



# Waiver

## Assumption of Risk and Waiver of Liability Agreement (the “Agreement”)

with

STEWART BAIRD BUCHANAN and KATHLEEN CECILIA BUCHANAN in partnership, of Westhill Business Centre, Westhill Aberdeenshire, AB32 6UF trading as SCOTLANDBYBIKE.COM (“Scotlandbybike.com”)

This Agreement is executed by the undersigned acting for him/herself, his/her executors, administrators, heirs, next of kin, successors and assigns, and anyone else who might claim or sue on his/her behalf (the “Participant”) and is effective from the date stated below.

### Recitals

Scotlandbybike.com has agreed to provide to the Participant services in connection with a motorcycling tour. It is a condition of the contract under which the services are to be provided (the “Contract”) that the Participant accepts and signs this Agreement.

### Assumption of Risk

Scotlandbybike.com shall provide the service in accordance with the Contract.

The Participant shall use his/her best endeavours to maintain a high degree of safety during the tour, however he/she expressly acknowledges and agrees that, despite this, motorcycling can be dangerous and involve the risk of serious injury and/or death and/or property damage. The Participant expressly assumes this risk.

### Waiver and Limitation of Liability

1. Subject to Clauses 2 and 3 below, the Participant hereby agrees not to sue Scotlandbybike.com and/or its subcontractors for claims, costs, liabilities or expenses arising out of any injury, damage or loss suffered by the Participant arising out of or connected with the Contract and hereby releases, waives and discharges Scotlandbybike.com and or/its subcontractors from any liability therefor.
2. The waiver in Clause 1 shall not apply to Scotlandbybike.com’s liability for death or personal injury caused by its negligence.
3. The waiver in Clause 1 shall not apply to Scotlandbybike.com’s liability to the parties to the Contract for its breach of the Contract up to and including the agreed price for the service under the Contract.
4. The waiver or limitation of liability under the Agreement shall waive or limit such liability not only in contract but also in tort or otherwise at law.

### Governing Law and Jurisdiction

This Agreement is governed in accordance with the Laws of Scotland and the parties agree to submit to the exclusive jurisdiction of the Scottish Courts.

Signed by Participant:

Name: .....

Address: .....

.....

Date: .....