



PROFESSIONAL INDEMNITY PROPOSAL FORM

THIS PROPOSAL IS FOR A
CLAIMS MADE POLICY

The policy will only respond to claims and/or circumstances, which are first made against the Insured and notified to the Insurer during the policy period. **The policy will not provide cover for:**

- Events that occurred prior to the retroactive date of the policy.
- Claims made after the expiry of the policy period even though the Wrongful Act giving rise to the claim may have occurred during the policy period.
- Claims notified or arising out of facts or circumstances notified under any previous policy or noted on the current proposal form or any previous proposal form.
- Claims made, threatened or intimated prior to the commencement of the policy period.
- Facts or circumstances in your knowledge prior to the policy period, which you knew had the potential to give rise to a claim under the policy.

 011 731 3600  info@sha.co.za  www.sha.co.za

 The Pavilion, Wanderers Office Park, 52 Corlett Drive, Illovo, 2196

Santam is an authorised financial services provider (FSP 3416), a licensed non-life insurer and controlling company for its group companies.

a division of
 **Santam**

DISCLOSURE

You must disclose to the Insurer all information which is material to it in deciding whether to issue insurance cover to you, including any facts or conduct which might lead to a claim being made against you. Failing to do so could affect your rights to indemnity.

If you do not understand any part of this document, please contact your Broker BEFORE YOU SIGN IT. You will be bound by the answers, which are given, and by the information provided by you in this proposal form. It is in your interest to make sure that all information is correct and properly understood.

When in doubt, disclose.

ATTACHMENTS

Please consider attaching the following to aid our underwriters in conducting a fair risk assessment and to ensure they better understand your business and insurance needs:

| | |
|---|--|
| Company brochure/ additional information | CVs for all principals |
| Claims information (if relevant) | Business plan for start-ups / new entities |
| Standard contract / engagement terms and conditions | Audited financial statements |
| Copy of expiring policy schedule to maintain retroactive cover (if transferring from another insurer) | |

Please attach details where there is not enough space on the declaration form

1. DETAILS OF PROPOSED INSURED

1.1 Please provide the following details:

Insured / practice name (please ensure this matches the CIPC registration documentation)

Previous legal and trading names of the insured

Postal address

Physical address

Contact person

Tel number

Fax number

Email address

Website

Company registration number

VAT registration number

Policy holder protection data (compulsory)

- a) Is the insured's annual turnover or asset value **less** than R 2 000 000? NO YES
- b) What is the present legal constitution of the insured company?

Sole practitioner

Limited Co.

Partnership

Closed corp.

Incorporated Co.

Date of commencement of practice / business

As currently constituted

As initially established

1.2 Are any branches of the Proposed Insured located outside of South Africa?

NO YES

If YES, please provide the following details

| Legally registered name of the branch | Territory / country | Business activities | Fee income | Details of local / in-territory insurance |
|---------------------------------------|---------------------|---------------------|------------|---|
|---------------------------------------|---------------------|---------------------|------------|---|

1.3 Names and qualifications of principals / partners / directors / members as applicable

| Name | Qualifications | Date qualified | How long principal in this practice |
|------|----------------|----------------|-------------------------------------|
|------|----------------|----------------|-------------------------------------|

1.4 Staff breakdown/compliment

| Category | Number |
|----------|--------|
|----------|--------|

Directors / principals

Fully qualified professional staff (please elaborate on specific categories)

Non-profession staff (please elaborate on specific categories)

Interns / graduates / learners

Administrative staff

Support staff (cleaners, security guards etc.)

Total

1.5 Is the practice or any of the principals / directors / partners connected or associated (financially or otherwise) with any other firm, company or organisation?

NO YES

If YES, please provide full details

1.6 Is the Practice or any of the principals / directors / partners engaged with any other person / practice in a single project partnership or a consortium or group practice?

NO YES

If YES, please provide full details

1.7 Do you belong to any regulatory or voluntary professional bodies/associations?

NO YES

If YES, please provide full details

2. DETAILED BUSINESS DESCRIPTION

For the following industries an additional annexure is required to be completed:

- | | | |
|---|-----------------------------|---------------------------------|
| a. Built environment (engineers, architects, project managers, quantity surveyors etc.) | b. Legal practitioners | e. Estate agents and valuers |
| | c. Accountants and auditors | f. Loss adjusters and assessors |
| | d. Multi-media | |

Please provide full details of all activities involved in (if engaged in multiple disciplines, please provide a percentage split – total must add up to 100%)

3. FEE INCOME (AS AT THE COMPANY'S FINANCIAL YEAR END)

3.1 What is the date of the company's financial year-end

3.2 Please declare audited fee income figures for the last five completed financial years (which must include contingency fees and fees paid to sub-contractors):

| Year end | 2019 (actual) | 2020 (actual) | 2021 (actual) | 2022 (actual) | 2023 (actual) | 2024 (estimate) |
|----------|---------------|---------------|---------------|---------------|---------------|-----------------|
| Fees | R | R | R | R | R | R |

4. BUSINESS CONDUCTED OUTSIDE SOUTH AFRICA

4.1 Do you or your firm do any business for your clients in any other countries?

NO YES

| | | |
|---------------------|-----------|------------------------|
| Territory / country | % of fees | Largest contract value |
|---------------------|-----------|------------------------|

4.2 Does this Practice undertake any work whatsoever where the "end product" of such work is carried out in territories other than South Africa?

NO YES

| | | | |
|---------------------|----------------------|------------|---|
| Territory / country | Business end product | Fee income | Details of local / in-territory insurance |
|---------------------|----------------------|------------|---|

4.3 Do you or your firm do any business for your clients in North America or any other countries / states governed by their laws?

NO YES

If YES, please provide the following details:

a) What percentage of your fees are attributable to these activities?

b) Do you have physical offices in these areas?

NO YES

If YES:

i) Under who's management and control are these offices?

ii) Is there any foreign shareholding in these offices and if so what percentage?

NO YES

Percentage

iii) Do you give any advice relating to the laws of these countries?

NO YES

If YES, provide full details

5. QUALITY AND RISK MANAGEMENT

5.1 Contract management

5.1.1 If the contract is larger and/or longer than standard projects usually undertaken by the firm, advise how the project will be / was managed from a risk management perspective

5.1.2 Do you ensure that contracts are in place for every project and that these are signed by all relevant parties prior to commencement of the project?

NO YES

If NO, please provide full details on how contractual obligations are then agreed upon and recorded

5.1.3 Do you ensure that any amendments to any project or part thereof is in writing, vetted and signed by all relevant parties prior to implementation?

NO YES

If NO, please provide full details on how contractual obligations are then agreed upon and recorded

5.1.4 Do you ensure that all contracts that are wide of your standard trading conditions are vetted by an expert / legal advisor / attorney / legal practitioner?

NO YES

If NO, please provide full details

5.1.5 Do you ensure that a limitation of liability clauses is included in **all** your contracts?

NO YES

If YES, please provide full details

If NO, please provide full details

5.1.6 Do you make use of sub-contractors?

NO YES

If YES,

- a) What percentage of your fees are paid to sub-contractors?
- b) What activities would you typically appoint sub-contractors for?

c) What is your vetting and selection process for the appointment of sub-contractors?

d) Where the activities are different to your business, will they be liable to your client / the employer directly or will you be liable?

e) Do you require them to have professional indemnity cover in place?

NO YES

If YES, what limit do you require them to carry?

5.1.7 Do you currently have any active joint ventures?

NO YES

If YES,

a) Do you always make use of a written contract with your joint venture partners?

NO YES

If No, please provide full details on how contractual obligations are then agreed upon and recorded

b) Do you ensure that all partners maintain adequate Insurance for their services?

c) Are the fees declared in section/question 3 inclusive of fees earned from joint ventures?

NO YES

d) Please complete the table below in respect of active joint ventures

| Legal name of joint venture | Date of establishment | Your equity participation | Your fees earned from the joint venture |
|-----------------------------|-----------------------|---------------------------|---|
| | | % R | |
| | | % R | |
| | | % R | |
| | | % R | |
| | | % R | |

5.1.8 Do you have a peer review process in place

NO YES

If YES, please attach or specify the details

5.2 Please provide details of any other projects of an unusual or special nature (outside the normal scope of business) or with a total contract value in excess of R 500 000 000

5.3 Please state the 5 largest contracts commenced during the past 6 years

| Country | Starting date | Scope of services | Total contract value | Approximate completion date |
|---------|---------------|-------------------|----------------------|-----------------------------|
| | | | R | |
| | | | R | |
| | | | R | |
| | | | R | |
| | | | R | |

5. Applicable to limited companies only – do your charges accord with the scales sanctioned by the professional body in the field in which you are engaged?

NO YES

If NO, please state on what basis/scale you charge for your services

6. ARTIFICIAL INTELLIGENCE (AI)

6.1 Do you currently make use of any form of AI in your business?

NO YES

If NO,

6.1.1 Do you intend on implementing the use of AI in the next 12 months?

NO YES

If YES,

6.1.2 Which type of AI tools do intend to make use of?

| | | | |
|---------------------|-----------------------|------------------------|---------------------------|
| Research | Information gathering | Filtering data | Data analysis |
| Document generation | Virtual assistant | Chatbots | Marketing and advertising |
| Generative design | Anomaly detection | Other (please specify) | |

6.1.3 What is your due diligence protocol to ensure that the information generated from AI is accurate and correct?

6.1.4 type of AI tools do you make use of?

| | | | |
|----------------------------------|-----------------------------|--|------------------------|
| Chat GPT or other open platforms | In-house developed AI tools | Third party systems designed for your profession | Other (please specify) |
|----------------------------------|-----------------------------|--|------------------------|

6.1.5 To what extent do you make use of Chat GPT or other open platforms to carry out any professional services?

7. CLAIMS EXPERIENCE

7.1 Other than circumstances / claims / incidents which may result in any possible claims, already notified to sha, have any claims ever been made against the proposed insured / partners / directors / members or employees for the type of cover for which you are now applying, whether in terms of this proposal or any other proposal / policy for the same type of cover? NO YES

If YES, please provide / attach full details including but not limited to the following:

- | | |
|---|--|
| 1. Date of loss | 4. Current status of the matter |
| 2. Quantum | 5. Loss ratio and full claims history from current insurer (if applicable) |
| 3. Description of the matter / circumstances which brought about the incident / claim | |

7.2 **After enquiry**, are any of the proposed insured / partners / directors / members or employees aware of any circumstances which could be covered under a policy of this type, that may result in any claims, or any possible claims being made against them? NO YES

If YES, please provide / **attach** full details:

8. DETAILS OF INSURANCE

8.1 Are you at present or have you in the past been insured for professional indemnity? NO YES

If YES, please provide the following details and attach a copy of the Policy (please note the details of all policies if there is more than one in place):

Name of broker

Name of insurer

Date cover expires/d

Expiry of "run-off" cover (if any)

Limit of indemnity

Deductible / excess applicable

Annual premium

8.2 For the type of Insurance now being proposed, has any Insurer ever:
a) declined a proposal or renewal for this practice or any partner / principal? NO YES

b) required an increased premium or imposed special terms? NO YES

c) cancelled an insurance? NO YES

If yes, please provide full details:

8.3 Do you require cover in respect of any liability incurred but not discovered prior to the effecting of this insurance at a single premium to be negotiated (Retroactive cover)? NO YES

9. QUOTATIONS REQUIRED

Kindly advise what limits you would like terms for:

| Limit any one period of insurance | Deductibles |
|-----------------------------------|-------------|
| R | R |
| R | R |
| R | R |

(Note: Limit any one period of insurance is inclusive of costs and expenses)



SHA^o
risk specialists

PROFESSIONAL
INDEMNITY PROPOSAL
FORM
ADDENDUM FOR
LEGAL PRACTITIONERS

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1. APPROXIMATE PERCENTAGE OF ESTIMATED GROSS INCOME ACCRUING FROM VARIOUS ACTIVITIES

| Activity | Percentage |
|--|-------------|
| Conveyancing | |
| M.V.A | |
| National housing board | |
| Sequestrations | |
| Business recovery / rescue | |
| Intellectual property | |
| Commercial constitutional | |
| Commercial | |
| Probate | |
| Deceased estates | |
| Curatorships | |
| Criminal | |
| Labour | |
| Matrimonial | |
| Medical malpractice litigation for defendant | |
| Medical Malpractice litigation for plaintiff | |
| Other activities (please provide full details) | |
| Total | 100% |

2. LPIIF (LEGAL PRACTITIONERS INSURANCE INDEMNITY FUND)

2.1 Do you have cover under the LPIIF

NO YES

2.2 Please provide the following detail in respect of cover your firm obtains from the Legal Practitioners Insurance Indemnity Fund (LPIIF) Professional Indemnity Scheme:

Limit: R

3. PLEASE STATE THE APPROXIMATE PERCENTAGE OF YOUR WORK WHICH IS CARRIED OUT IN

| Chambers | % | Court | % |
|----------|---|-------|---|
| | | | |

4. REAL ESTATE AND BOND SERVICES

Please indicate whether your Practice includes:

- | | | |
|---|----|-----|
| a) Insurance, building society agencies, real estate, co-operative society and / or similar commercial agencies | NO | YES |
| b) The provision of investment, mortgage of bail bond services | NO | YES |
| c) The provision of investment advice as distinct from investment services | NO | YES |
| d) Any other activity not generally engaged in by legal practices in South Africa? | NO | YES |

If YES to any and if cover is required in respect thereof, please specify each such activity. Indicate the Principal(s) primarily responsible and the approximate contribution of the particular activity to gross annual fee income.

| Principal | Activity | Approximate contribution | Gross annual fee income |
|-----------|----------|--------------------------|-------------------------|
| | | R | R |
| | | R | R |
| | | R | R |

5. INTER PARTNERSHIP ARRANGEMENTS

- 5.1 Do you have any inter-partnership arrangements with other legal practitioners, or firms of legal practitioner's? NO YES
- 5.2 If YES, do these firms carry out work in the name of your firm or vice-versa? NO YES
- 5.3 Do they have professional indemnity cover in place and if so for what limit? NO YES R
- 5.4 If they carry out work in your name, please submit a declaration from them that their partners are, **after enquiry**, not aware of any circumstances which may result in any claim being made in connection with work undertaken on your behalf.

6. TRUST MONEYS

6.1 In respect of trust money, please indicate the amount of trust money held at the financial year end for the last three years.

| Year end | Amount held in trust | Year end | Amount held in trust |
|----------|----------------------|----------|----------------------|
| | R | | R |
| | R | | R |

- 6.2 At what intervals are trust money balances checked by:
- an internal audit of one of the partners?
 - an audit by the firm's auditors?
- 6.3 What is your due diligence / verification protocol in respect of changing banking details and payment requests and verifying the authenticity of such requests?
- 6.4 Can the loading / changing of banking details and payments be undertaken by the same individual and/or do they have a mandate to do so?
- 6.5 Are second signatories / authorities required for changing of banking details and payments?

6.6 How many staff members have transactional access to the trust account?

6.7 What amount of fees do you earn from these services?

7. QUOTATIONS REQUIRED

7.1 Kindly advise what limits you would like terms for:

| Professional Indemnity (limit VAT inclusive) | Misappropriation of trust funds (limit VAT exclusive) |
|---|--|
| R | R |
| R | R |
| R | R |

DECLARATIONS

- I/we declare that after proper enquiry the statements and particulars given above are true and that I/we have not miss-stated or suppressed any material fact.
- I/we After enquiries have been made of all Partners/Principals and staff, it is confirmed that no claims have been made against us and that no circumstances, which may give rise to a claim being made against us, have become known to us.
- I/we agree that there are no material changes to the information contained in the Clinical Trial Proposal Form previously submitted to insurers.
- I/we agree that there are no material changes to the information contained in the Clinical Trial Protocol and informed consent previously submitted to insurers.
- I/we undertake to inform Insurers of any material alteration to these facts occurring before the completion of the contract.

Signed on behalf of insured

Full name

Position held at insured

Date

PROTECTION OF PERSONAL INFORMATION ACT

We understand that the information provided in this application for insurance and all documentation provided with it may be deemed to be personal information in terms of the Protection of Personal Information Act 2013 (the POPI Act) and we will accordingly take all reasonable steps to ensure that your information is processed / used / stored in accordance with the POPI Act and for the following purposes:

- To verify the information disclosed herein against any other source;
- To communicate with you directly should you request us to and in accordance with relevant regulatory requirements;
- To compile non-personal statistical information to assist in assessing similar risks;
- To assess the risk to be underwritten and, if a Policy of Insurance is issued pursuant to and based upon such information, to use the disclosed information at claims stage to assess any claims that may be made against any such Insurances;
- To transmit your personal information to any affiliate, subsidiary, service provider/consultant/advisor or re-insurer so that we can provide insurance services to you and to enable us to further our legitimate interests including statistical analysis, reinsurance and credit control;
- To combat insurance fraud and properly evaluate risks, we will store your personal information on a shared database created by the South African Insurance Association (SAIA) in order to verify it against available sources and databases on the system.

Personal information of minors (complete if applicable)

If any information provided herein relates to a Minor (i.e. a child under the age of 18) we require that a competent person (parent/legal guardian) provide consent to the processing of such information for the above purposes and for any purpose that is compatible therewith.

I,
(full name of competent person), hereby provide my consent to the processing of any information provided herein relating to

(name of minor whose personal information is disclosed herein) for the purpose as disclosed above. I further understand that I have the right to withdraw this consent at any time but that this may mean that any insurance issued pursuant to this application may be terminated and/or that any claims issued against such insurance may not be able to be finalised.

Further disclosures

Please note that there may be instances where we will be required to transfer your personal information outside South African borders, generally for purposes of furthering the Insurer's legitimate interests regarding reinsurance or for the processing of any claim that arises outside South African borders. However, before transferring your personal information, we will ensure that the entity to whom the information is being transferred is subject to similar data protection conditions as those imposed by the POPI Act failing which we will advise you accordingly and request your consent to transfer information as required.

Note that the provision of the information required/requested herein is mandatory as it is necessary for us to accurately underwrite the insurances, which you are hereby applying for, and if any information is withheld or is misrepresented the Insurer may be entitled to void any insurances issued pursuant to this application.

Although any insurance issued pursuant to this application will be reviewed annually (where appropriate) it is your responsibility to ensure that the information provided to the Insurer remains accurate and up to date, we therefore encourage you to contact us at any time to advise us of changes to the information provided.

In addition, you may contact us at any time to exercise the following rights that you have in terms of the POPI Act (subject to any regulatory obligations placed on us/Santam Ltd):

- To request that we provide you with access to your personal information held/processed by us;
- To request that we erase or correct the your personal information that we hold (where appropriate/possible);
- To request that we transfer any personal information held by us to you or to any other person/system selected by you in a structured, commonly used and machine-readable format;
- To request that we restrict the processing of your personal information for reasons provided for in the POPI Act.

Should you wish to lodge a complaint regarding our compliance with the POPI Act or in respect of the processing of your personal information, please contact the Santam Client Care department (contact details below):

Email: complaints@santam.co.za
Telephone: 0860 102 725
Fax: (021) 915 7434

Alternately, you also have the right to approach the South African Information Regulator (contact details below) should the above process not adequately address your concerns.

Email: complaints.IR@justice.gov.za
Postal address: PO Box 31533
Braamfontein, Johannesburg, 2017

Physical address:
JD House, 27 Stiemens Street
Braamfontein, Johannesburg, 2001