



## **Club Committee SEWHGPGC**

24<sup>th</sup> September 2019

Dear SEW club member

Please take just a few minutes to read through this note from the committee

The committee is always trying to improve the club. One of our recent decisions is to respond to issues around club and pilot liability and insurance. This is important for the sake of the public, the club members, the land owners who let us fly their land and the BHPA to continue to be able to insure us and is in response to issues raised by the BHPA.

It has always been a BHPA requirement for membership of the club for pilots to be a member of the BHPA and suitably qualified for their activities.

The main four areas of concern are:

### **XC flying**

To fly XC it is a BHPA requirement to be BHPA Pilot rated or above. CP rated pilots can only fly XC if they discuss their flight plan with a club coach before take-off and receive coaching on that flight and flight plan before the flight. If they do not meet these criteria they should not fly XC. The pilot would not be insured for that flight or supported by the club for doing so.

### **Coaching**

Please, by all means, give accounts of your personal experience to fellow club members, but unless you are a qualified coach or instructor, any coaching or instructing will not be insured. Club members who coach other pilots should complete a BHPA recognised club coach course (usually paid for by the club) to become official club coaches.

### **Dual (tandem) Flying**

Without any doubt, pilots flying tandem who do not have a current BHPA Tandem licence are the biggest risk to us all as pilots and to the club. Even if your passenger is a family member, this is an un-insured activity and the BHPA insurance will not cover it. Don't be fooled into thinking that your family member will not bring a claim, there have been a number of large claims between family members on the BHPA policy, some successful, some not. If you do not hold a valid Licence, that means that the pilot is personally liable for any injury or damage to property, be it to another pilot in the event of a mid-air collision, or their

passenger. Liability waivers are invalid in UK law under Section 2 (2) of the Unfair Contract Terms Act 1977. Your Tandem licence must be renewed every year.

### **Airspace**

Airspace infringements are a breach of the criminal law and BHPA pilots can be prosecuted. If you are flying XC you must observe airspace restrictions which includes NOTAMS. It has come to the attention of the club that, unbelievably, some pilots have been flying XC without suitable airspace maps (and sometimes no maps) and, unsurprisingly, air space infringement has happened! Apart from the obvious safety risk (and risk of prosecution) these pilots are jeopardising the sport for everyone. The insurance policy only covers you whilst you are flying legally, so by breaching airspace, you are also rendering yourself uninsured.

### **What this means for the Club and for you**

Sites are negotiated on the basis of insured activity only. We could lose sites very quickly if the land owners become aware of un-insured activity. If you are not appropriately rated and appropriately insured then you are not considered a SEWHGPG club member (even if you have paid any membership fee).

Personal and club liability: If there is an accident and lawyers get involved on behalf of a claimant (it has happened) and the activity is not covered by insurance, then the first problem is that the pilot is left to fund his own legal defence team which can cost many £1000s even if you win. Of course, if the pilot cannot fund a defence, the claim will inevitably succeed. If the claim succeeds, the assets of the pilot will be sold first (house, car etc.) if that doesn't cover it, then the lawyers could try to claim against landowners and possibly the club members - we may all be liable to share the cost. If a landowner is found liable, the word will spread with untold consequences for other sites. Taking the risk of un-insured activity is just not worth it. Risking our sites and potentially damaging the club.

Please assist the club by talking to fellow club members or fellow pilots about this risk. And get qualified! Doing the Pilot rating and the coach course is interesting and will help you progress in the sport; the club is absolutely committed to helping pilots progress on to this rating. Flying tandem without a current licence would be like driving a car without a driving licence or insurance (whatever your level of skill or experience). It just isn't worth the risk.

The club will do all it can to assist pilots in getting qualified in whatever activity they want to have a go at. It's surely one of the big reasons for being in a club.

Thank you

SEWHGPGC Committee

p.s. If you have any comments about this, please post them in the SEW Telegram Chat group or email: [sewchairman@gmail.com](mailto:sewchairman@gmail.com)