

Aviation Policy - Warranties and Conditions

Contributed by Bill Beard

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.

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 warranty to bear in mind is:

- Compliance with all air navigation and airworthiness orders and ensuring the aircraft is airworthy at the commencement of each flight. All log books and other records in connection with the aircraft are to be kept up-to-date and ensure that all employees and agents comply with such orders.

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

Recent Accident and Incident Reports *provided courtesy of Avsure*

Type: Schweizer 269C HID
Location: Apiti **POB:** 1
Operation: Agricultural **Injuries:** Nil
Date: 11 November 2009
Report: While spraying at 40 AGL, the helicopter collided with a power line.

Type: Robinson R22 Beta HBZ
Location: Reefton **POB:** 2
Operation: Hunting **Injuries:** Nil
Date: 19 November 2009
Report: Tailwind affected performance on takeoff. Heavy landing resulted.

Type: Cessna 152 JBS
Location: Wanganui **POB:** 1
Operation: Training Solo **Injuries:** Nil
Date: 18 November 2009
Report: The aircraft bounced on landing and broke the nose gear.

Type: SH-2 Glasair RG SRG
Location: Bucklands Beach **POB:** 1
Operation: Private Other **Injuries:** Nil
Date: 8 November 2009
Report: Engine lost power while in cruise. Partial power landing made in field.

Type: Piper PA-22-150 BSH
Location: Wairau Valley **POB:** 2
Operation: Private Other **Injuries:** Nil
Date: 30 October 2009
Report: Undercarriage collapsed on landing. Damage to tail, wing and prop.

Type: Piper PA-22-160 SWP
Location: Motanau **POB:** 2
Operation: Private Other **Injuries:** Nil
Date: 31 October 2009
Report: After landing, aircraft nosed over and flipped due long grass on private strip.

Type: Cessna 152 FLB
Location: New Plymouth **POB:** 1
Operation: Training Solo **Injuries:** Nil
Date: 30 October 2009
Report: While taxiing, aircraft sank into rabbit hole. Damaged nose wheel and prop.

Type: R80 Tiger Moth CCC
Location: Wharepapa Sth **POB:** 1
Operation: Private Other **Injuries:** Nil
Date: 23 October 2009
Report: Aircraft clipped hedge on takeoff and crashed at end of strip. Lack of power due to almost full load.

Type: MT03 Eagle Autogyro RGG
Location: Tauranga **POB:** 2
Operation: Private Other **Injuries:** Nil
Date: 24 October 2009
Report: Aircraft overturned while landing on grass runway 25.

Type: Auster J5F BDY
Location: Ardmore **POB:** 1
Operation: Private Other **Injuries:** Nil
Date: 25 October 2009
Report: Aircraft engine started running rough and pilot decided to make precautionary landing in a paddock. The aircraft sustained substantial damage.

Type: Robinson R44 II IWL
Location: Port Underwood **POB:** 3
Operation: Transpt Pax A-A **Injuries:** Nil
Date: 23 October 2009
Report: Helicopter struck a tree with the tail rotor on approach and pilot lost control. Aircraft landed upright but sustained moderate damage.

Note: Accidents and Incidents are selected from the CAA website and are provided for information only. Accuracy is not guaranteed. Please refer to CAA website for full briefs.



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- Passengers • Pilots term life

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’ts” 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.

Full policy wordings are listed on our website at www.avsure.co.nz