



TYSERS

PROFESSIONAL INDEMNITY

Proposal Form
for
Surveyors/Estate Agents

Since 1820



Tyser & Co Limited, UK Corporate Risks Division
12 Camomile Street, London EC3A 7PJ
Tel: +44 (0)20 3037 8000 Fax: +44 (0)20 3037 8010

Authorised & Regulated by the Financial Services Authority Ref. No. 308648

Information:

This is a proposal form for a policy relating to claims made against the Insured during the period of the policy only – i.e. CLAIMS MADE is the date when the claim is received by Tyser & Co Limited, not the date of the alleged claim, that determines the applicable policy. A gap in cover therefore leaves the Insured unprotected.

Please answer all the questions giving full and complete answers. If you have insufficient space to complete any of your answers, please continue on your headed paper. This form must be signed and dated by a Director, Partner or Principal or identified Officer of this firm.

The proposal form must be completed and signed and dated by a person who is of legal capacity and have the authorisation to request this insurance for the Proposer.

This form does not bind the Proposer but will form part of the Insurance contract if taken up.

Should you wish to discuss any questions on the proposal form please do not hesitate in contacting us, we do understand that some of the questions may not be self explanatory.

Duty to disclose material facts

Since an insurance/reinsurance contract is based upon the duty of utmost good faith, it is important that those seeking insurance/reinsurance should provide full disclosure of all material facts to insurers and that this information should be kept updated. The courts will find a fact to be 'material' where it would affect the judgment of a prudent insurer as to whether or not to accept the risk at the particular terms offered.

The practical advice, which we give to clients or producers, is this; if you are in doubt we recommend that you advise the information to insurers. Please note that a renewal is based on the information, which has already been provided to insurers. Therefore if there is a change in such information which has not yet been advised, this must now be advised to insurers.

Please supply the following additional information:

- Company Brochure
- CV's of Principals
- Copy of Standard Contract Terms and Conditions (if applicable)



IMPORTANT NOTES

1. Other Relevant Information

For the sake of conciseness the number of questions in this proposal form has been kept to the minimum. If there is any relevant information not covered by the questions that should be drawn to the attention of Insurers, please give full details in Question 19.

2. Predecessors in Business

It is a requirement under this policy to declare all predecessors in business for whom cover is required.

3. Companies Controlling the Proposer(s) or whom the Proposer Controls

Where the Proposer Firm(s) is controlled by another Firm(s), Company(s) or Organisation(s) or where the Partner(s) / Director(s) of the Proposer Firm(s) have control of another Firm(s), Company(s) or Organisation(s), and cover is sought for claims made against the Proposer Firm(s) by those other Firm(s), Company(s) or Organisation(s) then this should be declared to Insurers and further enquiries will be made before such cover is provided. The policy provides cover for claims emanating from independent third parties.

4. Consultants

The Insured is indemnified for Professional Business undertaken by or on behalf of the Insured. The Insurers rights of subrogation against Consultant(s)/Subcontractor(s) are maintained unless the Consultant(s)/Subcontractor(s) is deemed an Insured and named on the policy and in Question 6.

NB: Claims arising from professional services performed by any named Insured will affect the claims experience of the Firm(s).

5. Incoming Partner(s)/Director(s)/Employee(s)

All Partner(s)/Director(s)/Employee(s) of the Firm(s) should be reminded to check annually that a policy is in force to cover their own liability arising out of work carried out prior to joining the Firm(s). If a new Partner(s)/director(s)/employee(s) have carried out work which has given rise to claims against previous firms then this information should be disclosed.

6. Contracts/Agreements

- a) The policy excludes cover in respect of liability arising from any express guarantee assumed by the Insured which would not have attached in the absence of a contract or agreement being signed.
- b) **Warranties.** Insurers accept the standard BPF CoWa/F or COWa/P&T. Where warranties depart from these, e.g. indemnities have been given to Principals under contract, or liability for financial loss has been assumed under a warranty to a tenant or purchaser, these are not automatically covered by the Insurance.



7. Survey/Inspection and/or Valuation Work

Reports on real or leasehold property may be undertaken by a Fellow or Professional Associate of the Royal Institution of Chartered Surveyors or a Fellow or Associate of the Incorporated Society of Valuers and Auctioneers, or Royal Institute of British Architects or Royal Institute of Architects of Scotland, or Faculty of Architects and Surveyors or any person having had five or more experience of such work. NO OTHER PERSON(S) will be covered by the policy unless they are delegated by the Insured to execute such work subject always to supervision by a qualified person OR unless special agreement has been obtained from Underwriters prior to cover being granted.

8. General Practice

Please give FULL details of the services performed under this heading. DO NOT include as General Practice those activities specifically mentioned in other sub-sections of Question 8.

9. Building Surveying

DO NOT include those items specifically mentioned in other sub-sections of Question 9.

10. Project Management/ Project Co-ordination

“Project Management” is the term used where the Insured is responsible for appointing other professional and/or non professional Firm(s) necessary to the contract.

“Project Co-ordination” is the term used in similar cases but where the Insured’s principal makes the appointment, whether on the Insured’s recommendation or not.

11. Planning and Development

Is deemed to be outline planning work only and does not include detailed plans from which a structure will be erected.

12. Architectural Work

Includes designs of the new buildings and structural alterations including refurbishment and modernisation programmes where load bearing surfaces are affected. “Any one contract” applies to the total price of the contract and not to individual units within the contract. However, where contracts do not exceed £25,000 per contract they may be included under the heading of Building Surveying.



Details of the Proposer:

1. Name(s) (including trading names) of all entities to be Insured:

a) Is the Firm(s) named in Question 1 a partnership? YES /NO

b) Date(s) established:

c) Principal Address:

Telephone No:

Fax No:

Email:

Website:

d) All other addresses including overseas offices (by town only)

2. Constitution and Amalgamations (see Note 2)

Has the name of the Firm(s) changed or has any amalgamation merger or take-over occurred during the past 5 years? YES / NO

If "Yes" and cover is required for past work, please give details of the name(s) of such Firm(s)



3. Companies Controlling the Proposer or whom the Proposer Controls (See Note 3)

(i) Is the Firm(s) associated with any other Firm(s)? YES / NO

If "Yes", please name such other Firm(s)

(ii) Please describe the nature of the relationship (e.g. Holding Company, or Subsidiary)

(iii) Please provide the name of Holding/Associated Companies where cover is required for claims made by them.

Please give amount of Gross Fees earned in each of the past 3 years from such Companies

20 _____ £ _____

20 _____ £ _____

20 _____ £ _____

(iv) Please give amount of Gross Fees earned in each of the past 3 years from such Company(s) named in (iii) above

4. Staff Details

Please give total numbers of permanent staff:

a) Partners/Directors/Principals:

b) Professionally Qualified Staff:

c) Unqualified

d) Administration



5. Details of all Directors/Partners/Principals:

Partners/Principals	Qualifications	Date Qualified	How long a Director, Partner, Principal of this firm/company

6. Full Names of all Consultants

Consultants	Qualifications	Date Qualified	How long practicing as Consultant?

7. Incoming Partner(s)/Director(s) or Employee(s) (see Note 5)

Please complete this Question only if the Firm(s) is new or if there are new Partners/Director(s) seeking cover under the proposed policy for their liability arising out of their professional business undertaken prior to joining the above Firm(s).

Name of Person(s)	Previous Firm	Position Held	Date of Joining this firm

If person(s) are named above please ask such person(s) to complete the Supplementary Questionnaire.

If there is insufficient space, please attach a schedule.

8. Sole Practitioner

If the Proposer is a sole practitioner, what procedures are in place for periods of absence from the office or illness? Please provide full details:



9. Breakdown of Activities

- a) Please state percentage of fees for the last Financial Year declared in Question 13, relative to the following types of work undertaken by the Firm(s)

Quantity Surveying	
Building Surveying (see Note 9)	
Land/Mineral/Hydrographic Surveying	
Residential Surveys/Valuations for Lending purposes (see note 7)	
Other Residential Surveys/Valuations	
Commercial Surveys/Valuations for Lending Purposes (see note 7)	
Other Commercial Surveys/Valuations	
Planning & Development Consultancy	
Project Co-Ordination (where you have no responsibility for appointment of other consultants/contractors) (see note 10)	
Project Management (where you have responsibility for appointment of other consultants/contractors) (see note 10)	
Architectural	
Environmental	
Residential Property Management	
Commercial Property/Land Management	
Rent Reviews/Lease Renewals	
Residential Estate Agency	
Commercial Estate Agency	
Auctioneering	
Building Society Agency	
General Insurance Business	
Financial Services	
Other Work – Please provide full details	
	100%

- b) If you have ceased to provide any of the services detailed in (a) in the last three year please confirm the nature of the services provided and the fees derived from this activity(s):



10. Valuation Information

Please provide further information about the work you have undertaken in the past:

a) Residential Surveys/Valuations for Lending purposes:

(i) For the last 3 years, please confirm:

Average annual no. of reports:

Highest single property valuation:

Average valuation:

(ii) Please identify your 3 largest clients:

Name	Annual Fee Income

(b) Commercial Surveys/Valuation for Lending purposes:

(i) For the last 3 years, please confirm:

Average annual no. of reports:

Highest single property valuation:

Highest portfolio valuation:

Average Valuation



(iii) Please identify your 3 largest clients:

Name	Annual Fee Income

(c) **Other Commercial Surveys/Valuations:**

(iv) For the last 3 years please provide details of your 3 largest valuations:

Valuation	Client	Purpose

(d) **Project Co-ordination:** See attached questionnaire

(e) **Project Management:** See attached questionnaire

(f) **Architectural Work:** Please provide details of the 3 largest contracts where construction commenced during the last 3 years:

Description	Extent of Service	Total Contract Value	Approx Completion Date

(g) **Environmental:**

(i) Please provide a full description of your activities:

(ii) Do you undertake any work which involves polluted or contaminated land or property, or advise third parties as to whether or not land or property may be polluted or contaminated?
YES / NO



If YES, do you have any standard contract or terms of engagement which incorporates a disclaimer or limitations of liability in respect of pollution or contamination?

If YES please confirm how long this has been used (please attach a copy)

(h) **Commercial Property/Land Management** (inc Rent Reviews etc.):

Is there a working diary system which is checked regularly? YES / NO

(i) **Commercial Estate Agency:**

(i) Average individual property value handled in the last 3 years (taking into account the individual property values within portfolios that have been transacted as a single transaction)

(ii) Highest individual property value handled in the last 3 years (taking into account the individual property values within portfolios that have been transacted as a single valuation)

(j) **Auctioneering:**

For the previous year please confirm the following:

	Fees	Max Value	Ave Value
Livestock & Deadstock	£	£	£
Fine Art & Antiques	£	£	£
Property or Land	£	Fees: Lot size:	Fees: Lot size:
Other (please provide details)	£	£	£

(k) **Financial Services:**

(i) Do you undertake any Financial Services activities? YES / NO

(ii) Are you tied to (for the purposes of the Financial Services Act) to any organisation? YES / NO

(iii) If independent, how are you regulated?



(l) **Other Work:**

Please provide full details of any other work you undertake:

Corporate Consulting, Advising corporate occupiers on the structuring of sales, purchases, leasing and management of their commercial portfolios.

11. For Survey and Valuation Work only

- (a) Are valuations only undertaken by qualified valuers? YES / NO
- (b) Please confirm who undertakes the Surveys/Valuations and their qualifications (where applicable):
- (c) Do you have any system in place for the cross-referencing of valuations for similar properties? YES / NO

If YES, how long has this system been in operation?

If NO, how would you support the accuracy of any valuation?

- (d) Have you at all times complied with the RICS Manual of Valuation Guidance Notes and the Statement of Asset Valuation Practice and Guidance Notes and when issued, the Appraisal and Valuation Manual?
YES / NO

If NO, please explain:

12. Contracts

- (a) Do you use standard form of contract, agreement or letter of appointment?
YES / NO If YES, please attach a copy
- (b) Do you always confirm verbal reports in writing? YES / NO
If NO, please explain
- (c) Do you undertake any work which involves polluted land or property, or advise third parties as to whether or not land or property may be polluted or contaminated?
YES / NO
If YES, do you have a standard contract or terms of engagement which incorporates a disclaimer or limitation of liability in respect of pollution and contamination



13. Gross Fees

- (i) Please state total Gross Fees for each of the last 2 Financial Years and anticipated Gross Fees for the forthcoming year.

Fees emanating from:

	20.....	20.....	20.....
UK			
Overseas(Excluding USA/Canada)			
USA/Canada			
TOTAL			

- (ii) Please state Financial Year end:
- (iii) What proportion of the Gross Fees declared for the past Financial Year has been paid to Consultants/Sub Consultants for whom cover is required but who hold Professional Indemnity insurance in their own name? (See Note 4)

It is important to request details of cover arrangements made by Consultant(s)/Sub Contractor(s) each year and to seek confirmation that such cover is in place without restriction on the activities undertaken on the Firm(s) behalf by such Consultant(s)/ SubContractor(s).

- (iv) If the Firm(s) has earned a substantial amount of Fees during the past Financial Year relating to work which can be considered as non-repeatable or "one off", please describe such and advise the percentage of your total Gross Fees for the past Financial Year that this represents.

- (v) If the Firm(s) have earned Fees during the past Financial Year relating to work which eventually became aborted by the client(s), please describe such and advise the percentage of your total Gross Fees for the past Financial Year this represents.



14. Overseas Services

(a) In which country(s) will/do the Firm(s) operate?

(b) Please state how overseas work is/will be controlled

15. Contracts/Agreements (See Note 6)

If the Firm(s) insert standard disclaimers in reports or letter of appointment, please **attach** a copy of such and describe the circumstances in which they are used

16. Fraud and Dishonesty

(a) Has the Firm(s) sustained any loss through the fraud or dishonesty of any person(s) during the past 10 years? YES / NO

(b) Are you aware of any fraud or dishonesty on the part of any past or present Partner(s)/Director(s)/Employee(s)? YES / NO

If "Yes" to either (a) or (b) above, please attach full details

(c) Will any Partner(s)/Director(s) or Employee(s) be authorised to sign cheques on their Sole signature in respect of the Firm(s) or Client(s) accounts? YES / NO

If "Yes":

(i) Up to what amount £ _____

(ii) How regularly are the cash books of the Firm(s) checked against Bank Statements independently of the person(s) so authorised?

(d) Please confirm that the annual Accounts have been prepared and/or certified by an independent Accountant or Auditor

(Initial) _____ Confirmed



(e) Are the Accounts independently audited each year? YES / NO

17. Previous Insurance

(a) Is the Applicant currently insured for Professional Indemnity Insurance? YES / NO

If YES, please confirm:

Name of Insurer:

Renewal Date:

Limit of Indemnity:

Excess:

Premium:

Has the applicant ever been refused this type of insurance, has special terms been imposed by insurers or had a similar insurance cancelled? YES / NO

18. Claims and/or Circumstances which may give rise to a claim

Please remember that answers to this Question should be considered carefully after consultation with other Partner(s)/Director(s)/employee(s) and Named Consultants

(a) During the past 6 years has any claim(s) been made against the Firm(s), any Partner(s)/Director(s) or their predecessors in business in respect of liabilities for which indemnity could have/has been sought under a Professional Indemnity Insurance Policy whether or not this is/was below the self insured excess?

(i) Claims Paid YES / NO

(ii) Claims Outstanding YES / NO

If "Yes", please advise details, including amounts settled or reserved and, if settled, date of settlement on the attached pro-forma

(b) Are any of the Partner(s)/Directors AFTER ENQUIRY within the Firm(s) aware of any circumstance(s) which may give rise against the Firm(s), for which indemnity could have/has been sought under a Professional Indemnity Policy, their predecessors in business or any former Partner(s)/Director(s) YES / NO



If "Yes", please give details of circumstance(s), and amount(s) if known on the attached pro-forma

- (c) Is any person(s) within the Firm(s) facing or has(have) he(they) ever faced criminal investigations or disciplinary proceedings by the Royal Institution of Chartered Surveyors or any other Professional Organisation? YES / NO

If "Yes", please give details

19. Are there any other material facts which ought to be disclosed? (See Note 1)

YES / NO

If "Yes" please give details



DECLARATION

This Declaration must be signed by a Partner/Director, having obtained the agreement of all Partners/Directors to be disclosures made in the Proposal Form.

The signatory to this Proposal binds all Partner(s)/Director(s)/Employee(s) and Consultant(s) named as Insureds under the proposal Insurance and the Proposal Form is the basis of the Insurance Contract.

I/We declare that the above statements and particulars are true and I/we have not suppressed or mis-stated any material facts.

I/We agree that this declaration shall be the basis of the contract between me/us and the Insurers.

Signature Partner/Director _____

Date _____

If the information disclosed herein should alter after the completion of this form and prior to the inception of the proposed insurance, such alterations should be notified to Insurers immediately.

A copy of this application form should be retained for your own records.





TYSERS

PROFESSIONAL INDEMNITY

Supplementary Surveying & Valuing Questionnaire Surveyors/Estate Agents

Appendix 1

Since 1820



Tyser & Co Limited, UK Corporate Risks Division
12 Camomile Street, London EC3A 7PJ

Tel: +44 (0)20 3037 8000 Fax: +44 (0)20 3037 8010

Tysers Surveyors/Estate Agents PI Proposal 2008

Page 17 of 25



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To be completed where the Proposer/Insured carries out surveying and valuing activities.

Where the space below is insufficient please provide responses on a separate sheet.

Proposer/Insured:

1. Work Radius

a) Please indicate where your survey/valuation work is undertaken:

Mile radius from office	Percentage of Surveys/ Valuations
0-25 mile radius of office:	%
25-50 mile radius:	%
50+ mile radius:	%

b) If you regularly take on work outside your immediate geographical area, especially outside a 25 mile radius of your office(s), what extra controls do you put in place to ensure sufficient knowledge of local values or other factors that may affect the value/condition of the property in question?

2. Type of Work Undertaken

a) Please provide a split of your Surveying and Valuing fees and number of reports between the following:

	Purpose	Residential		Commercial	
		%	No	%	No
1.	Valuations for lending purposes (excluding 3 below)	%		%	
2.	RICS Homebuyer or equivalent surveys	%		%	
3.	Further advances/re-mortgage valuations	%		%	
4.	Asset Valuations for balance sheet purposes or probate/ divorce valuations	%		%	
5.	Full structural surveys with valuations	%		%	
6.	Building Surveys (no valuation)	%		%	
7.	Home Condition Reports for HIPS	%		%	



8.	Other (please provide details below)	%		%	
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b) Have you undertaken any valuation work in respect of:

- (i) Buy-to-let Properties
- (ii) Property Clubs
- (iii) New Build for Developers
- (iv) Sub-Prime Products

during the last 12 months YES/NO *If Yes, please provide details in the table below*

during the previous 2 years YES/NO *If Yes, and the average annual numbers and details differ substantially from those given below (or none undertaken in last 12 months), please provide details on a separate sheet.*

	Valuations in respect of:	Percentage of Total Valuation Fee Income	No of Reports	Brief Description of Properties Involved	Name of Lender(s)
(i)	Buy-to-Let Properties	%			
(ii)	On behalf of Property Clubs	%			
(iii)	New Build for Developers	%			
(iv)	Sub-Prime Products	%			



3. Valuations for lending purposes

a) Please give details of the five largest residential valuations undertaken in the last 5 years

Type/Location of Property	Year of Report	Value of Property	Description of Work	Name of Lender

b) Average value of residential valuations undertaken: £

c) Please give details of the five largest commercial valuations undertaken in the last 5 years

Type/Location of Property	Year of Report	Value of Property	Description of Work	Name of Lender

d) Average value of commercial valuations undertaken: £

e) Please provide details of the lenders for whom you have undertaken valuation work during the last 3 years and state the fee income for the last year

Name of Lender	Fee Income £

Name of Lender	Fee Income £



f) Has the proposer been removed from or refused admission to any lenders panels?

YES/NO

If YES please provide details below:

g) Detail below the type of comparable database you maintain and how its use is monitored/audited. Confirm how many comparables you hold per property.

h) When undertaking re-mortgage or further advance valuations in what percentage of cases do you:

Re-inspect the property	%
Undertake drive-by valuations	%
Undertake desk-top valuations	%

i) How do you control your firm's increased risk exposure resulting from drive-by or desk-top valuations and in what circumstances do you undertake them?



4. Workload & Quality

a) What is the average number of surveys undertaken per fee earner per week from?

- i) Lender Valuations
- ii) Homebuyers Reports
- iii) Home Condition Reports
- iv) Full Structural Surveys and Valuations
- v) Other

- vi) Average total of surveys per fee earner per week

b) Please describe in detail the procedures you have in place to monitor the quality, accuracy and integrity of surveys and valuations e.g. audit and checking procedures, sign-off thresholds by size of valuation, spot checks on work, peer reviews, validation of valuations, checks by visit to property?

--

c) If you are a sole practitioner describe the procedures you have in place to obtain a second opinion e.g. in respect of valuations/difficult properties?

--



d) Is allocation of work to individual valuers controlled via central process?

YES/NO

If NO please explain below how you prevent the possibility of undue influence being exercised by external parties.

5. Qualifications of Staff

a) Please provide the following information for all fee earners undertaking Survey and Valuation work (if insufficient space please list details on a separate sheet).

Name	Qualifications	Number of years with this practice	Previous experience of this type of work (please state previous employment history where employed within last 2 years)

b) Do you always verify qualifications and previous experience?

YES/NO

6. Type of Property

Please provide details of:

- a) The types and age of properties you regularly inspect
- b) Any listed, unique, unusual or pre 20th Century buildings you have inspected in the last year.



7. Life Long Learning/Continuous Professional Development

Please provide information on how your firm ensures that all staff and principals maintain their qualifications and ensure their knowledge is up to date.

IMPORTANT NOTICE CONCERNING DISCLOSURE

It is your duty to disclose all material facts to the Company. A material fact is one that may influence an underwriter's judgement in the consideration of your proposal. If your proposal is a renewal, it is likely that any change in facts previously advised to the Company will be material and such changes should be highlighted. If you are in any doubt as to whether a fact is material you should disclose it.

I/We declare that the statements and particulars contained in the proposal are true and that I/we have not misstated or suppressed any material facts. I/We agree that this questionnaire together with any other information supplied by me/us shall form the basis of any contract of insurance effected thereon. I/We undertake to inform the Company of any material alteration to these facts occurring before completion of the contract of insurance.

Signature
(Partner/Director)

Date

On behalf of*

*insert name of Firm





TYSERS

PROFESSIONAL INDEMNITY

Project Management/Project Co-Ordination

Questionnaire

Surveyors/Estate Agents

Appendix 2

Since 1820



Tyser & Co Limited, UK Corporate Risks Division
12 Camomile Street, London EC3A 7PJ
Tel: +44 (0)20 3037 8000 Fax: +44 (0)20 3037 8010



See Question 10(d), (e) and Note 10

For each activity, please show details of the 5 largest projects in which the Firm(s) has been involved:

(A) Project Management

	Start Date	Approx Completion Date	Type of Project	Total Contract Value	Total Fee Income Retained	Total Fees Paid to Consultants under appointment via the Firm(s)
1.						
2.						
3.						
4.						
5.						

(B) Project Co-Ordination

	Start Date	Approx Completion Date	Type of Project	Total Contract Value	Total Fee Income Retained
1.					
2.					
3.					
4.					
5.					

(C) Please give details of the 3 largest projects where construction is likely to commence in the coming 12 months

	Start Date	Approx Completion Date	Total Contract Value	State Professional Services Provided to Date
1.				
2.				
3.				

