



Mountaineering Ireland Insurance – an overview

After the United States, Ireland is the most litigious country in the world; a good reason to ensure that you have insurance cover for hiking, climbing and other outdoor activities.

Mountaineering Ireland provides insurance for members – it is included in our individual membership fee and most of our clubs also take Mountaineering Ireland insurance. The insurance provided through the Mountaineering Ireland is mainly Civil Liability - this protects you in the event that a third party makes a claim against you for negligence. Some Personal Accident cover is also included.

This article is intended to give members an understanding of the insurance cover that is available through Mountaineering Ireland. We have tried to present the information in clear, non-technical language, hopefully we have succeeded!

Cost of Mountaineering Ireland insurance

So what do you get for your money? **Civil Liability** cover up to £10 million sterling for any one incident. **Personal Accident** cover of €73,655 for permanent disability.

Civil Liability explained

Basically, liability insurance covers you for claims made against you for third party injury or damage caused. It protects you (and your assets) if somebody takes you to court – for example if you dislodge a rock causing injury to somebody else and that person sues you.

Civil Liability is a very wide wording that includes **Public Liability** (injury or damage to third party property or persons), **Product Liability** (goods supplied) **Errors & Omissions** (advice given or not given), **Trespass, and all other matters under Civil Law**. The limit of compensation under the Mountaineering Ireland's Civil Liability policy is £10,000,000 stg for any one occurrence.

Personal Accident explained

Personal Accident cover provides you with a fixed benefit if you are unfortunate enough to suffer a permanent injury while engaged in one of the activities covered by our policy. Mountaineering Ireland's Personal Accident policy also covers injuries sustained while travelling to or from an insured activity in Great Britain or Ireland.

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The benefit for permanent disability or total loss of limbs, eyes, speech or hearing is €73,655. This does not necessarily require the physical loss of the limb (e.g. - severance) it also covers loss of use. The main thing that is covered under this policy is "Permanent total disablement leaving a person unable to carry out any gainful employment". The Personal Accident policy also includes €736.55 dental benefit for dental expenses if you damage your teeth. There is a €73.65 excess for dental claims (i.e. you pay the first €73.65). There is no death benefit under the Mountaineering Ireland's PA policy and no cover for recoverable injuries such as broken limbs.

What activities are covered?

Hillwalking, rock climbing, rambling (including road walking), backpacking, bouldering, fell running, scrambling, Alpinism and all other recognised aspects of mountaineering. Additionally, activities such as downhill skiing, ski mountaineering, mountain biking, canyoning and caving are covered, provided the activities are non-competitive and not the main activities of the club. This cover is on a worldwide basis, but it should be pointed out that your Mountaineering Ireland insurance is not travel insurance – it doesn't cover you for baggage loss, medical expenses, cancellation etc. Mountaineering Ireland recommends BMC Travel and Activity insurance for additional benefits when travelling overseas

Exclusions

- Commercial activity, professional guiding and instruction.
- Persons under the age of three or over the age of 80 are excluded from Personal Accident cover.
- Personal Accident claims arising from sickness/illness (as opposed to accidental injury which is insured), HIV, drugs, etc.
- Exclusions under the Civil Liability cover include any accident involving a motor vehicle, injury to employees and the usual war and nuclear clauses (full details available from the Mountaineering Ireland office).

Reporting an incident

All incidents involving injury or damage to an Mountaineering Ireland member or a third party must be reported to our brokers (Perkins Slade) **within 21 days**. This is a requirement under the Civil Justice System in the UK (our insurers are UK based). Please copy your notification to the Mountaineering Ireland office. If you, or your club, are involved in any incident that could lead to a court case, play safe and report it immediately. In the case of a possible liability claim, the incident must be notified to the insurers by the party likely to be sued (e.g. the club, leader etc.) rather than the injured party. With Personal Accident claims the injured party is the claimant and they should report the incident to the insurers.

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Negligence

While it is advisable to report all incidents to the insurers, it is useful to know what an injured party would need to prove to succeed in suing you for negligence. There are three stages to this:

1. The injured party must prove that you owed them a duty of care. You owe a duty of care to any person who could foreseeably be affected by your actions, and the standard of that care can vary for a host of reasons, e.g. your experience and the experience of the others involved. If you are in charge of minors you owe a greater duty of care – that of a responsible parent.
2. The injured party must show that the duty of care was breached.
3. The injured party must prove that actual injury, loss or damage arose from that breach of the duty of care.

Each case will be different, for example there could be contributory negligence - where the injured person is partly responsible for the injury (e.g. by not wearing their helmet). We should remember too that injuries in the mountains are not always the result of negligence - accidents do happen. Risk cannot be eliminated from mountaineering; it is there at some level in every aspect of our activity. Hillwalking and climbing activities are rooted in a spirit of self-reliance, and with current concerns about liability, safety, insurance etc it's easy to lose sight of that personal responsibility.

Including Mountaineering Ireland's participation statement in your membership form or club newsletter is a useful way of reinforcing this:

"Mountaineering Ireland recognises that hillwalking, climbing and rambling are activities with a danger of personal injury or death. Participants in these activities should be aware of and accept these risks and be responsible for their own actions and involvement."

Insurance for clubs

Our insurance scheme is on a compulsory basis, therefore Clubs that opt for Mountaineering Ireland insurance must pay a premium for each of their members, not just the committee, leaders etc. If we were just to insure those most likely to be sued, the premium would be much higher and we would be placing an unfair burden on voluntary leaders. Besides, any member could cause an accident, e.g. by leaving a gate open allowing animals to stray onto the road. If a club does not declare all its members to the Mountaineering Ireland, the declared members are insured on an individual basis but the club itself has no insurance against liability, leaving the undeclared club members uninsured and personally vulnerable to a claim. As well as walking and climbing, other club activities such as fund-raising and social events are covered by your Mountaineering Ireland insurance.

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New members are insured from the day they pay membership to the club, provided that the club clearly records the date of payment (e.g. by using a receipt book) and that the money and member's details are passed on to the Mountaineering Ireland within 4 weeks.

Mountaineering Ireland clubs that have their own insurance policies are advised to check the limit of indemnity on their liability cover - awards of over £2 million have been made abroad, and others are pending. You should also check if you have Public Liability or the wider Civil Liability cover, in particular check if you have cover for member-to-member liability (this is one of the benefits of our Civil Liability policy). If re-considering your insurance options, bear in mind that if there is a claim against your policy, Mountaineering Ireland will be in a better position to support and advise you if you have taken Mountaineering Ireland insurance. Any clubs that currently have no insurance are strongly advised to consider taking out insurance. Where school or university mountaineering clubs are operating under the parent body's insurance they should check that they have adequate cover for their activities.

Contact details

If you have any queries on the Mountaineering Ireland's insurance cover please write to the Mountaineering Ireland office or e-mail info@mountaineering.ie Mountaineering Ireland's insurance brokers are: Perkins Slade Ltd., 3 Broadway, Broad Street, Birmingham B15 1BQ, England. Phone: (+44) 121 698 8000, facsimile (+ 44) 121 625 9000.

Frequently asked questions

A selection of the most common insurance enquiries received through the Mountaineering Ireland office

What is the insurance position if a non-member wants to come out with the club? For example, a friend of a member who is visiting town, or a potential member who is simply trying out the activity?

Our insurers accept that all clubs will at times have a minority of non-insured people out with them. Any non-members participating in club activities are treated as third parties. Therefore, if they get injured as a result of negligence on the part of your club or its members, they can sue for damages and your club / members will be indemnified through Mountaineering Ireland's Civil Liability policy. If they get injured through no fault or negligence of yours (eg if they trip over something) they have no grounds to sue you and they do not have Mountaineering Ireland Personal Accident cover, as they have not paid membership fee / insurance.

It's a good idea to make it clear to non-members that they may participate in your activities, but to keep things simple say that they are not covered by insurance. Some clubs have a policy that new people can come out twice before they are required to join.

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Is a club member covered if s/he is engaged in mountaineering activities outside the club?

Yes – you are covered for all mountaineering activities, whether or not you are with your club. This does of course exclude professional risk - for example if you were earning money as a professional leader or guide.

One of our members slipped and broke her elbow while walking in Kerry. She needed an operation to have pins inserted and will be in plaster for 3 months. Is she entitled to anything under our Mountaineering Ireland insurance cover?

Mountaineering Ireland 's Personal Accident policy only covers permanent disability (also €736.55 dental cover), it does not provide payment for recoverable injuries such as this. However if the casualty can prove negligence on the part of another person(s) she could sue, and providing that party is insured, Mountaineering Ireland's Civil Liability insurance would provide an indemnity if necessary. Please note that all incidents must be reported to the insurers within 21 days.

I'm planning a walking and climbing trip to Corsica, does my Mountaineering Ireland insurance cover this?

Your Mountaineering Ireland insurance applies worldwide, but the type of cover does not change. Mountaineering Ireland insurance is not travel insurance – it doesn't cover you for cancellation of your trip due to illness, loss of baggage or passport, medical expenses etc. A standard travel policy would provide much of this, but all aspects of that cover would be void if walking and climbing are not covered by the policy,

Therefore it is recommended that you take out specialist travel and activity insurance that will give you cover for your activities, and also for search and rescue. There is no charge for mountain rescue services in Ireland and Great Britain, but in many other countries you will be charged, for example a helicopter rescue and hospital treatment in France could cost €30,000. Mountaineering Ireland members are entitled to avail of the BMC's travel and activity policies (you don't need to become a BMC member). The BMC offer five levels of cover tailored to the needs of mountaineers. To get BMC insurance you should contact the BMC on (+ 44) 870 010 4878 or do it through the members & services section of our web site – www.mountaineering.ie

Our club is organising a sponsored walk, many of the participants won't be club members, or Mountaineering Ireland members, is this covered by our Mountaineering Ireland insurance?

Yes - all events organised by insured clubs, from training courses to your annual barbecue, are covered by your Civil Liability policy. Even though there is money involved here, the participants are not paying you to provide the walk, so it is covered.

I already have Personal Accident insurance, do I still have to pay for this with my Mountaineering Ireland membership?

Yes – it's not optional; however the good news is that with Personal Accident cover you can have as many policies as you want and claim on them all. This is not the case with most other types of insurance.

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Have there been any claims on the Mountaineering Ireland insurance?

Apart from a couple of dental claims, there has been no successful claim from Mountaineering Ireland's membership, this is one of the reasons we have been able to get such good terms for next year's cover.

This article is intended to give assistance to clubs and members in understanding the insurance cover that is available through Mountaineering Ireland. We have deliberately tried to use clear, non-technical language. This article is not intended as a legal interpretation of the Mountaineering Ireland's insurance scheme and should not be used as such. For this purpose, reference should be made to the insurance policies themselves, which are available from Mountaineering Ireland.

Valid April 2009

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