

## ISM Members' Public & Products Liability Insurance Policy Summary



### **INTRODUCTION**

This is a summary of cover only. Please refer to the policy wording for full details of the policy cover, exclusions, terms and conditions.

### **ABOUT THE POLICY**

This insurance is underwritten by Hiscox Insurance Company Ltd under policy number 8541722.

### **ELIGIBILITY**

All individual Full, Student & Early Career members of The Independent Society of Musicians (ISM) that normally reside within the United Kingdom, Isle of Man or the Channel Islands are automatically covered by this policy.

### **DEMANDS AND NEEDS**

This policy meets the demands and needs of ISM members working as musicians or music professionals requiring insurance against their legal liabilities to pay compensation arising out of injury to third parties &/or damage to third party property.

### **DURATION OF THIS INSURANCE**

This policy provides cover to members who purchase or renew and eligible membership during the period 1<sup>st</sup> October 2023 to 31<sup>st</sup> July 2024. The cover will apply for the duration of the membership period (up to a maximum period of 12 months).

### **YOUR BUSINESS**

This policy covers the following activities:

- a) Any activity connected to the members' occupation as a musician (including composing, conducting, mentoring, performing, rehearsing, singing or teaching) or as a music professional (including music administrator, music technician, music therapist, music consultant or music publisher).
- b) Students undertaking a degree level (or equivalent) course in music for activities connected with their studies or any work as a music professional
- c) The organisation and staging of music performances and pupils concerts
- d) Any activity undertaken by an ISM local group

### **TERRITORIAL LIMITS**

You will be insured within the United Kingdom (including the Isle of Man and the Channel Islands) and while temporarily engaged in Business elsewhere in the world.

### **POLICY COVER**

This policy will provide you with Public & Products Liability Insurance.

### **POLICY EXCESS**

There is no policy excess applicable under this policy except for claims originating from or brought in North America, which are subject to an excess of £2,500 each and every claim.

### **KEY FEATURES OF COVER**

This policy provides cover in respect of legal liability for damages including claimant legal costs for;

- Accidental Injury to any person
- Accidental loss or damage to third party Property

happening during the period of insurance in connection with the business activities specified.

The limit of indemnity provided is £10,000,000 any one claim. For claims arising out of the supply of any product the limit of indemnity is provided in the aggregate for all claims.

Claims for abuse or molestation are covered up to a limit of £1,000,000 in the aggregate for all claims.

### **Principal exclusions from the Public Liability cover:**

This policy does not cover claims arising from

- 1 Bodily Injury to any person who is employed by the ISM member and which arises out of their work for them. This includes any self-employed, freelance or voluntary worker who is working under the control of the ISM member.
- 2 Risks that require more specific insurance i.e. Use of Motor Vehicles, Watercrafts, Aircrafts etc
- 3 Abuse or molestation claims occurring prior to the retroactive date
- 4 Damage to Property in the custody or control of the ISM Member (other than what is specified in the Property In Trust extension)
- 5 Liability for breach of professional duty or inadequate advice
- 6 Liability arising out of the sale or supply of any Product
- 7 i) punitive damages  
ii) asbestos  
iii) pollution or contamination of any kind in respect of any claim brought in North America

### **Principal exclusions from the Products Liability cover:**

This policy does not cover claims arising from

- 1 Product recall
- 2 Replacement or repair of any defective product
- 3 Fines, liquidated damages or penalties
- 4 Property in your custody or control
- 5 Contractual liability
- 6 Advice and professional services

### **SELECTED POLICY EXTENSIONS**

#### ***Cross Liabilities (Member to Member Liability)***

The policy extends to cover claims made between individual ISM members, subject to the terms, conditions and exclusions of the policy.

#### ***Indemnity to Principals and Others***

The policy will also provide an indemnity to any:

- Contract Principal
- Personal Representatives

providing that the claim would have been covered had it been made directly against the ISM member.

### **Criminal Proceedings Costs**

The policy will cover the legal defence costs incurred with the insurers prior consent where criminal or regulatory prosecution is brought in circumstances that could ultimately lead to a claim under this policy.

### **Failure To Secure Third Party Premises**

The policy will cover claims brought against the insured member in circumstances where the member has failed to secure a third party premises.

### **Property In Trust**

The policy will cover the Insured member in respect of legal liability for damage to Property, which is held in trust or in the custody or control of the Insured member in connection with the Business up to a maximum of £25,000 any one claim and £100,000 any one Insured member.

The policy will not cover any

- a) Damage to Property owned, leased, hired or rented to the Insured member.
- b) Damage to Property which is held in trust or in the custody or control of any other person.
- c) the first £500 of each and every loss under this clause.
- d) where indemnity is provided by another insurance policy.
- e) Damage to Property which requires to be insured under the terms of Clause 6.5.1 of the Standard Form of Building Contract issued by the Joint Contracts Tribunal or a clause of similar intent under other contract conditions.

### **Compensation for Court Attendance**

This policy will pay the member £250 for each day they are required to attend court as a witness at the request of the Underwriters.

### **Cover for Limited Companies & Formal Partnerships**

We will provide indemnity in respect of:

- (1) A Limited company as defined under the Companies Act 1985 operating in connection with The Business where
  - a. the Policyholder is the sole employee and director other than one additional director who is a family member and engaged in clerical duties only; or
  - b. there are a maximum of two employees and directors providing that each employee and director shall be a member of the Independent Society of Musicians and would otherwise be insured by this policy for the activities undertaken in the absence of the Limited Company.
- (2) work performed under a formal partnership arrangement with any party who is also a member of the Independent Society of Musicians and is insured under this policy.

### **LAW APPLICABLE TO CONTRACT**

English Law will be applicable to the contract of insurance between us, unless otherwise stated in your Policy's terms and conditions.

The language used in this Policy and any communication relating to it will be English.

### **HOW TO MAKE A CLAIM**

In the unfortunate event that you need to make a claim, please contact Hencilla Canworth GI as soon as possible. Contact details are listed below. *Please note that late notification can lead to claims being repudiated.*

### **FINANCIAL SERVICES COMPENSATION SCHEME**

Hiscox are members of the Financial Services Compensation Scheme (FSCS).

You may be entitled to compensation from the scheme if they are unable to meet it's obligations to you under this contract. If you are entitled to compensation under the Scheme, the level and extent of the compensation would depend on the nature of this contract.

Further information is available from

Financial Services Compensation Scheme  
10th Floor  
Beaufort House  
15 St Botolph Street  
London,  
EC3A 7QU

Tel: 0800 678 1100  
Web: [www.fscs.org.uk](http://www.fscs.org.uk)

### **DETAILS OF OUR REGULATOR**

Hencilla Canworth GI Limited are authorised and regulated by the Financial Conduct Authority.

Hiscox Insurance Company Limited are authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority

The Financial Conduct Authority website, which includes a register of all regulated firms can be visited at [www.fca.org.uk](http://www.fca.org.uk) or the FCA can be contacted on 0800 111 6768.

### **HOW TO MAKE A COMPLAINT**

We are dedicated to providing you with a high standard of service and we want to ensure we maintain these standards at all times. If you feel that we have not offered you a first class service please contact us at the following address and we will do our best to resolve the problem:

David Pollard  
Hencilla Canworth GI Limited  
Simpson House  
6 Cherry Orchard Road  
Croydon  
Surrey  
CR9 6AZ

Tel: 020 8686 5050  
Fax: 020 8686 5559

If you are unable to resolve the matter with us your complaint may be referred to your insurer.

If you are still dissatisfied you may be able to refer your complaint to

The Financial Ombudsman Service  
South Quay Plaza  
183 Marsh Wall  
London  
E14 9SR

Tel: 0800 023 4567  
Web: [www.financial-ombudsman.org.uk](http://www.financial-ombudsman.org.uk)

### **ADDITIONAL INFORMATION**

If you require any further information or wish to request a copy of the full policy wording – Please contact:

Hencilla Canworth GI Limited  
Simpson House, 6 Cherry Orchard Road, Croydon, Surrey  
CR9 6AZ

Tel: 020 8686 5050  
e-mail: [mail@hencilla.co.uk](mailto:mail@hencilla.co.uk)

The Independent Society of Musicians is a trading name of the Incorporated Society Musicians, a company registered in England under number 36882.