



KNOW YOUR BMFA INSURANCE

It is clear that there are many important benefits to being a member of the National Governing Body for model flying of which one of the most significant is the insurance cover provided to protect members should they be involved in an incident.

The way in which the insurance works is one of the largest areas of misunderstanding and despite a number of articles already being published on the subject I regularly receive queries, and hear lots of misquotes and inaccurate information.

The aim of this article is to summarise the way in which the insurance works, it may not make for riveting reading, but I would suggest that you stick with it as it is an important part of your membership package.

The first and most important point to remember is that the primary function of the insurance is to protect the insured BMFA member in the event of a claim being made against them following an incident. If a model flyer were to be found responsible for an incident and carried no insurance, then they would be personally liable for any damages or costs awarded under the jurisdiction of a civil court and could stand to lose everything, *this has happened*. The process following an incident is described below.

- **When a BMFA member is involved in an incident, the first thing he should do is to contact the BMFA office and request an incident report form (this procedure is covered in the Members Handbook and I would suggest that you take a look at pages 8, 9 and 10, the first couple of paragraphs on 8 sum up the basic principle of the policy, the Handbook is also available to download at <http://www.bmfa.org/handbook/index.html>)**
- **This form should be completed accurately and honestly and returned to the office (if the incident is damage to property then a cheque to cover the £50.00 excess is required, if it is injury to a third party there is no excess) this form notifies us and the insurers that there is potentially a claim coming from a third party.**
- **At this stage nothing more will happen until the third party makes a statement of claim against the insured member, it is this that triggers the insurance into action on behalf of the insured member.**

- **What happens next varies depending on what the member has put on the form. If the information on the form clearly identifies the member as being at fault (e.g. I flew through the sun and then applied an incorrect control input, it was my fault that the model hit Fred Blogg's car) then there is a very good chance that the insurers will pay out as the pilot is clearly liable.**
- **However if the form indicates that the pilot had done everything in his power to ensure the safety of the flight and in the section that asks for the cause of the accident the pilot has written "I don't know, it wasn't my fault" or "unidentified interference" then the insurers will defend this position and the onus is then on the third party to convince the insurer otherwise before they will consider any payout.**
- **If there is a dispute between the third party solicitors and the insurers on a settlement, then it will be referred to a civil court who will make the decision on where the legal liability for the incident rests, this is an important point as you need to be clear that we are talking about legal liability as defined under UK law.**
- **The insured member will have very little involvement in this process other than to pass on any correspondence received from the third party, their insurers or their solicitors to the BMFA office. Remember the BMFA insurers are acting on your behalf and will generally not require your input after the initial form filling (they may occasionally contact you for further information or to clarify details on the form).**

From this you will see that there will inevitably be times where a third party does not receive a payout for damage or injury caused by a model aircraft because no legal liability is proven on the part of the pilot, however the vitally important point is that whichever way the case goes the insured member is protected, either there will be no liability established and hence no payout, or liability will be proven against the pilot and the insurance will respond on his behalf. This is the way in which all liability cover operates.

As a point of interest the third party liabilities portion of your car insurance works in exactly the same way, your insurers would never pay out to a third party unless liability had been established on your part, the only difference is in accidents involving two vehicles somebody is always responsible, but again it would be down to a civil court to establish who (in reality the two insurance companies tend to fight it out between them as it is much cheaper).

You will note from your policy documents (and the Handbook) that "member to member cover" is included in the BMFA policy. This means that one member is able to make a claim against another member following an incident; most policies would not allow this and specifically preclude members of the same organisation or club from claiming against each other (this cover is added as an extension on our policy).

The process for member to member claims is exactly the same and still relies on liability being proven on the part of the insured.

People naturally assume that because they are a BMFA member and the person flying the model is a BMFA member that they will receive an “automatic payout” if (for example) their vehicle is damaged at the flying field, but no insurance works in this way.

As you can see the important function of the insurance is to protect you the member, in circumstances where a third party makes a claim against you. The cover provided is extremely broad, however as with any policy there are certain exclusions to the cover and you should take a few moments to familiarise yourself with these (you can find these on your membership documents).

If you are unfortunate enough to be involved in an incident when you are flying remember the following points.

- **Stay calm**
- **Never admit liability to the third party**
- **Exchange contact details with the third party**
- **Remain civil and polite**
- **Refer them to the BMFA office if they require further information**
- **Contact the office and request an incident report form at the earliest opportunity**
- **Complete the form honestly and accurately**
- **If you are unsure how to complete the form contact the office for assistance and guidance**
- **Return completed form to BMFA with cheque for policy excess where required**
- **Forward on any correspondence from the third party to the BMFA office**

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