

## **FBHVC NEWSLETTER ISSUE 3 2018 – EXTRACTS**

### **MOT Procedures**

The Federation is aware that there has been concern around the recently updated MOT procedures, particularly because the importance of failures designated as 'dangerous' has been emphasised.

While it is the view of the Federation that these changes do not amount to significant change in the MOT requirements, they make it particularly important for owners to ensure that MOT testing of historic vehicles is undertaken by testers who understand the differences between historic and contemporary vehicles. In that respect we draw your attention to the list of 'Historic Friendly Testing Stations' on our website. We would also take this opportunity to renew our invitation for members to offer recommended additions to this list.

### **DVLA**

DVLA have very helpfully provided correct contact details and post codes for some other routine activities in addition to those for First registration applications, changes to registered vehicles and V765 and Reconstructed classic applications given in the last edition. These are -

***Fee paying Enquiries SA99 1AJ***

***Changes on a Vehicles Registration Certificate/document SA99 1BA***

***Notification of Sale, Transfer or SORN SA99 1AR***

***Taxation team SA99 1DZ***

***Change of name/address on driving licence SA99 1BN***

***Apply for a duplicate/exchange or renew a driving licence SA99 1AB***

***Renew a driving licence over 70 SA99 1AA***

## **FBHVC NEWSLETTER ISSUE 4 2018 – EXTRACT**

### **UNESCO & FIVA**

At the beginning of the year the 1st Newsletter mentioned that the Fédération Internationale des Véhicules Anciens (FIVA) press releases are being endorsed as 'FIVA a non-governmental partner of UNESCO'. I thought a few words on who and why might be illuminating.

FIVA is organised into several commissions, for example the Events one is led by our Tony Davies.

I [Keith Gibbins] sit on the Culture Commission, which is amongst other things responsible for the Charter of Turin. This document is used as a basic building block in our discussions with UNESCO. These are led by my fellow CC member Rony Karam. Rony works hard to continue to build the relationship. So why do we do it?

Both FIVA and the FBHVC believe that in a future of low emissions with Electric and Hybrid vehicles coming to the fore, our movement benefits from a strong association with the general heritage movement. Internationally this is represented by UNESCO and within the UK by The Heritage Alliance.

## **FBHVC NEWSLETTER ISSUE 5, 2018 – EXTRACTS**

### **Future Drive it Day Dates**

We wish to propose the following dates for Drive it Day:

26 April 2020

25 April 2021

24 April 2022

23 April 2023

21 April 2024

**Don't forget our next Drive it Day on 28 April 2019.**

*Insurance News – Cheryl Maybury of Peter James Insurance*

### **Club Liability – are you aware of the risks?**

Recent conversations with many of our club contacts have highlighted some serious issues on how much is really known about the world of club liability.

Worryingly, it's become apparent that many simply aren't aware of the potential risks and what is at stake if something goes wrong, or what they are or aren't covered for. What's more concerning – we've heard about a number of cases of clubs believing they are covered in an area, when in fact they're not.

While we are all aware of the basic legal requirements and fundamentals – public liability cover at shows for example (yes, we have dealt with incidents of show marquees blowing over and causing injury to bystanders, or display banners falling and damaging vehicles), we're urging clubs to bear in mind the less obvious risks, and to keep on top of new areas of risk that could affect your club.

Take the recent introduction of General Data Protection Regulations (GDPR) for example. We've all been bombarded with emails about it, but how could it affect your club? For starters, if you collect and store membership details (on or offline) then you could be liable for claims under the Data Protection Act if you do not comply correctly with the GDPR requirements on collection, storage and use of personal data. This is even more relevant if you supply your members' data to any external agencies or suppliers.

We've also had a number of concerns raised by clubs regarding the provision of advice and assistance – such as that surrounding Vehicles of Historic Interest, including proof of historic origin, MOT exemption, not to mention vehicle valuations. So what protection do club members have if the advice they give turns out to be incorrect? We foresee this as a burgeoning area of risk for clubs, so have just added an extension to our Professional Indemnity cover to include claims regarding to the provision of incorrect information.

Other areas to bear in mind are defective workmanship and member to member cover. If your club undertakes any demonstration, repair or restoration workshops, whereby work is carried out on members' vehicles, you need to consider defective workmanship cover. For

example, if a sump plug is incorrectly fitted after carrying out an oil change, which goes unnoticed and results in the engine seizing, the defective workmanship extension would cover the cost of repairing the seized engine.

Clubs also need to be aware that under a standard public liability policy, the individual members of the club would not be considered as third parties. Therefore, unless member to member cover is included as an extension of the public liability cover, any bodily injury or property damage caused to a member by a fellow member would not be covered.

## **Products Liability**

An issue that has the potential to catch many clubs out falls within Products Liability and is two-fold.

Firstly, if your club sells new or remanufactured parts, don't assume that your insurance cover includes safety critical parts – many clubs may unwittingly fall into this trap, believing they are covered, however many policies will exclude these. For example, if your club sells a set of brake calipers that are discovered to be faulty following an accident which causes damage to property or worse – death or injury – your club could be held liable.

Brake calipers and many other vehicle parts are considered to be safety critical by insurers, therefore you must ensure that your products liability insurance extends to include this cover.

If your club exports parts to the USA and Canada, then checking your policy's small print is critical. Most insurers will exclude cover for products supplied to USA and Canada so you may find that you are supplying parts in the absence of any cover. Those insurers that will provide cover for parts supplied to USA and Canada generally exclude any claims which are brought about outside of a UK court. Therefore, if your club is supplying any parts to USA or Canada, it is vitally important to ensure that your insurer provides 'Worldwide Court Jurisdiction'.

## **Employee/volunteer**

The Employers' Liability title can be misleading – it's a statutory legal requirement in the UK and an element we would not quote without. Don't be fooled into thinking that if your club is run by volunteers this isn't necessary. Volunteers are classed as employees within this legislation, so you need to ensure that your club complies with the Law, in addition to protect itself against the cost of any compensation claims.

## **Annual policy or one-off?**

In my opinion, the days when taking out one-off cover for a show would be sufficient are long gone.

Granted, the numbers are dwindling, yet there are still a number of clubs who are reluctant to take out an annual club liability policy. These clubs need to be aware that if a solicitor's letter should land on their doorstep relating to an incident which has occurred during a monthly club meeting for example, the club or an individual member may stand to lose a great deal of money when having to employ their own solicitor to defend themselves. Even if the club or individual is not found to be at fault, the club or individual may be faced with a substantial legal expenses bill. Having an annual policy in place for your club ensures that the claim will be dealt with by the insurers, which will include the associated legal costs.

## **Directors & Officers Insurance**

Directors and Officers insurance provides liability cover for the Directors and Officers in respect of claims that may arise from their decisions and actions within their responsibilities on behalf of the club. It removes the financial risks faced by a Director or Officer, as it will cover the costs associated with the defence of a wrongful act, such as a breach of duty, a breach of trust, their negligence or their errors.

## **FBHVC NEWSLETTER ISSUE 6 2018 – EXTRACT**

### **Legislation & Fuels**

There appears to be at the moment a reduced level of engagement within DVLA with the specific interests in historic vehicles and thus with the Federation.

## **ADDITIONS TO THE GLOSSARY OF ABBREVIATIONS dated March 2018**

### **THA**

**THE HERITAGE ALLIANCE** was established in 2002 to promote the central role of the independent movement in the heritage sector. It represents the general heritage movement within the UK. FBHVC reports that THA is superb at lobbying for the interests of the heritage movement.

### **UNESCO**

Formed in 1946, the **UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION** is a specialised agency of the United Nations which, amongst other things, represents the general heritage movement internationally.

**January 2019**