

From the Pits.

The Newsletter of the Weston Model Flying Club

www.wmfclub.co.uk

April 2006

Editorial

Following the recent furore over insurance, the main feature in this issue is an article on the law and insurance by **Roy Shaw** (ex-magistrate & lecturer in Insurance Law).



Club Meetings

In March **John Dale** showed some old cine films of his model flying activities from the 1970s, including some of the earliest airborne footage, taken by a super-8 cine camera on a glider.

For the April meeting John returned again to talk about some recent developments in electric flight. I also gave a talk on my Beaufighter build, see the article later in this newsletter.

As usual, the club meetings in June, July and August will be held at the field. The meetings start at 8pm as normal, but are usually short and informal with plenty of time for flying. If the weather is bad, the meeting should be considered cancelled, as the room at the Ashcombe is not booked for these 3 months.

Club Helicopter Trainer for Sale

The club bought a helicopter with two transmitters and buddy lead a couple of years ago as a trainer but its use has been very limited since most prospective helicopter fliers prefer to learn on their own machines. Hence we have decided to sell it. It's a Raptor with JR 3810 transmitter, original cost (with second transmitter) about £600. The club will retain the second transmitter, but the Raptor + JR3810 is for sale to the highest bidder. Sealed bids of at least £200 should be passed to the committee or to **Peter Spragg** who currently holds the trainer.

Guidance For Test Candidates

The BMFA note "Guidance for test candidates" is available on the BMFA web site (or by phoning the BMFA), and it is highly recommended that anyone should read it before taking their tests. Start at <http://www.bmfa.org/achievement/index.html> and follow the appropriate link under "Test standards and guidance".

Casualties



Dave Cuff put this small and rather fast pylon-racer into the ground while adjusting the trim...



And it's another expensive day for the helicopter fliers...

Asking for Help

At a recent club meeting there was a debate about what help was available for the 'intermediate flier', i.e. someone who has passed their A-test, doesn't necessarily want to go on to the B-test but wants to improve and perhaps try some new techniques. The consensus was that members should not be afraid to ask for help, as there are a number of experienced club members who would be only too pleased to offer advice. However this will be kept on an informal basis rather than drawing up a list, so if you want such help, just ask around.

Smoking or Non-Smoking?



Mike Barnett fitted a smoke generator to his large Edge in the form of an electric pump delivering diesel straight into the engine exhaust manifold. However the modifications have so far led to a couple of unscheduled landings in the adjacent fields as the engine cut early.

The End of NiCad Batteries?

Apparently the European Parliament has agreed to ban NiCad batteries due to the pollution aspects of Cadmium. From my reading of several internet sources the exact date and scope of the ban seems rather confused (or perhaps it's just me..) but it seems that the days of NiCads may be numbered. In most cases, certainly for radio gear rather than motors, NiMH batteries are a direct alternative, and these are not under threat.

First Impressions

After **Steve O'Brien** started the ball rolling last issue with his recollections of his first visit to the club, I had hoped for some more contributions, but in vain... So here are mine.

I returned to model flying in 1999 after a 20-odd year break. Living in Failand at the time, the only club in the vicinity I had heard of was Woodspring. I approached them only to find that they had a 2 year waiting list. However the secretary told me about this other club at Weston, so I thought I'd try them as a temporary stopgap...

Having got directions, I found myself heading down this narrow muddy and mucky lane wondering if there could really be anything there. At the end however there were indeed models flying. But whereas Woodspring had a neat entrance with a gate, fences, clubhouse and even a barbeque, here there was only a small field. What's more the only way onto it was across a 12 inch wide wobbly bridge with metal rungs and a handrail of sorts on only one side, over a rather stagnant looking ditch. Did they really want to encourage new members or was this a moat to keep them out? Nevertheless, people were flying and seemed to be having fun so I ventured across and asked about joining.

A few weeks later my membership arrived so I turned up with my 22-year old Kamco Kadet trainer and asked what the procedure was. "Can you fly?" someone asked. "Yes" I replied, since I had flown before (20 years before...). There were no rules about novices then because they let me just go and fly. Anyway it all came back and I had no problems apart from a 20 year old fuel tank coming apart as soon as it was full.

On my second visit to the field there were just two other people there, one of whom promptly left, and the other regaled me with a long tale of how he nearly bought the field and fell out with the rest of the club. At the time it meant nothing to me, and it was much later that I heard the stories and realised who it must have been. Those of you who were in the club at the time will know who it was. I never saw him again.

Anyway, the club has come a long way since then, and it's rather nice to have been a part of it.

Flying Site Improvements

As part of the effort to make the club more family-friendly the committee has decided to install a “Swear Box” at the field. Anyone turning the air blue will be required to deposit £1 for every rude word.

In order to promote a healthier lifestyle among our members there will also be a “Smoking Box”. Any member found lighting up will be fined £1 per cigarette, £2 per cigar or pipe-full but only 50p for a roll-up as the entertainment value of watching someone attempting to keep loose tobacco on a thin paper in a howling gale is worth the difference.

To improve the aesthetics of the club there will be a “Tattoo Box”. Anyone displaying excessive skin art will be asked for £1 per picture or £1 per square inch for really big ones.

Finally in the interests of dental hygiene there will be a “Tooth Box” where any member turning up without a full complement of choppers will be required to put £1 for each missing molar. Special discount for Chief Examiners.

Alli Proof

Flying League 2006

This year’s flying league got off to a good start with a Spot Landing competition organised by **Mike Pope**. The aim was simply to get as close to the target as possible in one go, power allowed. It’s harder than you think! In the end the winner was **Ian Armstrong** who came within a couple of paces in both rounds, although **Terry Davis** was the closest of all.



Don’t forget that there will be a competition each month during the summer, on the first Sunday after the club meeting.

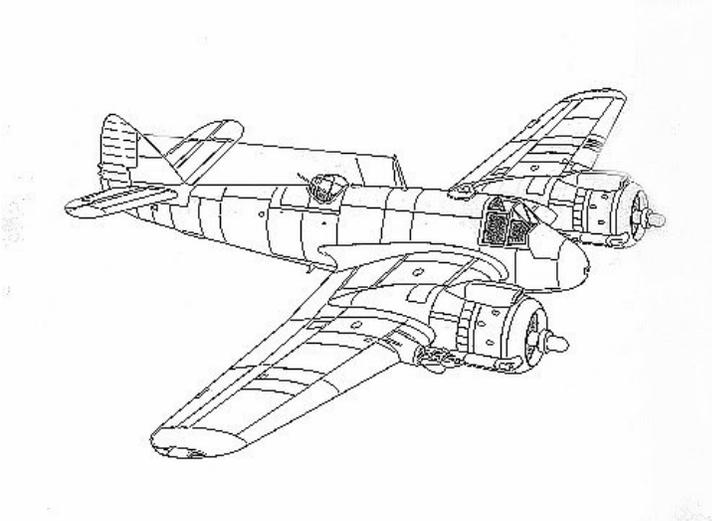
Litter

I’ve noticed an increase in the amount of litter at the site recently, especially around the car parking area. Most of it is almost certainly due to non-members, but it doesn’t give a good impression to visitors who don’t know that. So please remove any litter you see, even if it’s not yours.

Beaufighter Build

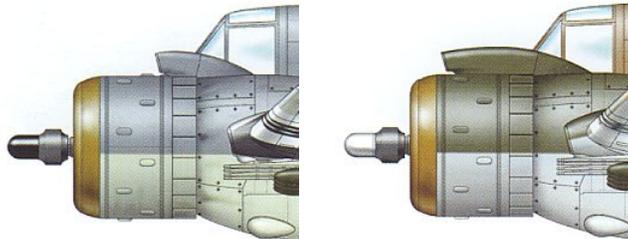
It's been a year since I first reported on my **Bristol Beaufighter** project in the April 2005 newsletter. At that time I'd just put the fuselage sides and frames together and fitted the control runs and the retractable tail wheel. Well since then a few things rather got in the way and nothing much happened for the next year, except that the tail surfaces got partially built.

However in April this year **John Dale** asked me to give a talk on it to the club at the May meeting, so I realised I need to make some more progress! It's remarkable how much you can do when there's a deadline in view, so in the space of one month the wing took shape, and although far from finished, it did at least resemble the final outline by the time of the meeting.



Since then I've put the flap and aileron controls in, re-done the flap spars (which were too far forward) and started to add the sheeting which needs to be partially done before I join the wing sections.

As I explained at the club night, I've decided to power it with a couple of ASP 30 4-strokes, since I discovered that later marks of Beaufighter had the longer over-cowl intakes which will cover the 4-stroke heads (see picture). This



means that with the engines mounted upright, the exhausts will be in almost scale positions since the real thing had its exhaust stacks along the lower right side of both engines as you can just about see in the sketch. Obviously designed by a model engineer!

So there is a long way to go, and it probably won't be finished this year, but at least it's on the move again. More details in the newsletter when there's something to report, and hopefully it won't take another prodding by John to make me finish it...

Futaba Memory Packs

Peter Spragg points out a useful web site for cheap Futaba memory packs and other accessories:

<http://www.clonepac.freeserve.co.uk/products.htm>

The Courts and Insurance

INTRODUCTION:

The Roman civilisation and empire lasted for hundreds of years, by the 4th century AD their legal system needed overhaul and Emperor Justinian commissioned a panel of legal experts to examine the problems and draft reforms. The panel divided their work into criminal matters, i.e. those things which were repugnant to the State and worthy of punishment; and civil matters, i.e. disputes which arose between parties (either groups or individuals) where non criminal damage had occurred and which they could not resolve themselves. The 'Digest' (book) on criminal matters was produced first and distributed throughout the Empire. It was followed by the 'Digest' on civil matters but the Romans withdrew from England before it arrived here. This is why continental Europe and their colonies etc still have codified civil law systems but in England and those areas where we exported our legal heritage (USA, Australia, New Zealand, India etc) we have what is called a 'Common Law System'. Although there was no overall administration in England after the Romans left and invasions by Angles, Saxons and others took place, over the centuries using the basis of Roman law, common ideas of justice were hammered out. Indeed, when William the Conqueror was crowned he promised 'To uphold the Common Law of England'. The process continued and it is considered that the main body of our Common Law was substantially completed by the end of the 13th century.

The Criminal Courts.

The principal job of Parliament is to study the needs of the community and to enact in Statutes the criminal law; i.e. those acts or omissions which are repugnant to society as a whole and for which specified penalties are prescribed; normally these must be intentional but there are exceptions, e.g. dangerous driving, it does not matter why one is driving dangerously, merely doing so is committing the offence. Virtually all crimes are now a matter of statute law. Interestingly, murder is still not a statutory offence. Those accused of murder are charged with 'the common law offence of murder'. Except for capital matters (i.e. murder) and the Merchant Shipping Acts, in general, criminal law jurisdiction extends only to the edge of the 'Territorial Sea', approximately 12 miles from the low watermark.

The criminal courts consist of the Magistrates Courts for lesser matters and the Crown Courts for more serious matters, appeals lie with the Court of Appeal (Criminal Division) and finally with the House of Lords. Cases in the Magistrates Courts are heard by a panel of three Magistrates, cases in the Crown Courts are heard by a judge and jury. In précis, criminal procedures are that the prosecution make their case to the court, with witnesses etc; followed by the defence, always remembering that the burden is on the prosecution to prove guilt, it is not on the defence to have to prove innocence. The standard of proof required to satisfy the court is "Beyond reasonable doubt". The magistrates or the jury in the Crown Court decide on fact, i.e. whether or not the defendant is guilty, if so, the magistrates or the judge will then decide the penalty.

The Civil Courts.

At the same time, over the centuries, our Civil Courts have dealt with disputes arising from non criminal matters. Because we do not have codified civil law, decisions reached in the past are used as guidance for current matters, this is called the principle of 'precedence'. Although not binding on our courts we read the decisions reached in other Common Law countries to aid developing our law and they read ours.

The civil courts consist of the County Court, which has a simplified procedure for small (up to £5000) claims, known informally as the Small Claims Court. Although theoretically

the County Courts may hear claims for any amount of money it is the practice for high claims to go directly to the most appropriate division of the High Court. There are three divisions of the High Court, Chancery which deals with wills, intellectual property claims etc; the Family Court which deals with matrimonial problems such as divorce and the Commercial Court which deals with business matters. There is also a section of the Commercial Court known as the Admiralty* Court, this has nothing to do with the Navy, it deals with commercial shipping disputes following ship collisions, cargo damage, marine insurance etc. Cases in the County Courts are heard by a Recorder or junior judge; cases in the High Court are heard before a single senior judge, except in Admiralty where the judge has two assistants who are Elder Brethren of Trinity House. Appeals from the High Court lie with the Court of Appeal (Civil Division) and finally with the House of Lords. Appeals to either division of the Court of Appeal are heard by three judges sitting together and appeals to the House of Lords are heard by three or sometimes five Law Lords - not the House of Lords itself.

Civil law procedure:

Where it is considered that wrongful damage has been suffered the claimant should write to the defendant stating what damage has been suffered and why it is thought that the defendant should make good the damage. This is invariably by way of money as compensation. It is usually very difficult to make someone physically make good the damage. The defendant may accept the claim and pay up or may consider the claim invalid or excessive. If this gives rise to a dispute over who is liable or by how much, it is the function of the civil courts to decide liability. (The concept of 'guilt' is not used in the Civil Courts - only liability. In English law the amount of compensation that can be received is only the amount of damages proved in court, unlike the USA, there is no concept here of penal damages in excess of actual damages. The procedure is that before going to court the parties should so far as possible determine, as matters of fact, what actually happened. Their cases will be presented to the court. It is not normally the function of an English civil court to decide on facts. When it has to do so the standard of proof to be applied is "On the balance of probability." Having heard the facts or made determinations if matters are not clear the court will then apply the law to decide liability. It may be recalled that O. J. Simpson was acquitted of murdering his wife but her family sued for compensation in the civil court and there it was found "on the preponderance of evidence" that he did kill her and therefore was ordered to pay many millions compensation.

Sometimes the civil courts may be used to obtain redress when the criminal law has failed to convict; however, conviction in a criminal court is only evidence in the civil court, it is not proof. Sometimes one hears the expressions 'criminal damage' used to describe very serious civil damage - this is not so. Criminal damage is damage done in the course of criminal activity. i.e. the car window broken by a thief in order to steal something from the car is criminal damage.

Unlike criminal law, civil law is not limited by the boundary of the territorial sea and can be used internationally. This is very convenient when companies in different countries are in dispute. Citizens of other countries frequently bring their civil disputes to English courts. It may also be recalled that the claims by those injured in the Bhopal chemical disaster were pressed against the Union Carbide Company in the United States, mainly because damages awarded there are much higher than in India.

Costs:

The Civil Courts are very expensive and no matter how good a case may be it is not certain that one side will win. It is also usually the case that the losing side pays the costs for both sides. Moreover, even if there is a cast iron case against someone if that person has no money (is a 'man of straw' or has divested himself of assets) then there is no point in suing. Additionally, the Civil Courts have little in the way of an enforcement mechanism, if the responsible party refuses to pay up on a court order then it is up to the other party to take further legal action - with even more expense.

Alternatives to litigation:

- 1) Arbitration, many branches of business have set up arbitration procedures. Arbitration is governed by the Arbitration Acts and because part and parcel is that in accepting arbitration the parties agree to accept the Arbitrator's decision there is no appeal except where the Arbitrator has erred in law. It is quicker, cheaper and in private when compared to litigation.
- 2) Alternative Dispute Resolution - a title frequently used to describe fast track arbitration.
- 3) Mediation, having started off in the Family Courts mediation is becoming more popular for commercial and other disputes and many solicitors now offer mediation as a service. The procedure is that parties are placed in separate rooms and a trained mediator shuttles between them making explanation, offer and counter offer until the parties have arrived at their own solution to the problem - hence it should work!

INSURANCE

Life Policies (the jargon word for an insurance contract is 'policy'). A Life Policy is ASSURANCE, not insurance, and it is a method of providing a lump sum of money for one's family if you die much earlier than expected or for yourself if you outlive the terms of the policy. Be assured that we all will die sometime...

Insurance is a commercial undertaking whereby the insurer (sometimes known as 'underwriter' because originally they signed their name under the terms of the contract) uses the laws of probability and statistics to work out rates and cost of losses against premiums collected and hopes in the long term to collect more than they pay out. Both sides to a contract of insurance are bound by the law of contract to comply with the terms. The insured must not claim for more than has been lost and the insurer is not required to pay out for more than has been lost nor on things that are not in the contract. Insurance companies and underwriters syndicates are not charitable institutions, they are in business to make money, it is perfectly normal for them to resist claims as a method of testing their validity - in court if necessary. Equally it is not in their interests to contest obviously valid claims which are usually paid very promptly. It may be noted that following the Brinks-Matt robbery at Heathrow when £26 million of bullion and securities was stolen, Lloyds underwriters paid in full within seven days. Incidentally, the robbers were identified, have successfully been sued for the money and have even been pursued for the interest it would have earned. A comprehensive or 'All Risks' policy does NOT literally mean all risks, it means all those risks described in the policy.

It is thought that the concept of insurance was developed by the ancient Greeks at about the same time that the concept of democracy came about. Democracy is sharing the responsibility for managing a community so that everybody has an opportunity to contribute towards this. Insurance is sharing the responsibility for loss with others so that everyone pays a little towards the loss. Fairly similar ideas! It is thought that our word 'average' comes from the Greek word for this. It is obvious that it is illegal to insure against criminal liability - i.e. one cannot insure against being fined! Although not illegal to doubly insure, if one does so then this must be declared to each insurer and they will then share the payment of compensation so that one only gets back the value of what has been lost.

Because the insurer must have a fair opportunity of estimating the risk everything that is material to a risk must be declared at the time of commencing a policy or as soon as it becomes known afterwards. In this sense, unlike other contracts, silence is misrepresentation. Contracts of insurance differ from other contracts also in that instead of being about something that will happen they are about something (damage) that may happen. Because of this if the risk does not materialise within the period of the policy the premiums are not returnable.

Because it is as expensive to process a small insurance claim as a large one, in order to eliminate small claims insurers sometimes offer an 'excess' which not only reduces premiums but prevents the insured from being reckless with their property as they bear some of the risk themselves.

* From the Arabic 'Amir al Bahr' - the rule of the sea.

Roy Shaw. J.P., LL.M.

Spot Landing Competition (2)



**Wow, nice landing
Captain! ...But...**

Fuel

The club fuel supply has proved very popular and successful this year, with over £500 worth sold in the past 4 months. It should be emphasised that the club does not make a profit on these sales, so it is very good value. Current stocks are:

- GX 5 £8.40
- GOGLO 5 £9.80
- GOGLO 10 ??
- CONTEST 10 £13.50

Specialised fuels can be obtained on special order (e.g. Laser Mix) on condition of a minimum order of 4 gallons and payment in advance.

Thanks go to several people for providing this service, particularly **Ron Bebe** for masterminding and running it, **Steve O'Brien** for sorting the finance, and **Mike Pope** for providing the large storage shelf in the container.

Signs of the Times

We now have a safety sign at the entrance to our field (picture on right) for the benefit of horse-riders and other non-members. Rather more appropriate than the one below...



Internet Sites

Recently the weather has either been too windy or too wet and as I had nothing to build or even repair I spent some time browsing the internet.

I found a very interesting site with videos of full size and model aircraft. Take a look at www.alexisparkinn.com/aviation_videos.htm

You will need broadband and a few hours to watch them all. For the helicopter boys have a look at "Mowing the lawn" with Alan Szabo flying. He is some pilot and it has a different ending!!

Gerry Crossman

Internet Adverts

I've been getting a few direct mailing shots recently via our Web Site, so I thought I'd pass them on as received, no recommendations because I've not looked at most of them yet!

Company	Subject
FlightPower Lithium Polymer Email: jon.badley@flightpower.co.uk Web: www.flightpower.co.uk Phone: +44 (0)1279 777 111	Lithium Batteries
Hyde Project Engineering Ltd Standish House, Standish Drive, Rainford, St Helens. Merseyside. WA11 8JY Tel: 01744 884190 Fax: 01744 884717 E-mail: hyde.projects@btinternet.com	helicopter pitch gauges and other bespoke parts, small batch bespoke items suitable for club gifts and prizes.
Steve Webb Models www.stevewebb.co.uk www.swdistribution.co.uk www.servoshop.co.uk	General model shop site
Ian Aitken, Hightorque UK www.high-torque.com/uk	Electric models



WINCANTON FALCONS RCFC

cordially invite you to participate in our
ANNUAL TWO DAY FLY-IN AND FLYING DISPLAY

Held at our privately owned flying site near Templecombe in Somerset on

29th and 30th July 2006

Saturday is open to Pilots and families for an informal fly -in.

Sunday is a flying display open to the public.

BMFA insurance required and Proof of "B" certificate for the Sunday

Camping from Friday p.m. by prior arrangement

Sunday charge for spectators £5 adults, concessions £3

We will be making a contribution to the Dorset Air Ambulance

For further information contact Richard Hunt, phone 01935 471732

Events

Forthcoming events this year:

Thursday 1 st June 2006 8pm	Club meeting at the field
Sat & Sun 1 st & 2 nd July 2006	Woodspring Wings show
Thursday 6 th July 2006 8pm	Club meeting at the field
Thursday 3 rd August 2006 8pm	Club meeting at the field
Thursday 7 th Sept 2006 8pm	Club meeting at the Ashcombe

Club Meeting Venue



Ashcombe

Email

If you currently get this newsletter by post and you would prefer to get it by email, let me know at the address below. Email recipients get their copy earlier and in full colour!

All club meetings apart from those in the summer months are at the **Ashcombe** pub in Ashcombe Road WSM.

How to contact the Editor

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Thanks to **Steve O'Brien** for printing and distribution.

The Newsletter is issued (with luck!) 4 times a year, at the end of January, April, July and October. Any contributions should be sent to the editor by the middle of that month.