

British Sub Aqua Club – Member Insurance Q & A

	Question	Response
1	When does the policy year run from and to?	The policy starts on 1 st June each year and expires on 31 st May each year.
2	What is a Third Party Liability (TPL) Policy?	A TPL policy provides cover to any Third Party, which means any member of the public who is not a BSAC member, for any injury/ death/ damage to property caused by a Member of BSAC or by a BSAC Branch, whilst the BSAC Member/Branch is engaged in a BSAC related activity.
3	Does the BSAC policy give me any other cover apart from Third Party?	Yes. There are 2 ‘Extensions’ to cover which are included: <ol style="list-style-type: none"> 1. A ‘Member to Member Extension’ which means one BSAC member can claim from another BSAC member, this includes your legal costs to defend the claim 2. An ‘Indemnity to Principals Extension’ which means that lake/pit owners/leisure centres/ the MOD are covered if a BSAC member or branch causes damage to them or their property
4	How will a claim be made against me or my branch?	The most likely scenario would be that a ‘Civil’ claim would be made against you or your branch for negligence. However Criminal charges could be brought against you if there is evidence of an unlawful, intentional act, which may not be covered by the policy.
5	What is a civil claim?	A civil claim is where a third party (e.g. another diver you are diving/ snorkelling with) brings a claim against you for injury/death or damage to property. The BSAC Third Party Liability Policy (TPL) covers any claims for damages made against you and the legal costs for defending/negotiating the claim and any damages awarded by a court if you are found to be negligent, or any amount agreed by insurers in the case of an out of court settlement.
6	Why is that different from criminal?	Criminal charges are brought against you by the Police or Law enforcement. Criminal charges are usually only brought against you when there is evidence of ‘an intent’ to harm/ cause the death of or injure a third party. You can claim on the BSAC policy (where cover applies) for defending those charges but the cover only extends to manslaughter/ corporate manslaughter, culpable homicide and abuse (or the equivalent charges within the policies geographical limits) in relation to a BSAC diving/ snorkel related incident/activity.
7	What is the limit of the cover for Third Party liability?	The cover is up to £15,000,000 for any one claim.
8	What is the limit of cover for legal defence costs which are included in the policy?	There is no upper limit for defence costs in relation to either a civil or criminal incident.
9	Am I covered as the Diving Officer of my club for all of the responsibilities that the role brings with it?	Yes. The current member insurance covers you for any BSAC diving/ snorkel related incident/activity. It WILL NOT however cover you for any legal defence costs or liability resulting from charges being brought against you in relation to an intentional criminal act (such as homicide/murder, assault, theft – this is not exhaustive) the only cover provided is as stated for manslaughter/ corporate manslaughter, culpable homicide and abuse (or the equivalent charges within the policies geographical limits) in relation to a BSAC diving/snorkelling related incident/ activity.

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10	What does diving within BSAC guidelines mean?	You must be BSAC diving/ snorkelling within your BSAC (BSAC recognised equivalent or other agency) qualification limits – unless you are in a rescue/ emergency situation.
11	What are BSAC’s Safe Diving practices?	Safe Diving is a set of recommendations intended to improve the safety of diving, you can find a copy here www.bsac.com/safediving
12	What if I am rescuing someone and dive deeper than my BSAC qualification allows?	In a rescue situation you will be covered by the TPL policy.
13	Are members covered if we dive with divers from other agencies (e.g.PADI/SAA/ScotSAC) who are non-members of BSAC?	As a BSAC member you are covered if you cause THEM injury or death and they claim against you for negligence. You are NOT covered if you claim against them if they cause YOU injury or death unless they have their own insurance cover. See Q23 & Q24 about potential members.
14	What if they are trained with another agency and are also a BSAC member?	Then you are covered in both circumstances – if you cause injury/death to THEM or if they cause injury/death to YOU as the policy includes a member to member extension. See Q23 & Q24 about potential members. Members in your club who have a qualification from another agency are covered to the highest level of qualification they hold so if you have 2 agency qualifications for different depths then you are qualified for each independently.
15	Are members covered if they are on a diving trip/holiday?	Providing you are BSAC diving/ snorkelling within your BSAC qualification (or BSAC recognised equivalent or other agency qualification) limits you are covered for Third Party & Member to Member Liability – if all divers on the trip are not members of BSAC they should have their own insurance to protect themselves against any potential claim brought by a Third Party. Please remember this is not a travel policy.
16	Are we covered against claims from members of the public (or anyone else if they’re not a BSAC member) if we allow them to use the club pool for swimming on our club night?	Yes for Third Party (their) injury/death claims or for damage to Third Party (their) property. You must have your own premise’s insurance for your club buildings/ property – BSAC doesn’t have an insured interest in club property. You are not protected from any injury/damage to property they may do to you/your club. If you regularly have non-members swimming in your pool they can join as a snorkel member (currently £18.50) and this would protect all of you for liability claims as part of the member to member cover.
17	If we are hiring premises/pools from the local authority or other entity are we covered for damage to premises or injury to members of the public?	Yes, for both damage to premises and for injury/ death to members of the public. This includes the use of a compressor if your compressor is stored on premises you rent.
18	What cover is provided to me if I teach on a BSAC Instructor Training Scheme event?	You are covered under the BSAC Employers Liability Policy (10m) when you are on a BSAC Instructor Training Scheme event. The policy also includes Professional Indemnity for the advice you provide up to a limit of £1,000,000.
19	As a current BSAC Branch Officer, qualified BSAC Instructor, Dive Leader or Branch member what am I covered for?	Subject to your BSAC qualification and diving experience you are covered for the following: <ul style="list-style-type: none"> • Teaching in a pool or open water (including try dive nights) • Leading a dive in open water • Compressor operation (whether located on your premises or on premises you rent)

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		<ul style="list-style-type: none"> • Arranging a club social evening/ event • Dealing with young/vulnerable people • If you face a criminal charge or a civil claim for manslaughter/culpable homicide • If you face a criminal charge or a civil claim for corporate manslaughter • If you face a criminal charge or a civil claim for abuse <p>These are all in relation to a BSAC related incident/activity.</p>
20	As a current BSAC member what am I covered for?	<p>Subject to your BSAC qualification and diving experience you are covered for the following:</p> <ul style="list-style-type: none"> • If someone brings a civil claim for compensation against you for causing injury/death/ damage to property • Legal defence costs if you face a criminal charge or civil claim for manslaughter, corporate manslaughter, culpable homicide or abuse • Damage to the property of a member of the public/ premises owner <p>These are all in relation to a BSAC related incident/activity.</p>
21	Are lake/pit owners indemnified if we are diving on their premises?	Yes. There is an extension in the policy cover which is described as ‘Extension to Principals’ which covers lake/pit owners for any damage you may be responsible for to their premises or injury you may be responsible for to members of the public whilst you are using their premises.
22	Are we covered for club fundraising events?	Yes in most circumstances, but you must submit a brief risk assessment to BSAC HQ for approval to ensure cover. This is especially important the more unusual the event. Please submit your brief risk assessment report to divesafe@bsac.com for approval.
23	Are we covered for Try Dive nights?	Yes, you are covered when you have try dive sessions for potential new members in a pool. The potential new member is also covered by the member to member extension for liability to you whilst attending a try dive night.
24	Are we covered if we have a potential member on a dive trip with us?	Yes, you are covered for potential members looking to join your club, for both their liability towards you and for your liability towards them, but this is restricted to a maximum of 7 visits. No more than 7 visits a year are allowed. This cover is restricted to the UK.
25	What if I am involved in a BSAC diving/ snorkelling accident/incident and another BSAC member causes me injury/death can my family claim against the other BSAC member?	Yes they can, as there is a ‘Member to Member Extension’ included in the policy.
26	Are there limits to the countries the policy covers?	Yes. The cover is worldwide but UK Sanctions prevent us from trading with some countries so the cover currently DOES NOT extend to include Iran, Syria, Crimea, Ukraine & Russia if you live in these countries (unless you have a UK address) you are only covered to dive anywhere else the policy covers. North America (USA & Canada) is also excluded due to restrictions by the Insurer. Bahrain & Kenya are also excluded due to local laws, members who live in these countries are not insured to dive there but are insured to dive anywhere else the policy limits

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		extend to. Members who live in the UK are covered to dive in Bahrain & Kenya. Please ensure your EU NHS card is still valid prior to any travel to EU Countries.
27	If there is a civil claim made against me does the claim need to be made in the UK?	No the claim against you does not need to be brought in the UK.
28	What if a civil claim is brought against me in another country?	Subject to country restrictions, you are covered. This would be handled by insurers in the UK, the country of origin of the policy.
29	What if criminal charges are made against me in another country?	You are covered for defence costs to defend criminal charges for manslaughter, corporate manslaughter, abuse & culpable homicide (or the equivalent charges in another country), in relation to a BSAC related incident/activity. In the event of criminal charges being made against you for assault or actual bodily harm, providing there is no evidence that supports a 'deliberate act' insurers will consider offering cover.
30	What if a claim for damages or charges are brought against me or my club in this country or another country?	If you receive any notification from any source whatsoever please contact BSAC HQ or email wendym@bsac.com for further advice. You must have submitted an incident report form so as insurers can be notified of all incidents as soon as possible. Failure to notify them of an incident could invalidate your cover.
31	Am I covered for legal fees to defend extradition proceedings to appear in the relevant country where I am being prosecuted?	No. If you receive notification of a criminal charge/potential charge in another country contact BSAC immediately – failure to respond to an overseas court request could mean extradition proceedings could be started against you – cover IS NOT included for legal costs to defend extradition proceedings.
32	Am I covered as an instructor if I am working for a commercial dive centre or if I am being paid for instructing (rather than as a volunteer for my branch/club or for BSAC on a BSAC ITS event)?	No, you must have your own insurance for commercial activities, and if you are being paid for the instructing you are doing – dive centre activities are not covered.
33	Are we covered for our own club premises if we own them?	No, you must have your own club insurance for this risk. BSAC does not have an insured interest in your property.
34	Are we covered if someone injures us?	This is not a personal accident policy but you have member to member cover. If another member is liable for your injury/death then you are covered, if someone you are diving with injures you/ causes your death they must have appropriate insurance cover for this risk for you to pursue any claim against them (if they are not a BSAC member).
35	Are we covered if we hire a boat from a region or other entity?	No, you must have your own boat insurance if you are going to operate a boat/RIB.
36	Are we covered for damage to our club RIB/boat or for third party liability when using our RIB/boat?	No, you must have separate cover for this. BSAC doesn't have an insured interest in club property.
37	Are we covered for travel arrangements or medical treatment?	No, you must have separate cover for this – please check the policy wording of any policy carefully as most policies say they cover criminal defence costs in the summary but then

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		expressly exclude this in the policy exclusions.
38	Are we covered if we damage our own kit?	No, you must have separate cover for this.
39	If I take out a travel policy what should I look for?	Look at the depth limits of the policy, check on cover for criminal acts, check on cover for kit, what repatriation costs are covered, is there decompression chamber treatment, check the medical treatment cover and read the 'Exclusions' in the policy. If you're unsure ask the broker for advice.
40	As a BSAC Direct member can I instruct?	If you have an instructor qualification you can instruct in a branch (even if you are not a member of that branch) and be covered by the insurance. You are not covered to instruct in a commercial centre.
41	If I am being taught under the instruction of another agency instructor, am I covered for death/injury / damage to property relating to that other agency instructor?	If for instance you are learning Trimix or Cave Diving with another agency (not BSAC), or you are being taught another agency qualification, you are not covered by the BSAC insurance. You would normally be covered by the other agency instructor's professional indemnity cover, but you should check this before taking part in such a course.
42	Where can I get details of the insurance cover?	A summary of cover is available from www.bsac.com/memberinsurance
43	What if I have a question who do I ask?	Please contact Wendy Meadows at BSAC HQ 0151 350 6218 or 07788 717225 or email wendym@bsac.com

Please note:

- This cover is only applicable if you are undertaking a BSAC recognised activity (diving or snorkel related activity) or a BSAC approved activity (following completion of a risk assessment). BSAC is a scuba diving and snorkelling organisation with clubs & members, any activity associated with these areas is covered by the policy (diving, snorkelling, club fund raising, club dive trips). If you are unsure please submit a risk assessment or contact the Diving Resources Team at BSAC HQ for advice
- An Incident report form must be completed as soon as possible following any incident and submitted to BSAC HQ to ensure Insurers are aware of the incident at the time it happens, irrespective of whether any liability arises from it or not. Please find the information on how to complete a report form here www.bsac.com/incidentreporting
- You must be diving or snorkelling within your BSAC/Equivalency (other agency) diver or snorkel grade qualification (except in a rescue or first aid situation). Qualifications from other agencies are recognised by BSAC and Insurers
- You must forward copies of any civil/legal correspondence you receive to BSAC immediately upon receipt
- Do not ignore requests from other countries to attend court. The cost of defending an extradition order is not covered by the policy. Please contact us immediately if you have any worries or problems, please contact Wendy Meadows on 0151 350 6218 or email wendym@bsac.com
- The cover is subject to the terms and conditions of the relevant policy
- The current version of Safe Diving is available at www.bsac.com/safediving
- This list is not exhaustive, if you are unsure please check with BSAC HQ and/ or the relevant policy wording, for further advice – please contact Wendy Meadows on 0151 350 6218, 07788 717225 or email wendym@bsac.com

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- Further clarification can be found here on the definition of manslaughter, corporate manslaughter and culpable homicide
www.cps.gov.uk/legal/l_to_o/
- These Q and A's are updated regularly to make sure the cover is as easy to understand as possible for members so please refer to the website for the most recent version