

# MARDEN'S CLUB & MARDEN'S CLUB LTD DECLARATION

**By signing below and in consideration for Marden's Club Ltd allowing me to compete in its races and participate in race training I understand, accept and agree the following.**

## **RULES, REGULATIONS & PROCEDURES**

I acknowledge that whilst I am a member of Marden's Club all races and events are organised by Marden's Club Ltd not The Marden's Club and that neither Marden's Club nor Marden's Club Ltd are qualified to express an opinion that you are fit or able to safely participate in the race.

I further acknowledge that all the races and race training organised by Marden's Club Ltd take place in the canton of Graubünden in Switzerland and as such shall be governed by Swiss law.

I understand and accept that my participation at any race or race training event is subject to my acceptance of all rules applicable in connection with such event. I therefore agree to be submitted to such rules, regulations and procedures and to the jurisdiction of the bodies which are in charge of applying them.

While most Marden's races are run down designated race pistes and set by Davos Klosters Mountains or the local ski school, some events (such as the Marathon and the Ingram Family Race) are run on the open pistes. In such events all competitors must comply with the 10 FIS Rules for Conduct<sup>1</sup>. These are highlighted at the tops and bottoms of many of the lifts and are also available on the Marden's website.

Skiing involves an element of risk which all participants must accept as inherent in the sport. Accordingly, you must take responsibility over your own actions and decisions and that of your Dependants, particularly with regards to speed, choice of route and overtaking when skiing on the mountain.

In particular you must:

- always wear a helmet,
- have appropriate winter sports insurance to cover you for amateur racing,
- not participate if you are pregnant or under the influence of alcohol or non-prescription drugs,
- follow any safety warnings or instructions displayed or given to you (whether orally or in writing) by Davos Klosters Mountain, the local ski club or Marden's Club Ltd organising the race or race training (as the case may be),
- ensure that (where applicable) you always follow the designated route set for each race.

Photographs of the race may appear in the Club Review, Club website and the Klosters local press. Wherever possible the names of junior racers will not be used except with the consent of the parent/guardian of the racer.

## **ACKNOWLEDGEMENT OF RISKS**

I am fully aware and conscious of the potential risks involved in competition skiing activities and of the risk caused by speed and gravitational forces, be it during training or during the actual competition. I recognize that there are risks linked with the attempt to achieve competitive results which requires me to stretch my physical abilities. I also know and accept that the risk factors include environmental conditions, technical equipment, and atmospheric influences as well as natural or manmade obstacles. I am further aware that certain movements or actions cannot always be anticipated or controlled and therefore cannot be avoided or prevented through safety measures.

Consequently, I know and accept that when I engage in such competitive activities, my physical integrity and, in extreme cases, even my life may be at risk.

Furthermore, I know and accept that the above-mentioned dangers linked with my participation may threaten third parties within the competition and training area.

I will conduct my own inspection of training and competition courses. I will immediately notify the race organiser of any safety concerns I may have. I understand that I am responsible for the choice of the

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<sup>1</sup> [https://assets.fis-ski.com/image/upload/v1585812658/fis-prod/assets/10\\_fis\\_rules\\_for\\_conduct\\_and\\_environment\\_02.08.2016\\_gender\\_neutral\\_31032020.pdf](https://assets.fis-ski.com/image/upload/v1585812658/fis-prod/assets/10_fis_rules_for_conduct_and_environment_02.08.2016_gender_neutral_31032020.pdf)

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appropriate equipment and of its condition, for the speed at which I race and for the selection of my line through the course.

It is known that accidents do happen as a part of skiing and by joining a Marden's race you will be accepting the risk involved.

## **PERSONAL LIABILITY**

I understand that I may be found personally liable to third parties for damages arising from bodily injury or property damage they may suffer as a result of an occurrence linked with my participation in training or competition. I agree that it is not the responsibility of the organizer to inspect or supervise my equipment.

## **RELEASE**

To the extent permitted by the applicable law, I release Marden's Club, Marden's Club Ltd and the organizers and their respective members, directors, officers, employees, volunteers, contractors and agents from any liability for any loss, injury, or damage suffered in relation to my participation in any Marden's competition or training.

## **DISPUTE RESOLUTION**

Without limitation to the jurisdiction of any body of competent jurisdiction in connection with the application of the Rules, Regulations and Procedures to which I submit as a consequence of my participation in any Marden's race or race training, I agree that any dispute which arises between myself and Marden's Club or Marden's Club Ltd, including but not limited to claims for damages of either party against the other arising out of occurrences (acts or omissions) linked with my participation to such an event shall be governed by Swiss law and exclusively settled by arbitration before the Court of Arbitration for Sport ("CAS") in Lausanne in accordance with the CAS rules then in effect.

This Declaration shall be governed and construed according to Swiss law and to the extent permitted by applicable law shall also be binding on my heirs, successors, beneficiaries, next of kin or assigns who might pursue any legal action in connection with the same.

## **INSURANCE COVER**

I confirm that I or my dependents have appropriate winter sports insurance, which **must include full cover for amateur racing<sup>2</sup>**.

## **DECLARATION**

**In signing this form I confirm that I am responsible for ensuring that I (or my child/children/or persons under the age of 18 on whose behalf I am signing ("Dependants")) have appropriate winter sports insurance which includes full cover for amateur racing.**

**I understand that skiing and ski racing involves an element of risk and confirm that Marden's Club Ltd, its directors, officers, and its appointed representatives and Marden's Club, its members and officers (together the "Marden's Parties"), are not responsible or liable for any accidents or injuries incurred by me or my Dependants and/or any other third parties during the course of a Marden's race. Accordingly, in signing this form i release in full the Marden's Parties from any and all liability whatsoever for any loss, claim, damage, injury, illness, legal fees or action arising out of my or my Dependants' participation in any Marden's race.**

**SIGNATURE** .....  
(Parent or Guardian if under 18)

**NAME** (*please print clearly*) .....

**DATE** .....

<sup>2</sup> If you are unsure whether your policy includes this then you should get in touch with your broker and should not race until the situation has been clarified.