



Claims signposting

Public liability property damage settlement basis

Making claims clear



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At AXA, we want to make dealing with us simple and trouble free, so you can get back on your feet as soon as possible after a loss.

We know the last thing you need when you make a claim is to find any surprises in your policy conditions or get tied up in legal language.

We've put this guide together to explain how we decide on public liability claims for damage to third party property, what is and isn't covered, and what you can expect from us if a claim is made.



Public liability property damage settlement basis



What is the basis of settlement?

The basis of settlement is the basis on which we pay claims. Where a third party is claiming against your business for loss or damage to their property, we first need to decide whether you are legally liable for that loss or damage.

If you are, we will normally pay damages based on what is reasonable looking at the facts of the case. In general, the aim is to put the claimant in the same position they would have been in had the incident not occurred.

We'll manage and decide on most claims. However, in some cases, liability and damages will be decided by a court. In all cases, the burden of proof is with the claimant. It is for them to prove their claim and to provide the documentation needed to demonstrate the loss they have suffered.



What's covered?

Covered

- We will cover the damages that you are legally liable to pay for accidental loss or damage to third party property, so long as the loss or damage happened during the period of insurance and was connected with your business.
- We will also usually cover the costs and expenses of the person who's claiming if a court orders you to pay them.

Not covered

- We won't pay if you are not legally liable for the damage caused. If you decide to make a payment to a third party and you're not legally obliged to do so, we won't cover this payment.
- We don't cover situations that are specifically excluded in your policy – check your policy document and make sure you are aware of your exclusions.
- We won't pay any amount above the cover limit set in your policy. If your policy has an excess, this will be deducted from any claim.
- We may not pay a claim, or reduce the amount, if you failed to take reasonable steps to prevent the loss from happening.



What we need to know from you



- Tell us as soon as possible if an incident occurs which could turn into a claim being made against you. The quicker we know, the easier it will be to investigate and gather any evidence needed.
- Send us any correspondence from a claimant or their appointed representative as soon as you receive it.
- Ask your employees or any subcontractors to provide statements if we need them for our investigation.
- Gather and keep any other evidence you think might be useful, such as images from the site of the damage.
- The claims notification and claims procedures condition in your policy give more detail on what you can do to help us. Please read them carefully as failure to provide information could result in your claim being reduced or not being paid.



What we will do



Depending on the circumstances of the case and the information you provide, we might:

- Appoint one of our claims inspectors.
- Ask a supplier, such as a loss adjuster, to investigate the claim in more detail.
- Ask one of our surveyors to help us assess the extent of loss being claimed.
- Ask the claimant to provide details of their allegations and information on the extent of their loss.
- Request full documentary evidence from the claimant to support their loss.

Once we've completed our investigation, we'll assess whether you are legally liable for the damage caused. Then we'll look at all the evidence and decide whether the sum claimed is reasonable.



Get in touch

If you have any questions about this document, please get in touch with your usual AXA contact or your insurance broker.





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