

LIST OF FREQUENTLY ASKED QUESTIONS

A selection of the most Frequently Asked Questions (FAQs) put to the Third Age Trust office by u3a members are listed below:

1. What does the Charity Commission have to do with u3a?

All u3as are charitable organisations.

The committee members are therefore trustees.

Trustees should be aware of and comply with charity law.

2. What are the three main principles all u3as agree to?

The Self-Help Learning Principle

The Third Age Principle

The Mutual Aid Principle

ABOUT THE THIRD AGE TRUST

3. Who are its members?

Each u3a is a member of the Trust **not** individuals.

4. How is the Board of Directors made up?

The Board of Directors is made up of 12 trustees and three officers who are the Chairman, Vice Chairman and Treasurer. They work to ensure good governance, drive strategy and engender innovation.

5. How are they elected?

The Board of Directors is elected by the u3as in each Region or Country. The three officers; Chairman, Vice Chairman and Treasurer are elected by the whole u3a membership.

6. What did we sign up to when our u3a became a full member of the Third Age Trust?

As a full member of the Trust, a u3a agrees to:

- Follow the Guiding Principles of the u3a movement.
- Operate in accordance with its Trust-approved constitution.
- Abide by the legal requirements of the Charity Commission in England and Wales; the Office of the Scottish Charity Regulator or the Northern Ireland Charity Commission.
- Pay the stated membership subscription.
- Accept the Articles and Memorandum of Association of the Trust and act in accordance with them and any resolution passed at a General Meeting of the Trust.
- Provide the Third Age Trust Office with its membership numbers, full details of elected officers and any other information requested.
- Conform to the rules regarding the use of the u3a trademark.
- Encourage and assist in every way possible, the formation of new u3as in neighbouring areas so that u3a membership is available to all who want it.

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GROUPS AND SPEAKERS

7. Can we pay tutors?

It is not within the ethos of u3a movement to do so as there should be no distinction between those who learn and those who teach. u3a is “by the members, for the members”.

8. We are about to set up an investment group. Is this compatible with a u3a’s “charitable” objects/purposes?

A “fantasy” investment group is educational and therefore acceptable, but any trading must take place outside u3a.

9. I am a Blue Badge guide and also a member of u3a. I give talks to u3a members. Can I charge a fee?

No money is to change hands between members of the u3a.

10. We have a very large science and technology group that handles a lot of money for outings etc. They are thinking of having their own bank account. Can they go ahead?

No. Although there is no limit to the number of bank accounts a u3a can hold, they must all be under the full control of the Executive Committee and not an individual group account.

CHARITY COMMISSION

11. Are we a charity?

All u3as, as members of the Trust, have charitable constitutions with charitable objects/purposes based on the model provided by the Trust. In England and Wales, all u3as are charitable organisations whether registered or not and are subject to charity law. In Scotland, u3as which choose not to register with the Office of the Scottish Charity Regulator (OSCR) still have charitable constitutions but are not allowed to describe themselves as charities or use the term charitable in their constitutions. It is expected that the position in Northern Ireland will be the same as in Scotland.

12. Can we use the Third Age Trust’s charity number?

It is against the law for a u3a to use the Third Age Trust’s charity number.

13. When do we have to register as a charity ourselves?

It is mandatory to do so in England and Wales once your income exceeds £5,000. In Scotland if you wish to refer to your u3a as a charity, you have to register immediately. It is expected that the position in Northern Ireland will be the same as in Scotland.

14. Do we have to be registered to apply for Gift Aid?

You do if you are legally required by your regulatory authority to be so. In addition, if you wish to apply for gift aid you have to obtain recognition as a charity for tax purposes from HMRC by completing a ChV1 application form.

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15. Do we have to have our accounts audited?

Every charity, even if it is not registered with the Charity Commission needs to keep accounting records and produce annual accounts.

Accounts may be in receipts and payments or accruals and prepayments format but must be in accruals and prepayments format where gross receipts (turnover) exceed £250,000.

Many U3A constitutions stipulate whether or not the statement of accounts should have an independent examination or audit. Where this is not stipulated an independent examination is required where the turnover exceeds £25,000.

When turnover exceeds £250,000 the independent examiner must be a member of one of the recognised accounting bodies.

An audit may be required where turnover exceeds £250,000.

16. Do we have to submit accounts to the Charity Commission?

- **Less than £5,000** - there is no requirement to register with the Charity Commission although as a charity the u3a must still comply with charity law. The u3a needs to register if it wishes to claim Gift Aid or be recognised as a charity by HMRC.
- **Over £5,000** - the u3a must register with the Charity Commission and produce a Trustees' Annual Report.
- **Up to £10,000** - the u3a must submit an annual update and report total income and expenditure.
- **Over £10,000** - the u3a must submit an annual return within 10 months of the end of the financial year including information from the annual accounts and Trustees' annual report.
- **Over £25,000** - the u3a's annual accounts must be independently examined or audited; these form part of the annual return and must be filed within 10 months of the year end.
- **Over £250,000** - more stringent rules apply. Accounts must use the accruals basis and they must be subject to independent examination or an audit may be required; these form part of the annual return which must be filed within 10 months of the year end.

FINANCE

17. It is getting harder to pay for theatre tickets etc. with cheques. Is it safe for me to pay for these with my personal credit card?

It is up to each u3a committee to decide what its policy is with regard to the purchase of theatre tickets and to have safeguards in place, but the practice is not recommended because of the potential risk should a supplier go into administration. In this situation, it is possible that only the proportion of the payment pertaining to the individual would be covered rather than the full debt, because of the use of a personal credit card for a group booking. Some banks are now allowing debit and credit cards on charity accounts, but it is important that trustees of a u3a set a clear policy for use which incorporates strict controls.

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18. Some banks are now accepting just one signature on cheques on charity accounts. Is this acceptable?

Your u3a has adopted a model constitution provided by the Trust and it will contain a clause which makes two signatories on a cheque the norm. This follows the recommended best practice for charities and both safeguards the u3a committee and secures members' money.

19. Can a u3a make donations to other charities?

A one-off donation to a charity at the request of an external speaker, does not contravene any rules on payments to other charities, because it is in lieu of a fee. It is also acceptable to arrange a small fundraising event in support of a local charity, providing it is clearly stated that all monies raised will be going to that charity. The money raised must not, under any circumstances, be passed through a main u3a bank account. Ideally, the money collected should be handed directly to the charity or, if this is impractical, one of the officers on the committee should bank the cash and send a cheque to the charity, requesting a receipt.

20. My u3a does not have a policy on contribution to petrol costs when driving members in my car to u3a meetings. Are there national guidelines on this?

No. As all u3as are operationally independent, it has to be a committee decision, but The Trust recommends that u3as adopt a policy in order to ensure a consistent and fair approach. It is helpful for committees to have a "policy book" to be used as a reference document. Details of when the decision was taken and the decision itself should be recorded and updated when necessary.

21. Does the subscription I pay to my u3a, allow me to go to any u3a when, for instance, I am on holiday, or to attend another u3a's interest group?

There is no automatic right to attend another u3a, because all u3as are operationally independent and decide on a subscription based on their individual expenses. If you are going on holiday, contact the local u3a's membership secretary and ask if you can visit. If you are interested in activities in a local u3a, find out from your committee whether there is a reciprocal arrangement in place, which allows an interchange of members. This is not always the case.

22. I have joined a second local u3a but have been asked to pay a second subscription. Is there a national policy on payment of subscriptions in such an instance? Surely, I should only pay one capitation.

The Trust does not require the payment of more than one membership subscription for each u3a member. If a member can show that their Trust membership subscription has already been paid to the Trust by another u3a, then it is recommended that the membership fee is reduced to reflect this. These members would then be omitted from your declared membership figures when you pay your annual return in April.

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INSURANCE

23. Does our Public Liability Insurance cover us when we are involved in any u3a activity?

Almost all u3a activities are covered, but activities in any craft with an engine are excluded. In addition, if you are contemplating using machine/power tools or participating in potentially hazardous activities like abseiling, white water rafting, quad biking etc consult the Third Age Trust Office in advance.

24. Are group leaders covered by the Trust's Third-Party Liability Insurance should there be an incident in their group?

Yes, providing there is no illegality involved!

25. Does the Trust provide personal accident insurance?

No.

26. I understand that when serving as a member of my u3a committee in any capacity, I am a Trustee. Is there an insurance covering me?

Yes. Charity Indemnity Insurance provides indemnity for the legal liability of a trustee or the charity for loss which results from a wrongful act when carrying out the duties of a trustee and for investigation costs. Also, indemnity for the legal liability of a trustee or the charity for the physical destruction of or damage to documents and for any reasonable cost incurred as a result of restoring or replacing the documents.

27. My u3a owns quite a lot of equipment. Is there an insurance to cover these goods and do we pay extra for it?

The Third Age Trust provides each u3a with All Risks Equipment Insurance cover for up to £25,000 worth of equipment, free of charge.

28. What is the situation regarding the hire of a hall where the contract with the hall hirers appears to make the u3a responsible for all loss and damage?

This is not correct as any damage or injury proven to be caused by a defect in the property and/or the facilities is the responsibility in law of the building owner. You should bring this to the attention of the person handling the hire and ask for the clause to be removed. If that fails, our insurers say that you can sign the contract because the clause is unenforceable.

HOLIDAYS

29. I organise holidays for my u3a. Am I covered if anything goes wrong?

There is no insurance cover for members who arrange holidays. You must book holidays through a bonded travel agent/tour operator. Travel/Holiday insurance may be offered or included in your holiday arranged by your travel agent/tour operator or personal travel insurance can be taken out.

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30. What is Tour Operators' Liability Insurance then?

The Trust's Tour Operators' Liability Insurance covers a group leader/co-ordinator who wants to arrange a short study trip for his/her u3a involving overnight accommodation — i.e., it has to be study group specific and educational.

OUTINGS

31. I organise outings for my u3a. Is it acceptable for me to fill the empty seats on the coach with non-members to defray costs?

On an occasional basis and with prior committee approval, there is no problem. It is not acceptable, however, for the same non-member to attend u3a events regularly, with the exception of a carer accompanying a member. Should a non-member be allowed to attend u3a activities on a regular basis, the u3a might find itself without liability cover, should that non-member be involved in an incident. This is a flexible policy but it must not be abused. It is advised that a list of all travellers be left with a member of the committee who is not travelling, so that in the case of an accident, someone holds a comprehensive list. All members and guests should carry ID with them (e.g., medical card, which can be bought from the Third Age Trust Office).

THIRD AGE MATTERS

32. My u3a has opted not to take Third Age Matters but I would like to receive it. Is there any way I can do this?

Yes. Third Age Matters (TAM) is the magazine of the Third Age Trust which all members of a u3a are eligible to receive. Where a member opts to receive the magazine (at the membership application stage), it is sent five times a year. Administration of the Third Age Matters mailing list is managed by local u3as, who should be contacted with any queries about receiving (or not receiving) the magazine.

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FAQs 33 – 72 inclusive have been copied from the [Third Age Trust's website](#) which can be accessed through your Account Login, then look under 'Support for u3as' followed by 'Keeping it Legal' then Insurance FAQs - u3a-KMS-DOC-021.

PROVISION OF PUBLIC AND PRODUCTS LIABILITY INSURANCE

All u3as which are fully paid-up members of the Third Age Trust have the benefit of the nationally provided public and products Liability Insurance cover. Newly forming u3as are covered by the public and products liability policy as soon as individuals gather with the intention of starting a new u3a, but other policies do not apply until membership is achieved.

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33. What is meant by public liability insurance?

In general, public liability Insurance is intended to indemnify the insured against compensation, which they become legally liable to pay, following injury or property damage sustained to others as a result of an activity. Legal liability to another person can arise in a number of ways but by far the most common is negligence. Public liability does not cover pure accidents where no legal liability has been established.

34. What is meant by product liability insurance?

Product liability protects the policy holder against claims arising from injury or damage sustained by a product supplied by you due and for which you are held legally liable.

35. Does the cover dilute with the number of public liability claims?

The limit of indemnity is £20m for any one claim arising from one incident or a series of incidents with no limit on the amount payable in the aggregate in any one period of insurance.

36. How does this cover apply to Group Leaders/Convenors?

The policy is set up to protect all u3a members, and includes 'member to member' cover so if somebody is injured undertaking a u3a activity and legal liability could be proven against another member, the insurers will deal with it. This means that Group Leaders/Convenors are protected should there be a claim made against them personally for damages following an incident in their group.

37. Is a paid up u3a member covered if participating in u3a activities in other u3as or at events organised within their networks, regions and nationally?

Yes.

38. In the event of a claim under the public and products liability policy who is responsible for covering the excess?

The u3a are responsible for the excess and this applies to all policies.

39. What should we do in the event of an incident?

u3as should not admit liability or fault on the part of themselves or other members (particularly in the event of member vs member claims), even where they believe that this is the case. The insurers reserve the right to make this determination and would have the right to refuse cover if liability/fault had been admitted. In the event of a claim being submitted, it is important to let the Third Age Trust know straight away.

40. Can non-members attend u3a events?

A critical component to insurers accepting the Public Liability risk for the u3a is that it is a membership organisation with all members signing up to, and complying with, the terms and conditions of membership. To this extent all individuals who want to participate in u3a should be members in order this principle is upheld and to avoid any potential problems with claims.

Underwriters do accept that within an organisation the size and diversity of the u3a that there will be exceptions to this principle, the most common scenario being where an individual attends two or three u3a "taster" sessions before deciding if they want to join. Insurers also accept there maybe occasions where an individual volunteers to help the u3a, perhaps a spouse of a partner setting out some chairs for a u3a event

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or helping with an exhibition stand etc. There might also be circumstances where an individual is granted a temporary membership, e.g., an individual who is prepared to give a talk on a subject but does so voluntarily and not in the course of their business.

Temporary membership is at the discretion of the individual u3a, if the constitution allows it, and must not be abused. Regular and widespread deviation does undermine the basis upon which insurers have accepted the risk and could cause problems with a claim and certainly with future placement of the insurance.

Temporary membership must not be afforded in order to fill a coach for a particular trip etc, or granted to a spouse who selects which u3a trips to participate in, or used to boost numbers to get the cost of an activity down etc, etc. If an individual wants the benefit(s) of u3a activity, even just a particular outing, they should become a permanent member.

The public attending a u3a event are different, bring no membership issues of course and are "third parties" to the u3a. Again, insurers understand the u3a across the country will stage various concerts, events & exhibitions etc where members of the public are invited which is fine. Attending a u3a event is different to participating in u3a activity.

PROPERTY/EQUIPMENT

41. Is u3a owned property covered for loss or damage?

It is, up to a maximum of £25,000.

42. Does the public and products liability policy cover against loss or damage to property belonging to others?

The policy protects you against claims made by third parties subject to legal liability. u3a owned equipment is covered under the All-Risks Equipment Insurance section of the policy, which provides cover up to a maximum of £25,000.

43. If a member loses personal property whilst taking part in a u3a activity would it be possible to claim against the public liability policy?

The public liability does not automatically cover loss of property, but if such loss or damage is caused by an act of negligence or omission by the u3a, or any member (other than the member whose property it is), a claim could be made. It should be remembered that household insurance policies often provide cover for the policyholder's property outside the home.

VENUES/ACCOMMODATION

44. If a u3a uses a hall to hold an interest group or run an event, is it covered for public liability?

Yes, subject to the normal test of legal liability.

45. If a u3a uses a member's home to hold an interest group or run a meeting, is it covered for public liability?

Yes, subject to the normal test of legal liability. Injury or damage sustained due to a defect in the property is the legal responsibility of the house owner/occupier and cover is provided under householder insurance.

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46. What is the situation regarding the hire of a hall where the contract with the hall hirers appears to make the u3a responsible for all loss and damage?

This is not correct as any damage or injury proven to be caused by a defect in the property and/or the facilities is the responsibility in law of the building owner. You should bring this to the attention of the person handling the hire and ask that the clause be removed but if you fail to achieve that, our insurers have said that in the last resort, you can sign the contract because the clause is unenforceable.

47. Is there any home contents insurance provided?

Yes, up to £25,000 per claim for damage to any home contents belonging to a u3a member hosting a group.

SAFETY/ACCIDENTS

48. Should we be getting our electrical equipment tested?

Portable appliance testing only applies to electrical equipment at work and in public places. However, the Third Age Trust has issued some guidelines as some u3as rent office space and often equipment is moved around and used by different people, so user checks and visual inspections make sense. It is possible that if you wish to take your equipment into rented accommodation, you may find that it has to have a current PAT sticker.

49. Does the public liability insurance cover the u3a against accidents whilst using machinery, such as power lathes, drills, saws and the like, either owned by the u3a or others?

The public liability insurance does provide cover for your legal liability to others following incidents whilst using machinery whether it is owned by the u3a or others. It does not cover the machinery itself, since in common with other public liability insurance policies, it excludes liability in respect of property within the custody or control of the insured. With regard to potentially hazardous activities using power tools, it is important that you check with the Third Age Trust Office before you set up such an activity.

50. Does public liability cover the u3a against accidents whilst out walking or any other type of outdoor or strenuous activity?

It does, but it is not a personal accident insurance. It is an insurance against legal liability and therefore, it would have to be shown that u3a, its agents or members had in some way been negligent in causing injury to the claimant.

51. What do we do in the event of an accident?

An incident report form, extra copies of which are available for download from members' area of the Third Age Trust website should be filled in by the Group Leader/Convenor and then retained on file by the committee in case of a future claim for damages, which can be up to 3 years later.

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52. Are we required to have trained first aiders within our u3a?

Insurance advice is to contact the emergency services immediately in the event of a serious incident, even if there happens to be a member present who has attended a first aid course.

In terms of First Aiders, in principle this would depend on the result of a risk assessment / checklist which is undertaken for an activity. For example, if the activity is classroom based or of similar low intensity then the risk assessment would presumably find the absence of a first aider tolerable. If the activity involves the use of powered fixed woodworking machinery the risk assessment would likely suggest a first aider is present. Some risk assessments / checklist may be satisfied by access to a first aider being available, e.g., does the venue have its own first aider or perhaps another group using the same facility? Alternatively, perhaps simply dedicating certain members to call 999 may sometimes be appropriate. The important point is that the risk is assessed and addressed appropriately.

St John's Ambulance provides a free pocket guide. In addition, there are some excellent mobile phone apps available e.g., British Red Cross, St John Ambulance and the British Heart Foundation CPR app.

53. Are we required to have a health and safety policy and follow health and safety guidelines?

The relevant legislation is The Health and Safety at Work Act 1974 which does not apply to voluntary organisations. However, while it is not a legal requirement to have a Health and Safety policy, outside of the statutory requirements the u3a has a duty of care to its membership. This means that health and safety needs to be a consideration for general meetings, trips, outings and activities and your u3a will need to demonstrate they have an awareness of what is appropriate in relation to this. The Third Age Trust has a health and safety policy which u3as may wish to consider and adapt to their local requirements.

54. Should we be carrying out risk assessments for any/all of our activities?

You are advised to do so. The Trust has prepared a set of checklists covering outside venues, walking and workshop activities which you may like to use. Please also refer to the information provided on first aid above.

55. If a u3a runs a function and serves meals or light refreshments and someone is taken ill as a result, can a claim be made against public liability insurance?

Public liability insurance will cover this eventuality if you are found to be legally liable.

TRANSPORT/CAR

56. Can u3a members offer lifts to other members and accept money towards petrol costs without compromising their car insurance policy?

Yes. But it is recommended that this is done as an informal arrangement between members.

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57. Does the public liability insurance provide any cover whilst members are travelling in other members' cars or on a coach or minibus?

The question of accidents in motor vehicles is complex. Any accident arising from the driving of a vehicle would fall outside the scope of public liability insurance because motor insurance is an entirely separate matter and such incidents are covered under a motor insurance policy. This would normally include accidents which occur whilst mounting or dismounting a vehicle. However, on a coach where one member is injured by the actions of another member in circumstances which have nothing to do with the vehicle, it may be covered by the public liability insurance.

58. What happens if I parked my car in a recognised car park whilst on u3a activities and it is damaged?

The policy provided is an insurance against the legal liability of the u3a and so any claim would have to prove negligence in some way against the u3a, for example, it would have to be shown that any accident to a parked car, whether in a recognised car park or not, has been occasioned wholly or in part by the negligence of the u3a. This would not normally arise just because the car owner had permission to use a recognised car park at, for example, a local school or village hall. For a claim to succeed against the u3a, the car owner would have to show that he had been led to expect that his property would be protected and would have to show that the u3a or its agents, had been negligent in failing to provide the proper level of protection.

NON-MEMBERS

59. If somebody wants to try u3a out prior to deciding whether to join, is it allowable under our insurance cover?

Yes, it is providing somebody is monitoring the situation and keeps the Group Leaders/Convenors informed, to ensure any attendance by a non-member does not continue indefinitely. It is up to each u3a to decide what its policy is and stick to it.

60. Is it permissible for a non-member e.g., spouse or friend of a member, to attend an interest group, general meeting or outing?

No. With the exception of individuals who are genuinely thinking of joining, individuals who want to enjoy u3a activity need to be a member. The insurance cover provided for you is for u3a members and therefore, should a non-member be allowed to attend u3a activities on a regular basis and be involved in an incident, the u3a might find itself without liability cover.

61. Can u3a members who belong to a walking group take dogs with them?

If the u3a committee is happy for this to happen, the insurance is in place to provide cover. This does not, however, extend to other u3a activities.

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62. If a u3a member needs to bring a carer/companion when attending u3a activities/events, is this permissible under our insurance cover?

Yes, it is, providing the carer/companion does not attend any u3a activities as an individual and committee approval has been given. In fact, should a member not be able to participate independently in u3a activities a carer/companion is essential as it is not acceptable for insurance reasons for the responsibility for care to be left to fellow members unless there is a specific arrangement in place with an individual member who may well be a friend.

63. Can grandchildren attend activities during the school holidays?

No, there is no insurance cover for those who would not meet the criteria for membership.

PAID SPEAKERS/EMPLOYER

64. Do we have any cover for Employers' Liability?

No. The basis of the policy is that u3as do not have any employees. This type of cover is very different to public liability and is in fact compulsory for all employers so you must not get yourselves into a situation where you could be judged as employing people. If in doubt, please consult the Third Age Trust Office.

65. Does this policy provide cover for outside speakers invited to general meetings or on occasions to specific interest groups, whether paid or not?

Yes, it does cover paid speakers at general or interest group meetings but it does not cover paid tutors.

ACTIVITIES

66. Is the public liability insurance cover confined to u3a activities in the UK?

No. Cover now extends to Europe.

67. Do u3a Group Leaders/Convenors need to have a professional qualification to lead physical activity groups?

No, they do not, but the u3a committee should assure itself that the potential Group Leader/Convenor is sufficiently experienced and / or qualified before it allows the group to start.

68. What is the situation with what are commonly described as extreme sports such as abseiling, hang gliding, white water rafting etc?

The company which is organising these activities for you should provide you with liability insurance as part of the fee. If you are in any doubt about this or have any concerns at all, call the Third Age Trust Office for advice before you sign up to do it.

69. What sort of waterborne activities are allowed under our insurance?

The public liability cover allows the use of watercraft up to 8m in length. The requirement for the Group Leader/Convenor to ensure the activity is conducted safely will clearly be more onerous for waterborne activities when compared to most u3a activity.

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70. Do we need to get members to sign in at our monthly meetings and AGMs?

Unless it is a requirement of the venue, it is your decision, based on the practicalities of the situation. If you decide, from a fire risk point of view, to ask members to sign in, do stress the need for them to sign out especially if leaving before the end. In the case of AGMs, you must have the number of people present and it can be useful to have the names, but it is for you to decide.

SPECIAL EVENTS

71. If we want to organise a special event, for example, an arts and crafts fair, are we covered for public liability and for members' exhibits?

It is usually possible to provide cover for these events but please contact the Third Age Trust Office in the first instance in good time.

72. If for any reason, for example, adverse weather conditions, we are unable to proceed with an event do we have any cancellation insurance cover?

Regretfully not.

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Further information on finance and insurance can be found by accessing the [Third Age Trust's website](#). Login to your account, then look under 'Support for u3as' followed by 'Financial Matters' and 'Keeping it Legal'.