

Aviation Policy - Warranties and Conditions

THE TERM "warranty" as used in an aircraft insurance policy differs from the use of the term in relation to other types of contracts. A warranty is a term in a policy which requires strict compliance by the Insured.

Predominantly the term is used in relation to approved pilots under the policy. The Pilot Warranty may stipulate a schedule of named pilots or a guideline as to minimum qualification or levels of experience under an Open Pilot Warranty.

Contributed by Bill Beard

Be acutely aware of your Pilot Warranty at all times because in the case of a claim, a breach of any warranty entitles the Insurers to avoid the policy regardless of the fact that the warranty may not be material to the risk and also regardless of whether the loss is in fact caused by the breach of warranty.

Another important aspect to bear in mind is:

- Compliance with all air navigation and airworthiness orders and ensuring that the aircraft is airworthy at the commencement of each flight. Of absolute importance is to ensure your ARA and BFR are current and ensure that all employees and users of your aircraft comply with such requirements.

The following exclusions apply to all aircraft policies:

- Whilst an aircraft is being used for any illegal purpose or for any purpose or use other than that included in the policy.
- Whilst the aircraft and/or components are being transported by any means of conveyance except as a result of an accident.
- Whilst the aircraft is being piloted by any person other than stated in the schedule (the exception is that the aircraft may be operated on the ground by any person competent for that purpose).
- Whilst the total number of passengers being carried in the aircraft exceeds the declared maximum number of passenger seats stated in the schedule.
- Whilst the aircraft is landing on or taking off or attempting to do so from a place that does not comply with the recommended take-off/landing distances specified in the pilots handbook.

There are other "do's and don't's" but generally these are the important ones and if you ensure compliance with the above bullet points then the chances of a claim being denied would be very remote.

To discuss this topic or any other aviation insurance questions, contact Bill Beard at Avsure on 0800 322 206. Full policy wordings are listed on our website at www.avsure.co.nz

Accident and Incident Reports

courtesy of 

Type: Raytheon 1900D EAR
Location: Wellington **POB:** 15
Operation: Transport A/B **Injuries:** Nil
Date: 26 July 2011
Report: Aircraft ZK-EAR on stand 8 running and ready to taxi. ANZ Tug 15 parked north of aircraft with hand brake not applied. Dash 8 on stand 9 started up and blew tug into and wedged tug under wing just missing running props. Aircraft parked on Zulu 7.

Type: S-H Duo Discus T GBO
Location: Kaimai Ranges **POB:** 2
Operation: Private Other **Injuries:** Nil
Date: 21 August 2011
Report: The glider clipped a tree and crashed after the wind dropped off while in cruise.

Type: Cessna 180J DXA
Location: Ruahine Ranges **POB:** 1
Operation: Private Other **Injuries:** Nil
Date: 20 August 2011
Report: A distress alert was received by the RCCNZ and a search was initiated. This led to the aircraft being found in an upside down position in the Ruahine Ranges.

Type: Rans S-6ES JOR
Location: Rangiora **POB:** 2
Operation: Training Dual **Injuries:** Nil
Date: 13 May 2011
Report: As the instructor was showing the student a go around manoeuvre after a flare, the aircraft stalled and dropped to the ground.

Type: Westland Bush Plane WBP
Location: Hokitika **POB:** 1
Operation: Private Other **Injuries:** Nil
Date: 23 July 2011
Report: The aircraft landed short on a river bank, entered water and then rolled gently over onto its roof.

Type: Fly Synthesis Storch S JES
Location: Dargaville **POB:** 1
Operation: Private Other **Injuries:** Nil
Date: 21 August 2011
Report: Aircraft's nose wheel collapsed during landing causing the aircraft to roll over, ending up in an upside down position.

Type: Bell 47G-3B-1 ICJ
Location: Near Tauranga **POB:** 1
Operation: Private Other **Injuries:** Nil
Date: 17 July 2011
Report: The helicopter struck a plastic drum during landing causing the tail rotor blades and tail rotor gearbox to be substantially damaged.

Type: Robinson R44 II HAA
Location: Kaio **POB:** 1
Operation: Ferry/Position **Injuries:** Nil
Date: 16 July 2011
Report: Helicopter had a heavy landing and roll over following a precautionary landing shortly after takeoff due to suspected engine problems. Aircraft caught fire and was destroyed. Pilot escaped without injury.

Please note: Reports are selected from www.caa.govt.nz and are provided for information only. Accuracy is not guaranteed.



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