

Insurance Act 2015 - Proposal Forms for non-consumer contracts

Duty of fair presentation

- 1) Before this insurance contract is entered into, the Insured must make a fair presentation of the risk to the Insurer, in accordance with Section 3 of the Insurance Act 2015. In summary, the Insured must:
 - a) Disclose to the Insurer every material circumstance which the Insured knows or ought to know. Failing that, the Insured must give the Insurer sufficient information to put a prudent insurer on notice that it needs to make further enquiries in order to reveal material circumstances. A matter is material if it would influence the judgement of a prudent insurer as to whether to accept the risk, or the terms of the insurance (including premium);
 - b) Make the disclosure in clause (1)(a) above in a reasonably clear and accessible way; and
 - c) Ensure that every material representation of fact is substantially correct, and that every material representation of expectation or belief is made in good faith.

- 2) For the purposes of clause (1)(a) above, the Insured is expected to know the following:
 - a) If the Insured is an individual, what is known to the individual and anybody who is responsible for arranging his or her insurance.
 - b) If the Insured is not an individual, what is known to anybody who is part of the Insured's senior management; or anybody who is responsible for arranging the Insured's insurance.
 - c) Whether the Insured is an individual or not, what should reasonably have been revealed by a reasonable search of information available to the Insured. The information may be held within the Insured's organisation, or by any third party (including but not limited to subsidiaries, affiliates, the broker, or any other person who will be covered under the insurance). If the Insured is insuring subsidiaries, affiliates or other parties, the Insurer expects that the Insured will have included them in its enquiries, and that the Insured will inform the Insurer if it has not done so. The reasonable search may be conducted by making enquiries or by any other means.

General Information

1. Please provide the names of the firms to be included in this application

Name of entity	Date of establishment

2. Addresses

Address	Post code

3. Please provide a description of the business activities undertaken by the firm

4. Details of the firm(s) principals, directors and/or partners

Name	Qualifications	Period of service

5. Staff numbers

Principals, directors, partners	Qualified staff	Administrators	Others

6. Professional body, accredited, trade association membership

Professional body	
Accredited	
Trade body	

7. Cover for prior activities

Name of principal, director		Position at firm	
Name of prior firm		PI insurer	
Prior year's fees		Reason for leaving	

8. Current insurance arrangements

Name of current insurer			
Inception / renewal date		Retroactive date	
Limit of indemnity	£	Excess	£
Limit of indemnity required	£	Excess required	£

9. Fee income

	Financial year end -2	Financial year end -1	Financial year end	Estimate for next financial year
Total fee income	£	£	£	£
Work carried out under UK jurisdiction	%	%	%	%
Work carried out under USA / Canada jurisdiction	%	%	%	%
Work carried out under other jurisdiction	%	%	%	%

10. Is the firm or any of its principals, directors or partners associated with any other firm, practice or organisation? (if not state none)

Name	Interest

11. Details of consultants / sub-contractors

Nature of work undertaken			
Fees		Did the consultant have PII	
Nature of work undertaken			
Fees		Did the consultant have PII	
Nature of work undertaken			
Fees		Did the consultant have PII	

Business activities

12. Details of the type of work you have undertaken during the preceding financial year

Activity	Percentage of total fees
Civil engineering	%
Structural engineering	a) Structural steel %
	b) Structural glazing / curtain walling %
	c) Structural timber %
	d) All other structural work %
Reinforced / pre-stressed concrete	%
Soil, foundation, piling and underpinning	%
Sewerage or water schemes	%
Mechanical engineering	a) Building services (inc. lifts) %
	b) Sprinkler systems %
	c) Fire stopping / restricting systems %
	d) Process control / production line work %
	e) Other %
Electrical engineering	a) Fire alarms %
	b) Panic alarms %
	c) Burglar alarms and deterrents %
	d) Other %
Heating and ventilation engineering	a) Air conditioning for clean rooms %
	b) Other %
Architectural	%
Town planning / quality surveying	%
Structural surveys	%
Cladding consultancy	%
Project management	%
Project co-ordination	%
Principal designer	%
Employers agent	%
Pre-purchase valuations	%
Roofing / glazing	%
Provision of the above design to other or sub-consultants	%
Feasibility studies	%
Any other work	%

13. Details of higher risk work locations where you have undertaken work for the preceding financial year

Activity	Percentage of total fees
Roads, bridges, flyovers, tunnels, dams or mines	%
Harbours, jetties or sea defences	%
Airports	%
Railways	%
Prisons	%
Hospitals	%
Marine surveys	%
Premises or sites with bulk handling equipment, hoppers or silos	%
Premises with manufacturing plant	%
Power plants	%
Other large mechanical plant or equipment	%
Fertilizer, ammonia or urea plants	%
Chemicals, petro chemicals or refineries	%
Nuclear or atomic projects	%
Universities or schools	%
Swimming pools	%
Basements	%
Wind farms	%
Solar farms	%
High rise buildings over 18 metres	%
Industrial systems building	%
Large hotels / hostels	%

14. Do you anticipate any changes in your activities for the forthcoming year?

Yes

No

Activity	Percentage of total fees
	%
	%
	%
	%

15. Largest contracts undertaken by the firm in the last 3 years

Contract name			
Contract start date		Contract end date	
Total contract value	£	Fee income to firm	£
Contract description			

Contract name			
Contract start date		Contract end date	
Total contract value	£	Fee income to firm	£
Contract description			

Contract name			
Contract start date		Contract end date	
Total contract value	£	Fee income to firm	£
Contract description			

16. Details of the largest upcoming contracts

Contract name			
Contract start date		Contract end date	
Total contract value	£	Fee income to firm	£
Contract description			

Contract name			
Contract start date		Contract end date	
Total contract value	£	Fee income to firm	£
Contract description			

Contract name			
Contract start date		Contract end date	
Total contract value	£	Fee income to firm	£
Contract description			

General Questions (if you have ticked a shaded box please provide additional information to assist the underwriting of your risk)

	YES	NO
17. Has the firm undertaken any work where the end product is situated outside the UK?		
18. Are all projects carried out using well established techniques?		
19. Do you undertake any contracts which involve the supply of goods, materials, plant or equipment?		
20. Do you act solely as a professional consultant not undertaking any construction work?		
21. Have you ever taken responsibility for cladding systems or cavity barrier protection on social housing, hospitals, schools, residential care homes, prisons, universities, student accommodation, or hotels? If yes -		
i) Have you ever been involved in high rise projects over 18 metres?		
ii) Have you undertaken any work involving cladding?		
a) Can you confirm that all cladding (including components within the cladding system) used on these projects has been non-combustible?		
b) Were specialist cladding contractors engaged?		
c) Did these specialist cladding contractors have their own Professional Indemnity insurance?		
22. In relation to your professional business activities after reasonable enquiry are you aware of;		
i) Any shortcomings in your work which might lead to a claim against you? This includes; a shortcoming known to you which you cannot reasonably put right, a complaint about your work or anything you have supplied which cannot be immediately resolved , an escalating level of complaint on a particular project.		
ii) A client withholding payment due to you after any complaint?		
iii) Any loss from the dishonesty or malice of any employee, former employee or sub-consultant?		
iv) Any loss from the suspected dishonesty or malice of any employee, former employee or sub-consultant		
v) Any matter which may give rise to a claim against you or your predecessors in business or any past partner, principal, director or employee		
23. Have you or any of your partners or directors at any time either personally or in any business capacity		
i) been declared bankrupt or become insolvent or made any voluntary arrangement with creditors or been subject to enforcement of a judgment debt?		
ii) been a partner, a director or had a controlling interest in any company, firm or business entity which has entered into a voluntary arrangement with creditors or been subject to any application for liquidation, administration, receivership or to enforcement of a judgment debt?		
24. Has any claim whether successful or not been made against you or your predecessors in business or any past or present partner, principal, director or employee (whether previously insured or not)?		
25. Have you ever had any insurance or proposal cancelled, withdrawn, declined made subject to special terms?		

Additional information

Declaration

I, the undersigned, confirm that I have the authority to commit the abovenamed firm to contract and that my having made reasonable enquiry confirm that I have made a fair presentation of the risk by disclosing all material matters I know or ought to know or, failing that, by giving you sufficient information to put a prudent insurer on notice that it needs to make enquiries in order to reveal material circumstances which might influence its acceptance of this insurance risk or the terms which will be applied.

I undertake to inform you before any new contract of insurance is concluded if there is any material change to the information already provided or any new fact or matter arises which may be relevant to the consideration of our proposal for insurance.

Signature		Date	
Name		Position	

Data protection

We act as the Data Controller. How **we** use and look after the personal information is set out below.

Information may be used by **us**, the coverholder, agents and service providers for the purposes of insurance administration, underwriting, claims handling or for statistical purposes. The lawful basis for the processing is that it is necessary for **us** to process **your** personal information to enable the performance of the insurance contract, to administer **your** policy of insurance and/or handle any insurance claim **you** may submit to **us** under this policy. The processing of **your** personal data may also be necessary to comply with any legal obligation **we** may have and to protect **your** interest during the course of any claim.

What we process and share

The personal data **you** have provided, **we** have collected from **you**, or **we** have received from third parties may include **your**:

- name; date of birth, residential address and address history.
- contact details such as email address and telephone numbers.
- financial and employment details.
- identifiers assigned to **your** computer or other internet connected device including **your** internet protocol (IP) address.
- health or criminal conviction information.
- vehicle or household details.
- any information which **you** have provided in support of **your** insurance claim.

We may receive information about **you** from the following sources:

- **your** insurance broker.
- from third parties such as credit reference agencies and fraud prevention agencies.
- from insurers, claims handling agents, witnesses, the Police (in regards to incidents) and solicitors
- directly from **you**.

You acknowledge that we may be required as a matter of law or regulation to disclose Personal Data provided to us to a Court of law or regulatory body such as the PRA or the FCA or Lloyd's or ELTO or any other public body or authority of competent jurisdiction and you consent to any such disclosure.

We will not pass **your** information to any third parties except to enable **us** to process your claim, prevent fraud and comply with legal and regulatory requirements. In which case **we** may need to share **your** information with the following third parties within the EU:

- solicitors or other claims handling agents appointed by **us** or by **you**
- underwriters and reinsurers
- fraud and crime prevention agencies, including the Police.
- other suppliers carrying out a service on **our**, or **your** behalf.

We will not use **your** information for marketing further products or services to **you** or pass **your** information on to any other organisation or person for sales and marketing purposes without **your** consent.

Data Retention

We will hold **your** details for up to seven years after the expiry of **your** policy, complaint and/or claims settlement.

Your rights

Your personal data is protected by legal rights, which include **your** rights to:

- object to **our** processing of **your** personal data.
- request that **your** personal data is erased or corrected.
- request access to **your** personal data and data portability.
- complain to the Information Commissioner's Office, which regulates the processing of personal data.

You can request to see what data **we** hold on **you**, there is no charge for this service.

If **you** have any questions about **our** privacy policy or the information **we** hold about **you** please contact **us** by telephone on 0330 165 2000 or by writing to us at Stanhope House, 12 Stanhope Place, Edinburgh EH12 5HH or by emailing info@premco.co.uk.