingdom or Europe. For members who are not UK, Channel Islands or Isle of Man permanent residents the geographical limits of the cover are anywhere in the United Kingdom, the Channel Islands or the Isle of Man).

Partners, family members and friends and are often "roped in to help" on occasions when more hands are needed and it should be mentioned that, as they may not be members, the public liability cover may not extend to include them although this will depend on the circumstances surrounding the incident giving rise to the claim. In order to ensure their inclusion consideration should be given to including such helpers as members (perhaps a separate 'associate member' category).

The limit of indemnity for Public Liability cover (£2m to £5m available) applies to any one event. Legal defence costs are included with an indemnity limit of £250,000 representing the total amount payable in respect of all costs and expenses arising out of claims during any period of insurance.

Visitors

Visitors to societies fall into two main categories: -

- those who take part in the operation of the society, for example by running a locomotive or assisting in the operations – a 'participating visitor'.
- those who visit as members of the general public, for example on public open days, and take no part in the running of the Society. They may take rides on the trains either fare paying or by donation or gratuitously - a 'general visitor'.

There are also those that visit by reason of their work for example delivery drivers, these can also be classed as a general visitor.

Synopsis

When people attend a society as a participating visitor (with or without an operable model) neither they or the host society will be automatically covered by Public Liability insurance unless measures, such as outlined here, are put in place.

Guidance for societies

As mentioned above the club and society policy provides cover for the society and all members, it therefore follows that there is no public liability cover provided for general visitors, who by definition are not members.

All visitors have a duty of care to others. Those who visit as members of the general public (general visitor) do not need to prove evidence of public liability insurance in the same way as you do not need to if you are visiting a heritage railway or going to the local football club to watch a game on Saturday afternoon.

Those who visit in order to take part in the operation of the society by running a locomotive, or assisting in the operations, (participating visitor) fall into a different category. They, by their actions, are in a position to influence the safe running of the railway and the safe running of the society activities and therefore the host society must check that the participating visitor has the appropriate public liability insurance in place. If the participating visitor proposes to run a steam powered model the host society must also check that the boiler has a current boiler certificate.

All club & society policies issued by Walker Midgley include a supply of public liability certificates which members can use to provide evidence of insurance when visiting other societies. This certificate is called the Club Certificate of Public Liability. If the participating visitor is a member of a society insured by Walker Midgley that participating visitor should have one of those certificates. The participating visitor may have a certificate issued by Walker Midgley in the participating visitor's own name which is equally acceptable.

Where a participating visitor cannot provide evidence of public liability insurance the host society has the option of making the participating visitor a 'Day Member' which will mean that the participating visitor is no longer a participating visitor but is a member and hence has public liability cover under the host society policy. In order to be a Day Member

the participating visitor does not have to be a member of another model engineering society affiliated to Federation of Model Engineering Societies, Northern Association or 7¼" Gauge Society, or even be a model engineer – just someone you wish to be a Day Member. Some societies choose to restrict day membership to participating visitors from other societies of the same Federation or Association that the society is affiliated to, that is a matter for the society to decide.

Societies offering day membership to participating visitors for the purpose of providing public liability insurance are recommended to include within their constitution an appropriate class of membership and set out the rights and limitations of a Day Member, for example public liability cover, no voting rights etc. The cost per day and any limit on the number of days in any period that someone can be a day member should also be clearly stated.

It is recommended that any participating visitor operating a model, is given a briefing on the safety measures and any Bye Laws of the host society pertinent to the model being operated.

When a participating visitor to a society presents a copy of the **Club Certificate of Public Liability Insurance** from their own society, they should be asked to 'sign-in' on the visitors record for the host organisation, providing as a minimum their name and address. Details of the Club Certificate of Public Liability Insurance, the society issuing the certificate and which scheme, should also be recorded.

The second members certificate of Public Liability which is issued to societies is called the **Individual Club Members Certificate of Public Liability Insurance**. It is envisaged that this certificate will only be used on the rare occasion that a club member will be acting purely in their personal capacity, ie not visiting another society or going on a club event or activity or a club outing to another society and the like. An example of this could be if they are asked, as an individual, to take their loco to their local village fete because the organiser knows they have a model loco. In these circumstances, the limit of liability is £1m per claim (and £2m in the annual aggregate).

Guidance for individuals

A member of a Society that has public liability insurance under the Club and Society Insurance Scheme, arranged by Walker Midgley Insurance Brokers and underwritten by Travelers Insurance Company Ltd, can obtain a copy of the Club Certificate of Public Liability Insurance from their society. Presenting the copy of the certificate when visiting another society will provide evidence that they have public liability insurance when away from their home society without the need for day membership of the society being visited.

A copy of the public liability insurance certificate is also available under the Club and Society Insurance Scheme, arranged by Walker Midgley Insurance Brokers for Northern Association of Model Engineers, Federation of Model Engineering Societies, and 7¼" Gauge Society, all are acceptable.

An individual who does not have a copy of the Club Certificate of Public Liability insurance certificate and requests day membership of the society being visited, should confirm with the host society that the host society does have public liability insurance cover in place and not assume this to be the case. The individual should also be aware that by becoming a day member they take on all the liabilities of being a member and become jointly and severally liable if the society is unincorporated.

When a member of a Society that has not purchased insurance under the Club and Society Insurance Scheme, wishes to visit other societies, they have the option of taking out a Personal Public Liability Policy in their own name and presenting the certificate when visiting another organisation. Such insurance cover is relatively in-expensive. Anyone requiring details should contact Walker Midgley Insurance Brokers direct.

Jointly prepared and published by.

