



## INSURANCE POLICY and COMPENSATION SCHEME

### FREQUENTLY ASKED QUESTIONS

*Please note: this document provides guidance on the operation of the SBA's Public and Products Liability insurance policy and the Compensation Scheme. For definitive information, reference should be made to the formal documentation available within the members' area of the SBA website.*

#### **What is the difference between the insurance policy and the compensation scheme?**

The SBA takes out insurance cover for its members for claims from third parties arising from accidental injury or disease, or damage to property, including pollution, resulting from a member's beekeeping activities. The policy also covers claims relating to the sale of beekeeping products, excluding mead. Affiliated Beekeeping Associations (ABAs) benefit from cover for hives at unattended apiaries and when ABA-owned hives are being worked by a member of the SBA.

The compensation scheme, on the other hand, is funded and managed by the SBA. It provides some recompense for members who have lost bees and hives due to fire, theft, vandalism, and the foulbrood diseases. Both individual members and Affiliated Beekeeping Associations are covered by the scheme.

In the members' area of our website, you'll find a document giving a more detailed description of the cover provided by the insurance policy and the compensation scheme, including exclusions and conditions that apply.

#### **Does the insurance policy cover a situation where someone is stung by bees that are kept on a public allotment?**

The short answer is, yes. SBA members are covered by our collective Public and Products Liability insurance for injury sustained by third parties as a result of their beekeeping activities. The policy doesn't say where the bees must be kept. In the members' area of our website, there's a link to a Confirmation of Insurance certificate, which might be useful in any discussion with an allotment committee.

It's implicit in any cover of this type that the insured person has a responsibility to mitigate as far as possible the risk to other people. So, in this case, it will be important to carry out a thorough risk assessment, which should be written out, implemented, and kept. There are lots of resources online to help with this. In an allotment setting, special consideration should be given to signage warning people of the presence of beehives and some form of barrier preventing other allotment users from coming too close. In siting hives, think about the flight lines that the bees will use and ensure that they aren't crossing areas where people are working. If the allotments are owned by a local council, they may well have similar arrangements elsewhere. If so, they may be able to provide existing paperwork relating to risk assessment and other conditions.

**During swarm removal, where damage is caused to someone else's property or injury is sustained by the beekeeper, does the insurance policy apply?**

Our Public and Products Liability insurance covers loss incurred by third parties because of an SBA member's beekeeping activities. This includes swarm removal. The insurance claim form is in the members' area of our website. The insurance policy doesn't extend to cover any injury suffered by the beekeeper.

Importantly, if the swarm removal was being done for some form of remuneration – that is, if the beekeeper was being paid to remove the swarm – there would be no insurance cover. That's because the relationship between the beekeeper and the property owner would then be a contractual one. Our Public and Products Liability cover doesn't apply where a contract between the parties exists.

*Please note that the insurance extends to the collection of bee swarms, not the removal of honeybee nests from buildings or other locations. Nor does it provide insurance cover for the removal of bumblebee or wasp nests.*

**In circumstances where hives have been pushed over by vandals and the colonies have perished, is there cover for at least some of the cost of replacing the lost stocks?**

Yes. Our Compensation Scheme covers vandalism, as well as fire, theft, and the foulbrood diseases. The conditions of the scheme require the beekeeper to notify the police of the incident and to submit a claim form to the SBA Insurance Trustee within 30 days of doing so. The claim form can be found in the members' area of our website,

**Does the Products Liability Insurance cover the sale of scented candles?**

No. The Products Liability cover only applies to the sale of beekeeping products in their pure and natural form. As soon as anything like colouring or scent is added to candles, or flavourings to honey, the insurance ceases to apply.

**Is an affiliated association covered for the theft of equipment kept in a shed at their apiary site?**

No. Although the compensation scheme does encompass theft, as well as vandalism, fire, and the foulbrood diseases, only the bees and their hives are covered.

**If two members of an affiliated association, one an SBA member and the other not, are working at the association's apiary and a member of the public is badly stung, how would the insurance policy apply?**

If the injured person raised a claim against the two beekeepers and the association, the SBA member and the affiliated association would be covered by our insurance policy, the non-SBA member wouldn't.

**Does our public liability insurance policy specify a lower age limit on children entering a local association apiary?**

Our public liability insurance extends to include Affiliated Beekeeping Associations (ABAs) who own bees and have paid the appropriate affiliation fee to the Scottish Beekeepers' Association. ABAs' public liability cover is limited to incidents arising from hives of bees that the association owns. ABAs are covered by the policy when their hives are unattended and when their colonies are being manipulated by, or manipulated under the supervision of, an SBA member. Where an ABA's colonies are being manipulated in any other circumstances, the policy ceases to apply.

The policy does not set any conditions regarding the age of visitors to an association apiary. However, there are clearly issues arising from the prospect of children being exposed to beekeeping activities. To understand them, and what action might be appropriate, it is necessary to consider the risk that ABAs are insured against.

Insurance cover is provided for claims in respect of accidental injury and/or accidental loss or damage to property sustained by third parties. A successful claim against a local association will have to prove that the injury, loss, or damage arose because of negligence on the part of the local association. Negligence in this sense means that the association has failed in its duty of care to the person affected. The standard of care that would be required would be that which is *reasonable* in the circumstances. The question of what is reasonable will be judged against a standard of care that would be considered appropriate by a hypothetical *reasonable person*.

To protect against claims of negligence, local associations who invite people onto their apiaries should carry out a risk assessment. This should be recorded in writing and its findings implemented. In assessing risks, it might be expected that the presence of young children would give rise to different dangers than would adults.

It will be for individual local associations to make these judgements in accordance with their specific circumstances; for example, the physical arrangements of their apiary, the degree of supervision in place, the involvement or presence of a parent or guardian, and, of course, the age of the children involved. As a guide, the lowest age that someone can take the SBA's Junior Beekeeper exam is 10. The examination includes a practical, over-the-hive element, implying that a ten-year-old candidate will already have gained some practical beekeeping experience.

Finally, in determining their policies in this area, ABAs may wish to arrange for those members who would be involved in running apiary sessions for children to obtain Disclosure Scotland's *Protection of Vulnerable Groups* (PVG) certificates.