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Agrément Certificate 14/5175 **Product Sheet 2**

INSTAFIBRE CAVITY WALL INSULATION

INSTAFIBRE 34 CAVITY WALL INSULATION

This Agrément Certificate Product Sheet⁽¹⁾ relates to InstaFibre 34 Cavity Wall Insulation, a granulated glass mineral wool fibre material injected in loose form, for use in external masonry walls up to and including 12 m in height, with nominal cavity widths not less than 50 mm, in existing domestic and non-domestic buildings. The product may also be used in buildings over 12 m in height where a height restriction waiver has been issued by the Certificate holder.

(1) Hereinafter referred to as 'Certificate'.

CERTIFICATION INCLUDES:

- factors relating to compliance with Building Regulations where applicable
- factors relating to additional non-regulatory information where applicable
- independently verified technical specification
- assessment criteria and technical investigations
- design considerations
- installation guidance
- regular surveillance of production
- formal three-yearly review.

KEY FACTORS ASSESSED

Thermal properties — the product has a declared thermal conductivity* (λ_D) of 0.034 W·m⁻¹·K⁻¹ (see section 6).

Water penetration — the product will resist the transfer of water across the cavity to the inner leaf (see section 7).

Condensation — the product will contribute to limiting the risk of condensation (see section 8).

Behaviour in relation to fire - the product is classified as non-combustible (see section 9).

Durability — the product is durable, rot-proof, water resistant and sufficiently stable to remain effective as an insulation for the life of the building (see section 11).

The BBA has awarded this Certificate to the company named above for the product described herein. This product has been assessed by the BBA as being fit for its intended use provided it is installed, used and maintained as set out in this Certificate.

On behalf of the British Board of Agrément

Date of First issue: 11 December 2014

John Albon — Head of Approvals

Energy and Ventilation

Claire Curtis-Thomas Chief Executive

Lain.

The BBA is a UKAS accredited certification body — Number 113. The schedule of the current scope of accreditation for product certification is available in pdf format via the UKAS link on the BBA website at www.bbacerts.co.uk

Readers are advised to check the validity and latest issue number of this Agrément Certificate by either referring to the BBA website or contacting the BBA direct.

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Regulations

In the opinion of the BBA, InstaFibre 34 Cavity Wall Insulation, if installed, used and maintained in accordance with this Certificate, can contribute to satisfying the relevant requirements of the following Building Regulations (the presence of a UK map indicates that the subject is related to the Building Regulations in the region or regions of the UK depicted):



The Building Regulations 2010 (England and Wales) (as amended)

Requirement: C2(a) Resistance to moisture

Comment: The product can contribute to satisfying this Requirement. See section 7.1 of this Certificate.

Requirement: C2(b) Resistance to moisture

Comment: The product can contribute to satisfying this Requirement. See section 7.2 of this Certificate.

Requirement: C2(c) Resistance to moisture

Comment: The product can contribute to satisfying this Requirement. See sections 8.1 and 8.3 of this Certificate.

Requirement: L1(a)(i) Conservation of fuel and power

Comment: The product can contribute to satisfying this Requirement. See sections 6.1 and 6.3 of this Certificate.

Regulation: 7 Materials and workmanship

Comment: The product is an acceptable material. See section 11.1 and the *Installation* part of this Certificate.



The Building (Scotland) Regulations 2004 (as amended)

Regulation: 8(1) Durability, workmanship and fitness of materials

Comment: The product can contribute to satisfying this Regulation. See section 11.1 and the *Installation* part of

this Certificate.

Regulation: 9 Building standards applicable to construction

Standard: 3.4 Moisture from the ground

Comment: The product can contribute to satisfying this Standard, with reference to clause 3.4.1(1)(2). See section 7.1

of this Certificate.

Standard: 3.10 Precipitation

Comment: The product can contribute to satisfying this Standard, with reference to clause 3.10.1(1)(2) provided it

complies with the conditions set out in section 7.2 of this Certificate.

Standard: 3.15 Condensation

Comment: The product can contribute to satisfying this Standard, with reference to clauses 3.15.1(1)(2), 3.15.4(1)(2)

and 3.15.5(1)(2). See sections 8.2 and 8.3 of this Certificate.

Standard: 6.1(b) Carbon dioxide emissions
Standard: 6.2 Building insulation envelope

Comment: The product can contribute to satisfying clauses, or parts of, 6.1.1(1), 6.1.2(2), 6.1.6(1), 6.2.1(1)(2), 6.2.3(1),

 $6.2.4^{(2)}, 6.2.5^{(2)}, 6.2.6^{(1)}, 6.2.7^{(1)}, 6.2.8^{(1)(2)}, 6.2.9^{(1)(2)}, 6.2.10^{(1)(2)}, 6.2.11^{(1)(2)}, 6.2.12^{(2)} \text{ and } 6.2.13^{(1)(2)}, 6.2.12^{(2)}$

of these Standards. See sections 6.1 and 6.3 of this Certificate.

Regulation: 12 Building standards applicable to conversions

Comment: All comments given for this product under Regulation 9, Standards 1 to 6, also apply to this Regulation,

with reference to clause 0.12.1(1)(2) and Schedule 6(1)(2).

(1) Technical Handbook (Domestic).

(2) Technical Handbook (Non-Domestic)

The Building Regulations (Northern Ireland) 2012

Regulation: 23 Fitness of materials and workmanship

Comment: The product is an acceptable material. See section 11.1 and the *Installation* part of this Certificate.

Regulation: 28(a) Resistance to moisture and weather

Comment: The product can contribute to satisfying this Regulation. See section 7.1 of this Certificate.

Regulation: 28(b) Resistance to moisture and weather

Comment: The product can contribute to satisfying this Regulation. See section and 7.2 of this Certificate.

Regulation: 29 Condensation

Regulation: 29 Condensation

Comment: The product can contribute to satisfying this Regulation. See section 8.3 of this Certificate.

Regulation: 39(a)(i) Conservation measures

Regulation: 40(2) Target carbon dioxide emission rate

Comment: The product can contribute to satisfying these Regulations. See sections 6.1 and 6.3 of this Certificate.

Construction (Design and Management) Regulations 2007

Construction (Design and Management) Regulations (Northern Ireland) 2007

Information in this Certificate may assist the client, CDM co-ordinator, designer and contractors to address their obligations under these Regulations.

See section: 3 Delivery and site handling (3.1) of this Certificate.

Additional Information

CE marking

The Certificate holder has taken the responsibility of CE marking the product, in accordance with harmonised European Standard BS EN 14064-1: 2010. An asterisk (*) appearing in this Certificate indicates that data shown is given in the manufacturer's Declaration of Performance.

Technical Specification

1 Description

- 1.1 InstaFibre 34 Cavity Wall Insulation is a granulated glass mineral wool fibre material, treated with a water repellent additive.
- 1.2 The target mean density of this product when installed is $25 \text{ kg} \cdot \text{m}^{-3}$ over the entire installation. Individual areas within the wall must not have an absolute density variation of more than $\pm 5 \text{ kg} \cdot \text{m}^{-3}$ from the target mean density when measured over an area of 0.5 m^2 .

2 Manufacture

- 2.1 Molten glass is spun into fibres through holes in rotating dishes. Silicone oil is applied to the fibres from spray nozzles.
- 2.2 As part of the assessment and ongoing surveillance of product quality, the BBA has:
- agreed with the manufacturer the quality control procedures and product testing to be undertaken
- assessed and agreed the quality control operated over batches of incoming materials
- monitored the production process and verified that it is in accordance with the documented process
- evaluated the process for management of nonconformities
- checked that equipment has been properly tested and calibrated
- undertaken to carry out the above measures on a regular basis through a surveillance process, to verify that the specifications and quality control operated by the manufacturer are being maintained.

3 Delivery and site handling

- 3.1 The product is delivered to site in polythene-wrapped bales weighing approximately 15.5 kg, which should not be opened until required for use. The bales are marked with the BBA logo incorporating the number of this Certificate.
- 3.2 It is essential that the product is stored raised off the ground, inside or under cover on a dry, level surface and protected from rain, snow and other sources of dampness. Nothing should be stored on top of product.
- 3.3 Damaged, contaminated or wet materials must not be used.

Assessment and Technical Investigations

The following is a summary of the assessment and technical investigations carried out on InstaFibre 34 Cavity Wall Insulation.

Design Considerations

4 General

- 4.1 InstaFibre 34 Cavity Wall Insulation is satisfactory for use as an injected cavity wall insulation and is effective in reducing the thermal transmittance (U value) of external cavity walls with masonry inner and outer leaves (where masonry includes clay and calcium silicate bricks, concrete blocks, and natural and reconstituted stone blocks). The product is for use in existing domestic and non-domestic buildings up to and including 12 metres in height, with cavity widths not less than 50 mm. It is essential that such walls are designed and constructed to incorporate the precautions given in this Certificate to prevent moisture penetration.
- 4.2 This Certificate covers the use of the product in the following hard to treat (HTT) applications:
- a building in excess of three storeys (see section 19).
- 4.3 This Certificate covers the use of the product in any exposure zone, subject to the following conditions being met. They are particularly important in areas subject to severe or very severe driving rain:
- a site survey should be carried out prior to installation (see sections 12 and 14)
- the minimum cavity width must be not less than 50 mm
- walls must be in good state of repair and show no evidence of frost damage
- mortar joints must not show evidence of more than hairline cracking. Raked or recessed mortar joints should be avoided in very severe exposure areas.

Partial filling — omitted areas

- 4.4 Whenever practicable, all of the cavity space from ground level to the roof or gable copings should be filled, except when:
- separately insulating semi-detached or terraced properties. The cavity barrier used for this purpose is retained in the cavity and must be as defined in section 17.3
- filling up to the underside of a horizontal boundary, other than the roof, where that horizontal boundary is protected by a cavity tray or similar waterproof barrier
- treating properties where the wall to be insulated is below a waterproof cladding (eg tile hung) and this cladding either extends up to the roof or is protected at the top by other means (eg window sills)
- treating areas of wall where access for drilling may be limited by features such as carports and conservatories, as defined in sections 18.6 and 18.7.
- 4.5 The product may be installed only where:
- there are no signs of dampness on the inner face of the cavity wall, other than those caused solely by condensation, and
- the cavity is not being used as a source of combustion air or as a flue for ventilation purposes.

5 Practicability of installation

The product must be installed by operatives trained and approved by the Certificate holder and subsequently approved by the BBA. The Certificate holder operates an Approved Installer Scheme⁽¹⁾ for this product under which the installers are approved, registered and regularly reviewed by the Certificate holder to demonstrate that they are competent to carry out installations of the product in accordance with this Certificate. Details of Approved Installers are available from the Certificate holder. Approved Installers are responsible for each installation of the product that they undertake

(1) The Certificate holder's records relating to their Approved Installer Scheme will be audited annually by the BBA as part of its programme of surveillance.

6 Thermal properties



🖢 6.1 Calculations of the thermal transmittance (U value) of specific external wall constructions should be carried out in accordance with BS EN ISO 6946 : 2007 and BRE Report BR 443 : 2006, using the insulation's declared thermal conductivity* (λ_{D}) of 0.034 W·m⁻¹·K⁻¹.

6.2 Where an existing wall is subject to national Building Regulations, for example, subject to a material change of use, designers should take account of the relevant guidance relating to technical and economic feasibility and target U values in the documents supporting those Regulations.



6.3 The U value of a typical brick and block cavity wall construction will depend on the cavity width and the insulating value of the internal block leaf and finish. Calculated U values for example constructions are given in Table 1.

Table 1 Example cavity wall U values (1) — existing buildings/retained walls

Cavity width/insulation thickness (mm)	U values (W·m ⁻² ·K ⁻¹)	
	13 mm dense plaster ⁽²⁾ 100 mm dense block ⁽³⁾	Plasterboard on dabs 100 mm AAC block ⁽⁴⁾
50	0.53	0.38
75	0.38	0.30
100	0.30	0.24
125	0.24	0.21

- (1) Assumes fixings correction for fully penetrating mild steel fixings (50 $W\cdot m^{-1}\cdot K^{-1})$ at 2.5 per m^2 with cross sectional area of 12.5 mm² nominal U value and 102 mm thick brick outer leaf.
- (2) Plaster thermal conductivity 0.57 $W \cdot m^{-1} \cdot K^{-1}$
- (3) Block and mortar thermal conductivity 1.13 $W \cdot m^{-1} \cdot K^{-1}$ and 0.88 $W \cdot m^{-1} \cdot K^{-1}$ respectively.
- (4) Block and mortar thermal conductivity 0.12 W·m⁻¹·K⁻¹ and 0.88 W·m⁻¹·K⁻¹ respectively.

Junctions

6.4 Care must be taken in the overall design and construction of junctions with other elements and openings to minimise thermal bridges and air infiltration. Detailed guidance can be found in the documents supporting the national Building Regulations.

7 Water penetration



🗶 7.1 The product can be used in situations where it bridges the damp-proof course (dpc) in walls; dampness from the ground will not pass through to the inner leaf provided the wall is detailed in accordance with the requirements and provisions of the national Building Regulations:

England and Wales — Approved Document C, section 5

Scotland — Mandatory Standard 3.4, clause 3.4.1(1)(2)

- (1) Technical Handbook (Domestic).
- (2) Technical Handbook (Non-Domestic).

Northern Ireland — Technical Booklet C, Sections 6.3 to 6.6.

7.2 When the product is properly installed in accordance with this Certificate, it will resist any water transfer across the cavity to the inner leaf.

8 Condensation

Surface condensation



8.1 Walls will adequately limit the risk of surface condensation when the thermal transmittance (U value) does not exceed 0.7 W·m⁻²·K⁻¹ at any point and the junctions with other elements are designed in accordance with the auidance referred to in section 6.4 of this Certificate. not exceed 0.7 W·m⁻²·K⁻¹ at any point and the junctions with other elements are designed in accordance with the guidance referred to in section 6.4 of this Certificate.

🗽 8.2 For buildings in Scotland, constructions will be acceptable where the thermal transmittance (U value) does not exceed $1.2~{\rm W\cdot m^{-2}\cdot K^{-1}}$ at any point and the junctions with other elements are designed in accordance with the guidance referred to in BS 5250 : 2011, Annex G. Further guidance may be obtained from BRE Report BR 262: 2002 and section 6.4 of this Certificate.

Interstitial condensation



8.3 Walls will adequately limit the risk of interstitial condensation when they are designed and constructed in accordance with BS 5250 : 2011, Annexes D and G and the relevant guidance.

9 Behaviour in relation to fire

The fire classification* of the product is Class A1 in accordance with BS EN 13501-1: 2007 and is, therefore, non-combustible.

10 Maintenance

As the product is confined within the wall cavity and has suitable durability (see section 11), maintenance is not required.

11 Durability



11.1 The product is unaffected by the normal conditions in a wall, and is durable, rot-proof, water resistant and sufficiently stable to remain effective as insulation for the life of the building.

11.2 Should it become necessary for any reason, the product can be evacuated from the cavity void.

Installation

12 Site assessment

- 12.1 Prior to the installation, an assessment must be carried out by a trained assessor, who may also be the installing technician, to ascertain the suitability of the property or properties to receive InstaFibre 34 Cavity Wall Insulation. An assessment report is prepared and held at the installer's offices. Particular problems are specifically identified and any reasons for rejection of the work noted. Care should be taken at this stage for the assessor and the party commissioning the work to identify, and agree in writing as appropriate, any areas of the wall that will not be filled (see section 18.6 and 18.7) and any special requirements for making good (see section 18.4).
- 12.2 Assessment of hard to treat (HTT) properties must be carried out by a member of the BBA Approved Assessor Scheme for Assessing the Suitability of Buildings for the Installation of Cavity Wall Insulation (see section 13 of this Certificate).

13 Approved Assessors

All assessors of HTT properties must be BBA-approved, and registered with the BBA as part of the BBA Approved Installer and Assessor schemes. The BBA will monitor all Approved Assessors as part of the surveillance operated over BBA Approved Installers. BBA Inspectors will audit installation records during the annual office inspection to ensure that all HTT cavities have been filled in accordance with the relevant system Certificate including, where appropriate, that the property has been surveyed by an Approved Assessor.

14 Site preparation

- 14.1 The installing operative ensures that the property has been correctly assessed and is suitable for insulation with the product. Any problems encountered during installation which prevent compliance with this Certificate are referred to the installation company before proceeding.
- 14.2 Essential ventilation openings, such as those providing combustion air or underfloor ventilation, and all flues in the cavity wall must be checked. If adequate sleeving or other cavity closures are not present, installation must not proceed until these openings have been sleeved or otherwise modified to prevent blockage by the insulant.
- 14.3 Wherever practicably possible, all uncapped cavity walls must be sealed prior to installation, for example, with plugs of mineral fibre.

15 Approved installers

Installation of the product must be carried out by the Certificate holder or their Approved Installers. An Approved Installer is defined as a company:

- required to satisfy an initial site installation check by the BBA following approval by the Certificate holder, and is subject to the BBA Assessment and Surveillance Scheme for Installation of Cavity Wall Insulation
- approved by the Certificate holder and the BBA to install the product
- having undertaken to comply with the Certificate holder's installation procedure
- employing technicians who have been issued with appropriate identity cards by the Certificate holder; at least one
 member of each installation team must carry a card
- subject to inspections by the Certificate holder, who oversees the activities of Approved Installers. It is a requirement
 that the Certificate holder undertakes inspections of each card-carrying technician using their product, and
 maintains records, as detailed in the BBA Assessment and Surveillance Scheme for BBA Approved Installers of
 Cavity Wall Insulation.

16 Supervision

- 16.1 Installation of the product should be carried out in accordance with the BBA Assessment and Surveillance Scheme for Installation of Cavity Wall Insulation.
- 16.2 During installation, the following simple checks can be made, as an aid to determining that the installation conforms to the Certificated method:
- the pattern of holes complies with the description given in section 18.1
- injection of material takes place in each hole, to complete the filling of the cavity space.

17 General

- 17.1 The installation of the product is undertaken using blowing machines tested and accepted for use with the product by the BBA.
- 17.2 The installer provides all necessary hoses, drilling tools, equipment and materials for making good the walls after the installation.
- 17.3 Where a semi-detached or terraced property is to be insulated, a cavity brush is inserted at the line dividing the properties to contain the insulation. This consists of a continuous nylon brush which is left in place when the installation is completed.

18 Procedure

18.1 Holes of 22 mm in diameter (see section 18.3) are drilled in a diamond pattern at approximately 1.35 m centres. The topmost injection holes should not be more than 350 mm below the top of the cavity and not more than 1 m apart. The bottom row of holes should start approximately 800 mm above dpc level. Additional holes may be required to ensure complete filling around building features, eg under window sills, around air bricks, in column areas between doors and windows, at the tops of walls and under gables. Again, the topmost holes should not be more than 1 m apart under the horizontal boundaries and 1.35 m apart under the sloping boundary at the top of the gable end (see Figures 1 and 2).

Figure 1 Typical drilling pattern — frontage

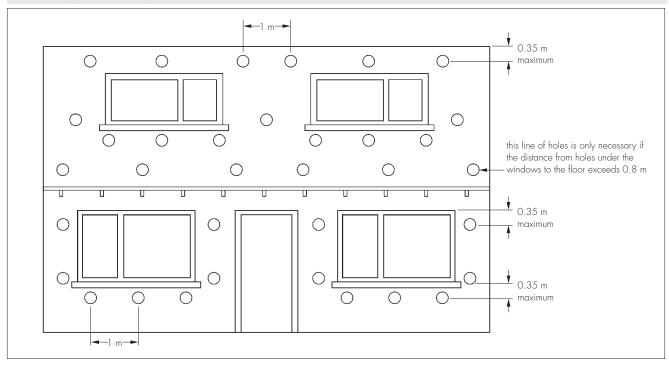
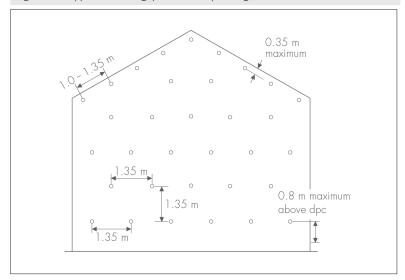


Figure 2 Typical drilling pattern — plain gable end



- 18.2 To prevent debris falling onto the insulation, filling the cavity should not start until one elevation and at least 2 m of the adjoining elevations are drilled out. The adjoining elevation is filled only after completing the drilling.
- 18.3 The product is blown into the cavity under pressure through 22 mm clearance holes via a flexible pipe, fitted with 22 mm outside diameter injection nozzle. Filling proceeds from the bottom to the top of the walls and from one end of an elevation to the other.

Finishing

18.4 After injection, the drill holes are fully filled with mortar of a similar type, colour, texture and weathertightness to that of the existing wall. Where a wall requires a high degree of colour matching, the level of finish matching should be agreed in writing during the site assessment. All trunked air vents, eg those providing underfloor ventilation and combustion air for heating appliances are checked – any obstructions must be cleared. All flues must be carefully checked by an appropriate test (eg a smoke test) to verify that they are clear and unobstructed.

18.5 Insulant blown through the top of the cavity into the loft space is removed and any points of leakage sealed (see section 14.3).

Omitted areas

18.6 In some circumstances access for drilling injection holes and filling with insulation may be limited by features such as carports, conservatories, cladding and tiling. The practicability of safely accessing and making good these areas, or installing the insulation through the inner leaf, may outweigh the benefits of insulating these areas.

18.7 It is permissible to omit such areas only when:

- a full justification detailing the reasons to omit areas is included in the survey report
- the assessor obtains written consent for omitting any areas of the wall from the party commissioning the work. The assessor must inform the commissioning party in writing that 'heat loss' through uninsulated areas will not be reduced and that they will also be subject to a slightly higher risk of condensation.

19 Height restriction waivers

- 19.1 InstaFibre 34 Cavity Wall Insulation is for use in buildings up to and including 12 m in height, in domestic and non-domestic buildings. The product may also be used in buildings over 12 m in height where a height restriction waiver has been issued by the Certificate holder.
- 19.2 The Certificate holder has a detailed programme for the assessment of buildings over 12 m, as approved and maintained under surveillance by the BBA. Each installation beyond 12 m must be individually assessed by the Certificate holder against this agreed assessment programme and documented approval given prior to the commencement of work.

Technical Investigations

20 Tests

Results of tests were assessed to determine:

- resistance to rain penetration of an insulated cavity wall
- adequacy of fill using specified installation machinery and drilling pattern
- thermal conductivity
- short term water absorption by partial immersion
- characterisation of the product.

21 Investigations

- 21.1 Existing data on toxicity, durability and properties in relation to fire were evaluated.
- 21.2 The Certificate holder's training arrangements were evaluated.
- 21.3 An assessment of the practicability of installation was carried out.
- 21.4 A condensation risk analysis was carried out.
- 21.5 A series of U value calculations were carried out.
- 21.6 A calculation was undertaken to confirm the thermal conductivity (λ_D) .
- 21.7 The manufacturing process of the granulated glass mineral wool fibre material was examined, including the methods adopted for quality control, and details were obtained of the quality and composition of the materials used.

Bibliography

BS 5250: 2011 Code of practice for control of condensation in buildings

BS EN 13501-1 : 2007 Fire classification of construction products and building elements — Classification using test data from reaction to fire tests

BS EN 14064-1 : 2010 Thermal insulation products for buildings — In-situ formed loose-fill mineral wool (MW) products — Specification for the loose-fill products before installation

BS EN ISO 6946 : 2007 Building components and building elements — Thermal resistance and thermal transmittance — Calculation method

BS EN ISO 9001: 2008 Quality Management Systems — Requirements

BS EN ISO 14001: 2004 Environmental management systems — Requirements with guidance for use

BRE Report (BR 262 : 2002) Thermal insulation : avoiding risks
BRE Report (BR 443 : 2006) Conventions for U-value calculations

Conditions of Certification

22 Conditions

- 22.1 This Certificate:
- relates only to the product/system that is named and described on the front page
- is issued only to the company, firm, organisation or person named on the front page no other company, firm, organisation or person may hold or claim that this Certificate has been issued to them
- is valid only within the UK
- has to be read, considered and used as a whole document it may be misleading and will be incomplete to be selective
- is copyright of the BBA
- is subject to English Law.
- 22.2 Publications, documents, specifications, legislation, regulations, standards and the like referenced in this Certificate are those that were current and/or deemed relevant by the BBA at the date of issue or reissue of this Certificate.
- 22.3 This Certificate will remain valid for an unlimited period provided that the product/system and its manufacture and/or fabrication, including all related and relevant parts and processes thereof:
- are maintained at or above the levels which have been assessed and found to be satisfactory by the BBA
- continue to be checked as and when deemed appropriate by the BBA under arrangements that it will determine
- are reviewed by the BBA as and when it considers appropriate.
- 22.4 The BBA has used due skill, care and diligence in preparing this Certificate, but no warranty is provided.
- 22.5 In issuing this Certificate, the BBA is not responsible and is excluded from any liability to any company, firm, organisation or person, for any matters arising directly or indirectly from:
- the presence or absence of any patent, intellectual property or similar rights subsisting in the product/system or any other product/system
- the right of the Certificate holder to manufacture, supply, install, maintain or market the product/system
- actual installations of the product/system, including their nature, design, methods, performance, workmanship and maintenance
- any works and constructions in which the product/system is installed, including their nature, design, methods, performance, workmanship and maintenance
- any loss or damage, including personal injury, howsoever caused by the product/system, including its manufacture, supply, installation, use, maintenance and removal
- any claims by the manufacturer relating to CE marking.
- 22.6 Any information relating to the manufacture, supply, installation, use, maintenance and removal of this product/system which is contained or referred to in this Certificate is the minimum required to be met when the product/system is manufactured, supplied, installed, used, maintained and removed. It does not purport in any way to restate the requirements of the Health and Safety at Work etc. Act 1974, or of any other statutory, common law or other duty which may exist at the date of issue or reissue of this Certificate; nor is conformity with such information to be taken as satisfying the requirements of the 1974 Act or of any statutory, common law or other duty of care.