

<b>Insurance Factsheet : Ireland</b>	
<p><b>Member organisation(s):</b></p> <p>RIAI Royal Institute of Architects of Ireland</p> <p><b>Obligation to insure?</b></p> <p>Yes, requirement in the RIAI Code of Conduct</p> <p><b>Legal Obligation to insure?</b></p> <p>No</p>	
<p><b>Commonly used Term and Conditions:</b></p> <p>Section 18 of the Building Control Act 2007 (the Act)</p> <p><b>What are the requirements needed in order to obtain an Insurance?</b> None</p> <p><b>Calculation of insurance premium:</b></p> <p>Includes</p> <ul style="list-style-type: none"> <li>- Based on fee turnover (estimate provided by architect)</li> <li>- Construction costs,</li> <li>- Claims history,</li> <li>- Type of work undertaken</li> <li>- Complexity of work</li> <li>- Financial Market Conditions</li> </ul>	<p><b>Contractual liability:</b></p> <p><b>Liabilities before and/or during the works:</b></p> <p>Yes.</p> <p>In relation to his or her professional services.</p> <p><b>The end of the construction phase as a point of departure for a period of specific liabilities?</b></p> <p>No.</p> <p>Later discovery of defects may prolong the possible claim period under Tort law.</p> <p><b>Liabilities after work:</b></p> <p><b>Harm to the structure (to its soundness or stability):</b> Yes</p> <p><b>Unsuitability for the function:</b> Yes (depends on contract – ‘fitness for purpose’ clause)</p> <p><b>Hidden defects:</b> Yes. 1% rule under Part III of the Civil Liability Act 1961 applies to construction contract dispute claims.</p>
<p><b>Forms of Insurance contract:</b></p> <ul style="list-style-type: none"> <li>- Annual Premium cover for all liabilities in a predefined period</li> <li>- Cover for architect in a specific project</li> <li>- Cover for the all professionals in a project</li> <li>- Latent Defects Insurance for consumer</li> </ul>	<p><b>Joint and several (in solidum) liability:</b></p> <p>Yes, Derogation by contract is possible for parties of equal bargaining power.</p> <p><b>Does the insurer respond to a claims made or claims rising basis?</b></p> <p>Claims made basis</p>

<p><b>Insurances / Agents:</b></p> <p><b>Insurance brokers :</b></p> <p>Include Marsh, Griffiths &amp; Armour, Arachas, Crotty's, McGivern, AON</p> <p><b>Insurers :</b></p> <p>The insurance market generally, eg. Zurich, Newline, Allianz, AIG, ARB, Aquilano Insurance PCC, Liberty, XL Insurance Company, Aviva, Chubb, Berkshire Hathaway Group and Arch</p>	<p><b>Duration of Liability:</b></p> <p>- <b>Professional client:</b></p> <p>Variable.</p> <p>- <b>Consumer client:</b></p> <p>6 years generally.</p> <p>- <b>Liability during and after construction:</b></p> <p>Variable – depends on date of discovery of any Defect under Law of Tort.</p>
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