Association of Racing Drivers Schools (ARDS)
Public Liability Insurance – Important Information

This document is a summary of some of the key information about the **Public Liability Insurance** cover arranged on behalf of ARDS registered and paid-up Members. Please refer to the ARDS website to see full details of the terms, conditions and exclusions contained within the policy wording and its Policy Schedule.

Who is insured under this type of insurance?

The **Insured Interests** are The Association of Racing Drivers Schools (ARDS) and any ARDS licensed and fully paid-up subscribed member instructor

What is insured?

The **Business activities** –

Delivery by ARDS licensed and paid-up subscribing member instructors of –

a) the Novice Drivers Training Course and the Advanced and Junior Drivers Race Training Courses,
b) guidance tuition or exposure as a driver or passenger for customers or guests during

    (i) official experience days, corporate days, driving events and competitive test days

    (ii) track days but only where an ARDS member instructor has been engaged independently by a customer or guest to provide specific tuition

c) guidance tuition or exposure as a driver or passenger for customers or guests during a vehicle manufacturer day provided that the ARDS Instructor is not entitled to indemnity (coverage) for his or her own proven negligence under any other insurance policy arranged by the vehicle manufacturer or event manager appointed by the vehicle manufacturer to organize and run the event

where the provision and involvement in respect of such events is undertaken by the ARDS licensed and subscribing member instructors at **ARDS Racing Schools** or **ARDS Approved Venues**

ARDS Racing Schools

- Castle Combe
- Goodwood Motor Circuit
- Kirkistown Race School
- Knockhill Racing Drivers School
- Motorsport Vision – Brands Hatch, Cadwell Park, Oulton Park, Snetterton and Donington Park
- Silverstone Circuit
- Trac Mon Anglesey
- The Motorsports School – Mallory Park & Lydden Hill
- Thruxton Motorsport Centre incorporating Croft Circuit and Pembrey Circuit

ARDS Approved Venues - extends to include Motorsport UK licenced venues plus the following:

- Millbrook Proving Ground
- MIRA
- Bedford Autodrome
- Blyton Park
- Hethel
- Llandow Circuit

Any other venue will need to be approved by both ARDS and the Insurers before any cover can be confirmed

Operative Time of Cover

Cover is restricted to "**whilst carrying out instructing duties"** as summarised in the **Business activities** on the previous page

Insurance Limit of Liability

Public liability insurance covers compensation that you become legally liable to pay following bodily injury to any person or damage to property not belonging to you or under your control up to a limit of **£10 million**.

Claimant's costs and expenses are payable in addition.

What is NOT insured?

1. personal injury to any employee arising out of and in the course of their employment or engagement of such person by an ARDS Instructor

2. in the event of a claim the first **£250** in respect of any compensation claimant costs and expenses other costs and expenses legal defence costs and any Court Attendance Compensation shall be borne by the ARDS Instructor. Nil in respect of third party injury.

3. fines penalties punitive or liquidated damages

4. pollution and contamination unless caused by a sudden identifiable unintended and unexpected incident which takes place in its entirety at a specific time and place during the period of insurance.

5. any liability in respect of loss of or damage to any property belonging to or in the charge or control of the ARDS Instructor **(this includes any vehicle being driven by or in the charge or control of the ARDS Instructor whilst undertaking his Business activities)**

6. any liability arising out of omission to perform a professional duty provided for a fee or in circumstances where a fee would normally be charged UNLESS death bodily injury or damage was caused by or arising from any tuition advice or instruction given by the ARDS Instructor in the normal course of their Business Activities and provided that such tuition advice or instruction is given by a suitably qualified person

PLEASE REFER TO THE POLICY WORDING FOR FULL DETAILS OF THE EXCLUSIONS LIMITATIONS AND CONDITIONS

Important Information – Basis of Engagement

It is vital that ARDS instructors wishing to benefit from the protection provided by this insurance understand the basis of your engagement prior to agreeing to take part in those events that are not being run by you or by an ARDS Racing School, as not all instances or situations will be covered by the ARDS Public Liability Insurance.

The basis of engagement -
If an event is being held by a third party whether as the event promotor or organiser including vehicle manufacturers, media companies and Track Day Operators ('TDO's') you should seek written confirmation of the precise basis of their requested engagement -

- who are you contracting with?
- what exactly is the basis of engagement?
- obtain written confirmation as to whether the Third Party's own Public Liability Insurance extends to include the legal liability of the ARDS instructor(s) as you will usually be working under the Third Party's control and overall supervision
- Check that the organisation seeking to engage your services is not requesting you to provide an indemnity to that organisation for their own proven negligence ***(they should have their own Public Liability Insurance cover for this situation).***

Where a vehicle manufacturer is organising the day we would expect the manufacturer to have arranged appropriate Public Liability Insurance that provides coverage for your legal liability arising from your engagement by the vehicle manufacturer. This is on the basis that you would be normally be engaged under their direct control and supervision.

Important Information
Event Promotors and Organisers and Track Day Operators

Where a third party event promotor or organiser or a Track Day Operator ('TDO') requests the ARDS Instructor to provide confirmation of –

a) his or her own Public Liability cover
b) inclusion of a full Indemnity to the third party event promotor or organiser or a Track Day Operator

then please contact ARDS with full details of the request before the event is to take place.

This should enable ARDS to establish with Insurers via their Brokers, Everywhen, whether and to what extent any insurance cover can be provided under the ARDS Public Liability Insurance or not, and if so on what basis.

PLEASE REVIEW THE FOLLOWING 4 EXAMPLES OF TYPICAL EVENT SCENARIOS

✓ **denotes the event is automatically covered by ARDS Public Liability Insurance**

✗ **denotes the event is <u>not</u> automatically covered by ARDS Public Liability Insurance**

SCENARIO 1 – ARDS RACING SCHOOL EVENT	
✓	An ARDS Racing School is operating the initial Novice Drivers Training Course - previously known as the ARDS test, which is a requirement for drivers applying for their first race licence - as well as the Advanced and Junior Drivers Race Training Courses.

SCENARIO 2 – TRACK DAY OPERATORS (TDO's) ENGAGING ARDS INSTRUCTOR(S) FOR SPECIFIC EVENTS	
Where the TDO are employing or engaging the services of an ARDS Instructor to provide instruction and / or tuition to attendees, we would expect a Circuit Hire Agreement to be in force between the TDO and the Circuit where the Circuit would set down their criteria for the TDO to adhere to as far as the running of the Track Day event.	
✗	Where the ARDS Instructor is working under the direction and supervision of the TDO to provide tuition and guidance to attendees who have paid the TDO for the opportunity to participate in the Track Day, then we would expect the TDO to have Public Liability Insurance cover in place to cover both the legal liability of the ARDS Instructor whilst employed or engaged by the TDO as well as the legal liability of the TDO themselves.
✓	Where the ARDS Instructor(s) is / are engaged by the TDO to run or oversee the Track Day event including carrying out the safety briefing and explaining the importance of track safety to the attendees, Public Liability coverage would apply insofar as the ARDS Instructor's <u>own proven negligence.</u>
✓	Where a paid-up customer or guest of a TDO attending a Track Day event negotiates independently of the Track Day Operator's allocated time some additional specific training and /or tuition time directly with the ARDS Instructor to be provided by the ARDS Instructor on the day.
Risk Management Note: *If you are providing a safety briefing on behalf of the TDO it is essential that a witness observes the briefing you are providing to ensure that it is consistent. You should ensure a list of attendees is captured and a checklist is used to ensure that all subject items that are required to be delivered as part of the safety briefing are clearly covered during the briefing.*	

SCENARIO 3 – MANUFACTURER VEHICLE PROMOTION OR EXPERIENCE DAY	
These events are run by vehicle manufacturers e.g. Ferrari, BMW, Mercedes, Ford, Nissan, Jeep, Aston Martin, Renault, Mazda etc, and are usually organised by either the manufacturer or an events company appointed by them to co-ordinate and manage the whole event.	
✗	Where the engaged ARDS Instructor is to be under the direct control and supervision of the vehicle manufacturer or their appointed Events Manager, we would expect the vehicle manufacturer's own Public Liability insurance to cover the ARDS Instructor for proven act(s) of negligence as well as being insured for any loss of or damage to any vehicle temporarily provided to the ARDS Instructor to enable his or her duties to be carried out.
✓	Where the vehicle manufacturer or the appointed Events Manager requires the ARDS Instructor to provide confirmation that he or she has their own Public Liability Insurance to cover the ARDS Instructor for their proven act(s) of negligence.
✗	Where the vehicle manufacturer or their appointed Events Manager are deemed responsible for any act(s) of negligence arising during the holding of the event *We would expect the vehicle manufacturer or their appointed Events Manager to have their Public Liability Insurance cover in place to cover their own legal liability*.
✗	Loss of or damage to any vehicle temporarily provided to the ARDS Instructor to enable his or her duties to be carried out is excluded.
NOTE: If insurance cover is required for a Scenario 3 activity, please make direct contact with ARDS and provide full details so that a specific referral may be made to the Insurers for cover to be considered and extended <u>if possible</u>.	

SCENARIO 4 – DRIVING EXPERIENCE DAYS	
✓	ARDS instructors are often engaged to provide instruction/tuition/supervision during retail Driving Day Experiences, where the participants either drive their own cars around a circuit with an instructor present or as a passenger with the instructor at the controls of the vehicle.
Risk Management Note: For these activities the ARDS Instructor(s) will be in control of their activity and should carry out a full Risk Assessment.	

What are my obligations?

1 Reasonable Precautions

The Policy does not cover liability in respect of any failure by the ARDS Instructor to take all reasonable

a) precautions to prevent, or cease any activity which may give rise to a liability; and
b) steps to observe and comply with all statutory or local authority laws obligations and requirements

2 Provision of adequate Information

If you do not provide accurate and complete answers to any questions that you are asked, your policy cover may not operate in the event of a claim, or Insurers may not pay any claim to be accepted in full, or your policy cover could be declared as invalid.

3 Claims Procedures

It is very important that any circumstance or incident that arises that is or may be likely to result in a claim **MUST BE IMMEDIATELY NOTIFIED TO EVERYWHEN**.

You must follow Everywhen's claims process which can be found on the separate Information sheet posted on the ARDS website titled 'HOW TO MAKE A CLAIM'.