



International  
Winter  
Swimming  
Association



## Refunds Update -

After many months of pursuing a legal claim against Taymouth Marina, relating to the pollution incident in February 2023, we are sad to say that we have been unable to obtain compensation/payout to cover competitor refunds from the venue's insurance. One of the main reasons for this is that the Scottish Winter Swimming Championships events [terms & conditions](#) (section D) cancellation policy clearly states that -

*"...if we have to cancel immediately before the event due to weather, a refund or deferral is unlikely as the majority of event expenses will have been incurred and SwimWild reserves the right **not to refund** any of your entry fee in these circumstances."*

As the event was already halfway through at the point of cancellation, ALL event expenses (including venue hire, set-up costs, extra pontooning, ambulance/medical cover, safety crew, warming tents, sound equipment, event admin costs etc.) had already been incurred, and therefore no funds could be reclaimed to pay back to competitors in the form of refunds.

Due to this wording of the event terms & conditions, it has been argued that the Scottish Winter Swimming Championships did not incur financial losses, as we were not legally required to refund competitors. We have, of course, argued that the venue was at fault (for allowing an incident like this to happen) and that they should therefore be liable to payout the funds that would enable us to refund our event competitors.

As we have said before, the Scottish Winter Swimming Championships is not a profit-making event. It is a very expensive event to host, only just covering its own costs, and is put on by the small team at SwimWild (with the help of lots of volunteers) for the benefit of the wonderful winter swimming community.

Sadly our legal advisers have concluded that we do not have a strong enough case to keep pursuing this issue against the venue. We are devastated not to be able to provide refunds for those who did not get to swim at the event, and we apologise for all inconvenience caused.

We thank you for your patience and understanding.

Kind regards,

Team SwimWild