Response by BARRY TEMPEST FRAeS of Armageddon Associates to the Discussion Paper on the operation of Regulation (EC) 785/2004 on insurance requirements for air carriers and aircraft operators

Q1

Not being an air carrier engaged in CAT I cannot answer this question.

Q2

The imposition of this regulation has imposed significantly increased costs to our operation of a home built two seat aerobatic Steen Skybolt biplane which my son and I have owned since 1997.

As with many such aircraft in the UK we carried 500,000GBP combined single limit third party and public liability insurance along with single passenger liability cover prior to the introduction of 785/2004 into UK law. With a MTOM of just over 800kg the new requirements now mean cover of 1,500,000GBP is necessary. Our increased premium for the additional sum amounts to approximately 400GBP per annum and the aircraft flies for around 40 hours per year. This means an increase of 10GBP approximately per flying hour or around a 10% increase in our costs out of our personal taxed income.

I would emphasise that our aircraft in the decade we have owned it has never been involved in any kind of accident. In my own case, having been a pilot for over 50 years, I have never been involved in an accident involving damage to third party persons or property or to my passengers. The same is true of my son who has been flying now for over 20 years.

I am of course fully aware that the original proposals on insurance requirements would have been far in excess of what was eventually introduced and the efforts of many general aviation organisations were instrumental in getting the huge reduction. Nevertheless the new regime has meant that we do less flying each year and are thus not in the same position as far as recency is concerned. This has detrimental safety implications which should be taken into consideration at this time. Our flying must be paid for out of a sum of disposable income that is relatively fixed, especially for me in retirement with a much reduced income compared with when I was in employment.

So much for my personal situation and one that will apply to the vast majority of light aircraft owners in the UK.

Q3

Perhaps the most unjust result of the new regulation was on the many relatively heavy historic aircraft on the airshow circuit in the UK and Europe. Such aircraft as the B17 Fortress, the B25 Mitchell, the PBY Catalina, the DC3 and many others including an increasing number of classic turbine engined aircraft. These aircraft have relatively low

utilisation in terms of annual flying hours over which to amortise the huge increases in mandatory insurance cover premium now needed.

Many of these aircraft have a MTOM equivalent to those in commercial air transport yet fly but a fraction of the hours a CAT airliner might be expected to achieve. 2,000 hours is not unusual each year with an airliner yet a heritage machine used in airshows might only fly 20 hours a year. A factor of 100 in terms of the hourly cost of the insurance cover now needed. Additionally the CAT operator will immediately be able to pass on the additional cost to the passenger or freight customer. A heritage aircraft operator is not in that happy situation.

Air displays are said to have an attendance figure by the general public second only to football in terms of outdoor events. In terms of third party safety airshows have an excellent record. In the UK it is over 50 years since a spectator was killed at such a display.

Make no mistake, if airshows in Europe are to continue to be able to have the larger heritage aircraft flying in them it is absolutely essential that serious consideration be given to granting some form of alleviation for such aircraft in terms of the insurance requirements. Perhaps the creation of a special category for such aircraft might be an effective method of achieving this.

Certainly discussion is needed to determine how to classify a heritage aircraft since many of recent manufacture are certainly of heritage status. My use of the term heritage also includes those which might be considered historic by being manufactured prior to a certain date yet to be determined. Perhaps those constructed prior to 1960 might fall into that category since they are now approaching 50 years of age.

Having said that I am reminded that I am rapidly approaching 70 years of age and do not consider myself to be either “heritage” or indeed “historic”. However my wife might have other ideas.

Q4

No

Q5

In my opinion such damage is the responsibility of the airport operator who is in the best position to prevent such unlawful interference while the aircraft is at the airport.

Q6

I have no idea whatsoever.

Q7

I cannot give a definite answer however it would seem to be a good idea.

Q8

This information is available from the UK Department for Transport and I have no idea what is the position in other EU states.

Q9

I have no idea.

Q10 to Q13

I am not a community air carrier.

Q14

Yes.

Q15

In my considered opinion the answer must be no. This because there were very few problems with third party and passenger liability insurance cover levels prior to the introduction of the new regulation. In our own case we carried cover only one third of what is needed today. That was also the case for very many private owners in similar circumstances to our own.

My personal opinion is that the increased costs associated with the premiums required under the new regulation have meant less flying being done and this has adverse safety implications.

Perhaps the ultimate safety benefit would be achieved in non-commercial operations if you were to increase the insurance cover needed to such a high level as to be totally unaffordable thus making us all stop flying. Aircraft on the ground, in hangars or scrapped rarely give rise to any danger at all. Please do not try to achieve safety by these means.