

**Q. What cover do Branches receive?**

**A.** The District Commissioner, Committee and Officials, volunteers and instructors are insured for Public and Products Liability up to £30,000,000 for any one claim in respect of all officially organised activities, including social and fund-raising activities. In addition, legal costs incurred with Underwriters' consent are insured. Each Branch is also insured for Employers' Liability up to £ 10,000,000 any one claim, including authorised legal costs.

**Q. Are my Instructors covered by The Pony Club Insurance**

**A.** THE PONY CLUB - INSURANCE FOR DISTRICT COMMISSIONERS AND OTHER OFFICIALS PUBLIC LIABILITY Covers all officials, volunteers and instructors for legal liability for bodily injury or loss of or damage to property whilst acting on behalf of the Pony Club. Also covers any landowner whilst their land is being used for Pony Club activities.

**Q. What cover do Members receive?**

**A.** Branch and Centre Members are insured for equestrian related Personal Liability 24 hours a day up to £ 30,000,000 for any one claim, excluding business activities. The liability of one member to another is covered, as are authorised legal costs.

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**Q. Please can you confirm if the members policy offers 3rd party liability for all the ponies we own or just or the child members main pony?**

**Q. We are loaning a Pony and I wish to make sure that The Pony Club membership covers my child for any accident she may have whilst looking after or riding this pony.**

**A.** Yes - the policy covers all your non-business equestrian activities, including riding any pony and including such things as any of your ponies escaping from its paddock and causing an accident. However, injury to the pony or the Member would not be covered.

**Q. Are there any excluded activities under the Members' Personal Liability cover?**

**A.** The policy does not cover racing, point to point, steeplechasing or team chasing. The only exception to this is Official Pony Club Race Days and Training Days.

Also, business activities are excluded and your pony must not be used for hire or reward.

**Q. If my friend borrows my pony, are they covered for Personal Liability?**

**A.** Yes, provided you or your parents have given them permission to borrow it and your friend is not insured under another policy.

**Q. Am I covered by the Personal Liability policy if I borrow a friend's pony?**

**A.** Yes – the policy covers all your non-business equestrian activities, including riding any pony and including such things as your pony escaping from its paddock and causing an accident. However, injury to the pony would not be covered.

**Q. My parents occasionally pay a friend to help look after my pony. Is there any cover?**

**A.** Unless they hold their own insurance, your friend would be covered for his/her own liability if he/she was held legally liable for causing accidental bodily injury or property damage as a result of the work, despite the fact that he/she was paid. However, your parents would need to take separate Employers' Liability insurance, in case of injury to your friend: this cover is a legal requirement and may possibly be included under some household contents policies.

**Q. What is the difference between Public or Personal Liability Insurance and Personal Accident Insurance?**

**A.** Public or Personal Liability provides cover against being sued for legal liability in the event of accidental bodily injury to a third party, or damage to their property. It is up to the injured person to prove that legal liability exists.

Personal Accident covers Insured Persons for specific amounts in the event of accidental death or disablement, in specified circumstances. The benefit is payable **without the need to prove legal liability** and consequently paid out much sooner.

**Q. Does the Public Liability Insurance would cover temporary stabling our Branch is hiring for our summer camp?**

**A.** The Pony Club Public Liability Insurance does not cover any property in your care, custody or control so hired in equipment would not be covered, neither is Branch owned equipment.

**Q. Is our Branch equipment covered under The Pony Club insurance Policy?**

**A.** There is an optional 'Branch' Policy available from Howden Insurance Brokers Limited, 71 Fenchurch Street, London EC3M 4BS Tel: 020 7133 1300, Fax: 020 7133 1500 or look up Howden Insurance Brokers Limited - [www.howdengroup.com](http://www.howdengroup.com)

**Q. How can we obtain Personal Accident cover?**

**A.** Members can buy individual cover. Branches can cover their Members, officials, helpers and instructors by taking an optional "Branch" Policy.

**Q. I have been told by my D.C. that if I don't wear the correct clothing I will not be covered by insurance.**

**A.** This is not correct. Organisers cannot use insurance to enforce their rules. However, the Insurers require organisers and Members to take all reasonable precautions to prevent injury or damage and do expect The Pony Club Rules to be followed, regarding hats and other clothing.

**Q. Are our instructors and helpers insured?**

**A.** The Public Liability Policy covers all instructors (paid or unpaid), officials and helpers whilst acting on behalf of The Pony Club, unless they hold their own insurance or are BHS Registered, when the claim would fall under the other Policy or be shared by both Insurers.

**Q. Do instructors have to be qualified?**

**A.** No, but the Branch must be sure that they are fully experienced and competent.

**Q. Are we covered if non-members are allowed to compete?**

**A.** The Pony Club are covered for all their activities so if non-members compete, the Public Liability policy still applies, including for injury to a non-member which results in a claim. However, if a non-member should cause an incident and be sued for injury or damage, the policy does not cover the non-member, who would need their own Personal Liability cover.

**Q. Is it acceptable for members to pay in instalments, assuming the Branch agrees.** They become members and are then covered by insurance once the branch agrees they are members and have paid a sum of money to indicate good faith. Post dated cheques would be the best way to accommodate this as they do indicate an intention to pay the remainder. However any arrangements like this cannot be accounted for in the Branch capitation returns, due at the end of February.

**A.** Any Member wishing to join must be paid for in full to head office, included on the database and included on the capitation. However if the Branch wish to offer an arrangement where a Membership can be paid for in instalments you can set this up at Branch level, but this would mean the Branch would have to cover the membership to head office in the initial instance and then be paid back.

The members would be covered by insurance etc as they would be on the database as paid up members but the Branch would need to monitor the repayments otherwise they would be left out of pocket on the membership.

**Q. My horse has kicked a car at a rally. I feel very bad about it. What should I do?**

**A.** You are not necessarily automatically to blame for the damage. We have to accept that horses and ponies are unpredictable and not always controllable. The car owner has to prove that you are legally liable for the damage. Although there may be circumstances where the Animals Act places a "strict liability" on you, each case has to be assessed on its own merits. The Equine Division of Howden Insurance Brokers Limited will handle all aspects for you so please notify them immediately and do not enter into any discussions about the damage. If the car owner phones you, please inform them that your insurers are dealing with the matter. If he writes to you, send the letter or bills to the Equine Division at Howden Insurance Brokers Limited. The insurers will decide whether or not you are liable. If you are not liable, then you have no obligation to pay anything and the car owner needs to claim from his own insurance.

**Q. We borrow a local riding school arena for our activities. What happens if someone is injured and sues the school proprietor?**

**A.** The Public Liability policy covers any Landowner whose land is used for Pony Club activities, if he is legally liable for injury or damage. The Pony Club policy will pay damages up to £30,000,000, before any policy held by the Landowner.

**Q. A Member has kindly agreed to lend us a tent for our camp. What happens if it is damaged?**

**A.** This would not be covered by the Public Liability Policy, as it excludes any property in your care, custody or control. It would be covered if the Branch have taken an optional "Branch" policy, which can cover all equipment owned or hired by or loaned to the Branch.

**Q. What would happen if a Member or parent provided food for a competition and people suffered food poisoning?**

**A.** The Policy covers legal liability for all products supplied in connection with an event, so you would be covered if proved legally liable.

**Q. What cover is provided for trailers?**

**A.** The Policy covers legal liability for any injury or damage caused by a detached trailer being used for a Pony Club activity. Once the trailer is attached to a vehicle, this is a Motor Insurance risk if used on a public highway. Even on private land, this may still fall under the motor policy. Persons towing trailers are recommended to advise their motor insurers. The Policy does not cover damage to trailers, which can be covered under an optional "Branch" Policy.

**Q. As a D.C., I am very concerned in case I am sued for an accident.**

**A.** You do not need to worry as the Pony Club Public Liability Policy covers all Pony Club officials if they should be sued as individuals.

**Q. What should organisers do if a Member is injured?**

**A.** All accidents should be reported as soon as possible to The Pony Club Headquarters and to the Equine Division of Howden Insurance Brokers Limited. A RIDDOR form will also be required if the injury is serious.

If you receive any correspondence or phone calls about the matter, do not enter into any discussions about this.

Just say your insurers are dealing with the matter and send the correspondence to the Equine Division at Howden Insurance Brokers Limited.

**N.B.** All cover is subject to the terms, Exclusions and Conditions of the Policies – see the Policy Summary for full details.

**Q. If a Member's pony kicks another one – what is covered?**

The Member with the injured pony can claim against the other Member.

The Member who's pony kicked out will be covered.

Insurance Company confirm the members personal liability insurance would extend to indemnity the Assured for their legal liability in the unfortunate event that their horse kicks and injures another person's horse. However as you know each case has to be assessed and evaluated on it's own merits therefore it is important that the owners of the horse contact us formally to notify us of the incident so we can arrange for a claim form to be sent out to them as quickly as possible so we can, in turn put insurers on notice of a possible claim.

In the meantime the owners of the injured horse should report the matter to their own horse's insurers so that their insurers can deal with any interim vets bills that may have been incurred already and to approve any ongoing treatment as a result of the accident.

Although the owners of the injured horse may hold our member responsible for the accident. Insurers are not in a position to confirm or deny Liability at this stage and will need to look into the matter fully on our Insured's behalf. Until these enquiries have been completed it is the claimant who is responsible to settle any veterinary accounts in the short term.

**Please note that it is the responsibility of individual Branches to provide adequate insurance cover in their own name for merchandise held within the Branch such as sweatshirts, and other stock including hired equipment. This also applies to Branch trophies. Please contact Adrian Miller at Howden Insurance Brokers Limited for advice Tel: 020 7133 1287.**

**Q. Is a member allowed to use a pony that has an L stamped on its hindquarters. This is a loss of use and usually should never compete again in the activities it is insured for. The mother wants to use the pony for Pony Club and this query hasn't cropped up before.**

**A.** Can you please ascertain from the parents what caused the horse to be stamped with the loss of use mark. As far as the public liability insurance goes it is not a major issue at all in that the horse can be used in Pony Club activities and indemnity would be provided without any special terms or conditions being imposed but what I would say is that with a situation of this type it is still the responsibility of the Branch to take all reasonable precautions and to undertake any risk assessments before the horse is allowed to take part, by which I mean they need to know what happened to the horse and if as a result of that accident is the horse still capable of undertaking the activities required without increasing the risk of accident or injury to either horse or rider or anybody else taking part in the event.

With regard to it taking part in a competition and winning points or prize money that is down to the rules of the Pony Club and if a horse with a loss of use mark is allowed to take part in any official competition.

**Q. A Branch has asked if they hold a working rally and parents are also involved who will be either riding their child's pony or will bring their own. Would they be covered?**

**A.** There is no problem with the Branch holding and running a working rally open to parents as well as the children. The Branch would be covered in the event that a parent was injured and it was deemed that the cause of the injury was down to the organisation of the event by the Branch. However the parents themselves are not covered for their individual liability. So if they were involved in an incident with a third party they would not be indemnified under the Pony Club Liability policy. They should have their own public liability insurance.

**Q. If an instructor is teaching a Branch Member on a one to one basis, are they still covered, as someone told the instructor that she would need her own insurance?**

**A.** If the Instructor is carrying out the lesson and it is definitely under the specific request of the Branch, part of the education and training of the individual then the instructor would be covered under the Pony Club insurance as I assume the Branch are paying any fee due. If this is not the case then the instructor would need to have his or her own insurance.

### **Cross Country fences**

Howden Insurance Brokers Limited are concerned that if a Cross Country jump is not fixed securely to the ground our insurance will not cover any liability. A notification stating that for anybody building portable fences for Cross Country, it is imperative that these are fixed to the ground as if an accident ensues due to an unfixed fence The Pony Club will not be covered.

#### **Afternote: Dated 26<sup>th</sup> February, 2015**

Our Insurers met with the underwriters & have agreed to remove the exclusion clause relating to the fixing of portable XC fences.

They will be replacing the clause with some wording which states that they expect The Pony Club to comply with its own guidelines in respect of this.

However, should there ever be an incident where The Pony Club or any of its officials is proven to be negligent, any ensuing claim would be covered & neither TPC nor any individual will be forced into bankruptcy!

#### **Afternote: Dated 2<sup>nd</sup> March, 2015**

We previously wrote to you in regard to our insurers exclusion in our liability insurance policy, which stated that our insurers would not accept:

*"Any claim arising out of moveable or non-permanent cross country jumps that are not secured in line with current British Eventing regulations. This exclusion is deemed to apply irrespective of whether the Assured holds competitions under British Eventing rules but does not apply when cross country fences are used in the course of business in any indoor or outdoor arena with an artificial surface."*

### **What's Changed?**

The Pony Club insurers have had further consultation with the underwriters, and they have agreed to remove the exclusion clause relating to the fixing of portable cross country fences. They will be replacing the clause with the following wording:

*"The deletion of clause 14 is on the strict basis that The Pony Club will operate best practice and comply with their own guidelines in relation to moveable and non - permanent cross country fences".*

### **What must we do going forwards?**

It is of course essential that portable cross country fences are still only erected under the supervision of a person who fully understands the correct methods for securing such jumps. Guidance notes from [The Pony Club](#) are available, describing in detail how to fit the various methods of anchoring portable cross country fences on natural surfaces. If you require any further advice on portable cross country fences please consult Bill Cook: [safety@pcuk.org](mailto:safety@pcuk.org)

Thank you for your co-operation in implementing these procedures, which are in all our interests.

**Q. A Branch wants to do some vaulting** and they were asking the question, how do they stand with insurance, if they are not wearing a riding hat for this discipline as they do to various moves which would not be possible if wearing a hat.

**A.** I refer to your e-mail and can confirm that there are no specific requirements with regard to the wearing of a hard hat, they are covered providing that whatever exercise they are undertaking is being carried out in accordance with the Pony Clubs own rules and regulations with regard to Vaulting. If the rules do not stipulate a hard hat must be worn then that is O.K. On the other hand if they are supposed to wear a hard hat at all time then insurers would expect them to follow the rules and wear a hard hat.