

## TOP 10 D&O INSURANCE CONSIDERATIONS FOR A FUND

It's important to know all the considerations when purchasing Directors' and Officers' Liability Insurance for the Fund and its Directors. It is easy to feel overwhelmed and pressured with all the different information and policy providers out there.

We've summarised ten key consideration areas we get asked about, so you can feel confident you know what your policy covers when you become a BMS client.

**1. Is the policy structured so that it removes the requirement for Directors or Officers to pay retentions (policy excesses), when no indemnification is available from the Fund?**

Our policy provides this coverage. In fact, there are no retentions (policy excesses) under our policy, regardless of whether the Fund is obligated to indemnify the directors or not.

**2. Does the policy provide the option of full Legal Liability / Corporate Entity insurance?**

This is provided as standard at no additional cost on our policies.

**3. Does the policy remove all Conditions Precedent language which can materially affect the coverage available to directors?**

Yes, under our policy there is no conditions precedent language.

**4. Does the policy contain a priority of payments condition which states the directors of the Fund should be paid first?**

Yes, our policy provides this confirmation.

**5. Does the policy include an additional limit for Non-Executive Directors? Typically, this is provided as a new, separate limit of liability for non-executive directors when the original policy limit is exhausted.**

We don't discriminate here and provide an additional limit under our policy for all directors, with no extra premium payable for this.

**6. Does the policy have a wide definition of Director/Insured Person?**

Our policy is wide and extends the definition of Insured Person to Directors, Officers, Members and Employees.



**7. Does the policy contain a Professional Services exclusion, and does it apply only to the Fund rather than the directors?**

You'll be glad to hear that our policy doesn't have this exclusion at all.

**8. Does the policy respond to claims which have a cyber aspect to them?**

Yes, cyber is very topical and our policy responds and specifically affirms the protection via a Cyber Liability extension.

**9. Does the policy have a wide definition of Claim?**

Yes, our policy extends the definition of Claim to include any civil or criminal proceeding.

**10. Does the policy contain Investigations Cover?**

Our policy goes above and beyond by eliminating the common exclusion found in this extension. Some other policies typically intended to remove coverage when a regulator is conducting an industry-wide investigation, but this is not the case for our policies.

If you have any questions or want more information, please contact a member of the BMS team using the details below.

**Drew Harvey**

+44 (0)7765 745 294

drew.harvey@bmsgroup.com

**Dominic Kennedy**

+44 (0)7385 939 064

dominic.kennedy@bmsgroup.com

**Priscilla Osibona**

+44 (0)7876 745 632

priscilla.osibona@bmsgroup.com

**For more Information on Fund D&O insurance and our portal visit [bmsgroup.com/fund-do-insurance-portal](https://bmsgroup.com/fund-do-insurance-portal)**

---

This is a marketing communication.

BMS Group Ltd is authorised and regulated by the Financial Conduct Authority, Firm Reference Number 309686, One America Square, London EC3N 2LS. Registered in England 1479949. Accredited Lloyd's Broker

BMS Finpro Ltd is an appointed representative of BMS Group Ltd which is authorised and regulated by the Financial Conduct Authority. Firm Reference Number 967912