

Letters to the Editor

Court report

Sir,

I am an East Berkshire Magistrate of twenty-seven years service, and have experienced cases brought by CAA prosecutors. As Heathrow is on our doorstep, these have mostly been for airspace infringement.

The CAA prosecutors have always presented well-prepared cases, supplied charts and maps, and have carefully explained to the Bench all relevant technicalities, practicalities and safety issues. This is vital, as the majority of magistrates have little or no experience of aviation from the pilot's seat. With a flying husband, I am reasonably familiar with air corridor charts and other material, but still need to concentrate on the explanations to ensure that I do full justice to the cases. If a guilty plea is entered, no witnesses are called, and the prosecutor reads out the relevant facts from their file. At present, the CAA prosecutor can quote sentencing precedents on cases of equivalent seriousness, which can be verified by our legal adviser. Magistrates can thus impose

sentence from a fully informed position.

I therefore read with misgiving Stephen Spence's letter indicating that CAA cases could be presented in future by the CPS. In the Thames Valley Region, the CPS prosecutor for any given day in court is often not allocated until the day before, sometimes not even until that morning, and will present all cases on the assorted list. The CPS prosecutor will be lucky to have seen the files the previous day, and usually has had only a few minutes to glance through each file before court commences. Often, cases are presented "on the hoof" the prosecutor flicking through the file and selecting the salient points as he or she goes along.

An experienced prosecutor is well versed in the usual mixture of theft, drug, criminal damage, assault and motoring cases, only occasionally needing to adjourn for a while to peruse a file more thoroughly, or look something up. A less experienced prosecutor can struggle, give woolly presentations, and can need to retire to phone a supervisor. As the onus is on the prosecution to prove a case "beyond reasonable doubt", in a trial, poor prosecution can result in case dismissal, even when magistrates may feel there could well be more to it. In guilty plea cases, poor fact presentation can result in over-estimated seriousness leading to an appeal against sentence, or

underestimated seriousness, an inadequate penalty, and a sense of injustice by victims. Which prosecutor any case gets appears to be random.

In CAA matters, I fail to see how even experienced CPS prosecutors, if without an aviation background themselves, can adequately explain the necessary technicalities to the magistrates, to enable them in turn to understand an issue sufficiently to dispense good justice. In a trial, the CPS would therefore require the attendance of a CAA expert witness to explain what the CAA prosecutors already do. With a guilty plea there would be no specialist explanation, the magistrates seeking their legal adviser's to advice on sentencing precedents.

However, if without specialist input, neither the legal adviser, prosecutor, nor the magistrates understand the unique technical context of a pilot's offence, it is difficult to see how we can properly assess the degree of seriousness in terms of carelessness, disregard, danger, potential consequences or cost to others. Without such properly informed assessment of seriousness, arriving at a sentence that is fair to all concerned will not be possible.

**Mrs Joan A F Horton JP
Slough**

Let's be clear – this is not a proposal, merely the heartfelt wish of some of those who defend pilots, and their clients. As a

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magistrate you have little knowledge of how that guilty plea may have come about. I have experience of cases in which pilots have been given the choice of pleading guilty and suffering a fine, or pleading not guilty, in which case the CAA will go after them for all the costs of the investigation and prosecution – and I mean, all the costs. Twin-engined helicopters may have been hired to retrace routes, investigators' time is tallied to the minute, every cup of tea they drank will appear on the costs application, which can run into tens of thousands of pounds. Murderers and rapists are not called upon to pay the entire costs of investigations – why should pilots? You might believe you're not guilty, but you'd have to be an idiot to contest the charge with such a Sword of Damocles hanging over you. It may well be neat and tidy for the magistrates, but it's damned bad justice. – Pat Malone

Court report II

Sir

As a journalist for just short of 50 years – most of that time spent specialising in writing on courts and legal matters – and as PPL who has in recent years had one encounter with the CAA I only have one criticism of Stephen Spence's letter in your last issue.

He used the word "disaster" to describe the situation if police and the CPS took over enforcement of aviation legislation. Not a strong enough word Stephen – try catastrophe.

All that was said in his letter is the absolute truth of the matter. Pilots would find themselves taken to court by police and lawyers who have no understanding of aviation matters and then find themselves being tried by magistrates or juries, who again have no understanding of aviation matters.

I wonder where I would have stood when I was reported to the CAA by a neighbour of a Kent farm strip for low flying after people on the runway necessitated a late go-around.

I doubt I would have received a home visit from a CAA investigator – an ex-policeman as it happened – to discuss the matter, albeit under caution, in a civilised and courteous manner over a cup of coffee.

The upshot after meeting with someone whose experience had given him considerable insight into aviation matters was that he left telling me he had to talk to his boss but he considered there was nothing to worry about.

More than that, he told me that as soon as he'd seen his boss he would phone me with the outcome and true to his word he did – which happily was total exoneration. Not I fear the treatment I might have received if this had been put in the hands of hard-pressed police and the CPS who

have no expertise in aviation and have different criteria in deciding whether to prosecute.

I can't stress too highly how any suggestion of handing matters of this nature over to the police and CPS should be strenuously opposed. This is something that should never be allowed to happen.

Roger Pearson

**As a journalist for over 40 years, some of that time spent covering courts ranging from local magistrates to the Bailey via criminal courts from New York to Sydney, I can't understand the preference for being interviewed by an ex-policeman paid out of our own pockets (if the DfT gets its way) and a policeman paid out of central taxation. There's nothing in aviation that's more specialised than fraud or fiscal malfeasance, nothing more difficult than the prosecution of murderers – in fact, aviation is easier because the ANO is so prescriptive. The criteria applied by CAA and CPS lawyers is identical. If the CAA had no ex-coppers or lawyers, would you even have got a visit? – Pat Malone*

Flying the Cranfield A1

Sir,

I enjoyed David Ogilvy's article on the Cranfield A1. For various reasons too long to expound here, I flew this aircraft in the UK National Aerobatic Championships, actually held at Cranfield, in 1985. At that time I was flying for the first time in the Intermediate category,

which entailed doing flick rolls for the judges.

The main problem with the aeroplane was that it was ridiculously nose heavy. I imagine this resulted from (1) having room for, and no weight in, a front seat situated aft of the main spar, and (2) having increased the size of the motor from 360 to 540 cubic inches. As David reports, the ailerons were really quite nice. Flying in Intermediate involved spinning upright and inverted, which I seem to remember went OK, and flick rolls, which were a right pain. The very high pitch and yaw stability meant that vertical up lines for stall turns resulted in almost no apparent slipstream effect, but rapidly pitching and yawing to start a flick required both hands, karate-style feet and absolutely no sense of finesse whatsoever. The huge wing span and resulting roll inertia can't have helped either.

As a result, I chose not to perform the flick roll on a 45-degree down line demanded in the Unknown sequence and accepted getting no points for the figure at all. If I remember correctly Jonathan Whaley won Intermediate that year in a Cap 20, and I came third out of four contestants. Still, it was a medal, and a record of the only time the A1 was flown in earnest in an actual aerobatic competition. Later that year, Alan Wade started flying it in displays, hence the Gola name on the side in some of your pictures.

Alan Cassidy MBE
Freestyle Aviation
Maidenhead ■



Alan Cassidy found that flick rolls were a right pain in the Cranfield A1