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contributed by Bill Beard

# 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.

**Important aspects to bear in mind are:**

- 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.
- 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.

**For more information**

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](http://www.avsure.co.nz)

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**Accident and Incident Reports** are provided courtesy of



**Type:** Robinson R22 HKE  
**Location:** Forest Range Stn **POB:** 1  
**Operation:** Mustering **Injuries:** Nil  
**Date:** 23 June 2013  
**Report:** The helicopter's tail rotor struck terrain/snow during a stock mustering operation. The pilot was unable to control the helicopter and while attempting to land the helicopter rolled over.

**Type:** Skystar Outback 5 RJA  
**Location:** Waipukurau **POB:** 1  
**Operation:** Training Solo **Injuries:** Nil  
**Date:** 19 May 2013  
**Report:** Aircraft bounced after landing, resulting in a loss of control. The left wing and the propeller struck the ground, with damage also caused to the fuselage and tail.

**Type:** Whittaker MW65 MWS  
**Location:** Mercer **POB:** 1  
**Operation:** Private Other **Injuries:** Nil  
**Date:** 15 August 2013  
**Report:** Aircraft ran out of fuel and made a forced landing into a paddock.

**Type:** Rans S-6ES Coyote II AJB  
**Location:** Rangiora **POB:** 1  
**Operation:** Training Solo **Injuries:** Nil  
**Date:** 13 August 2013  
**Report:** Solo student elected to conduct their approach at a higher airspeed than usual due to bumpy conditions. The aircraft touched down flat and fast, possibly nose wheel first. The pilot over corrected, with three or four bounces resulting in the nose gear collapsing and the aircraft overturning.

**Type:** Avid Mk 4 JDF  
**Location:** West Coast **POB:** 2  
**Operation:** Private Other **Injuries:** Nil  
**Date:** 17 August 2013  
**Report:** After touching down on the river bed, as the aircraft was slowing down, the rudder authority was lost and aircraft started to enter a ground loop. Pilot applied full power to correct the ground loop but the right wheel struck a log which spun the aircraft 90 degrees. The aircraft pitched onto its nose and the propeller struck the ground. The left wing tip also struck the ground before the aircraft came to rest on its wheels.

**Type:** Bantam B22S  
**Location:** Tokomaru West **POB:** 1  
**Operation:** Private Other **Injuries:** 1  
**Date:** 4 July 2013  
**Report:** Aircraft landed safely but throttle jammed and aircraft went out of control going down a gully and hitting a tree.

Please note: These weekly accident reports are sourced from [www.caa.govt.nz](http://www.caa.govt.nz) and contain information as reported to the CAA recently. As such, the accuracy of the information supplied cannot be guaranteed. Refer to [www.caa.govt.nz](http://www.caa.govt.nz) for other details which may be added as more information is received by the Authority.