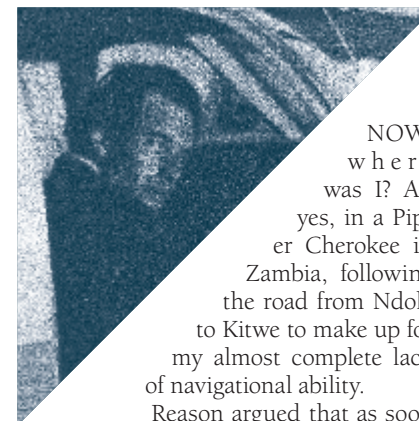


# THERE WILL BE NO CONGESTION CHARGE

*Anthony Preston concludes his ripping yarn of low flying, being hauled up before the CAA and the courts, and a rather clever barrister*



NOW, where was I? Ah yes, in a Piper Cherokee in Zambia, following the road from Ndola to Kitwe to make up for my almost complete lack of navigational ability.

Reason argued that as soon as I spotted a car in the opposite direction I should gain height, which I did.

The road was not normally much frequented in those days, but each of the three cars that I encountered along the stretch I flew, felt the need to report it to the CAA in Lusaka, whither I was duly summoned.

Log entries at the Ndola Flying Club confirmed that I had been flying at the time. Thinking, upon reflection, that I deserved the worst they could mete out, I arrived for the interview full of contrition and humility, but before I could say a word, I was told that none had noted the aircraft's registration nor identified the make of aeroplane. I hid my delight and rapidly concocted a story in my head.

Portuguese pilots, generally regarded as unruly, were known to fly illicit excursions into Zambian territory from neighbouring Angola. Assuming an air of innocence, I suggested it could have been one of them.

There was a long pause. I began to perspire.

"I see, from the log, Preston, you were flying a low-wing Cherokee 140?" said Pete D of the CAA.

"Y-y-es." No point in denying it.

"You may be interested to hear that one of those who reported the incident – a lady, I believe – was adamant the aeroplane was high-wing. The others expressed no view on the matter."

Did I detect the hint of a smile, quickly suppressed?

The inquisitor did not immediately, as you would surely imagine he would, announce my innocence, since it was undeniable I had been flying that day in a low-wing aeroplane.

Instead, he took into consideration a totally unfounded reputation that followed me from Rhodesia and proceeded to condemn me, with a grin, not only for leap-frogging cars along the Kitwe to Ndola road but also for doing so upside-down.

He tried to get me to confess, implying, with a full smile, that it was merely to satisfy his curiosity. I don't think he had much doubt. But how could I contradict the evidence? I thought it wise to remain non-committal.

Here we have a case of poor communication resulting from a major error in observation, in the context of a benign authority. It's fair to say that back then, when aviation authorities were largely manned by ex-Service personnel, there existed a kind of camaraderie that added hugely to the pleasure of flying. Possibly it encouraged a degree of freedom beyond what is today acceptable, but it brought

with it a collective responsibility no less effective by being less vigorously enforced.

On the down side, it can be argued that the superior attitude inferred by terrestrial mortals from the lofty station of aviators, looking down from above, needs no further encouragement, leading, as it may, to hubris.

There was a time I had a girlfriend whose image I placed so high that communication, as one mortal to another, was precluded, and, in my flawed Lothario way, I decided to win her heart by an idyllic visitation from above.

***"A totally unfounded reputation followed me from Rhodesia, not only for leap-frogging cars along the Kitwe to Ndola road, but also for doing so upside down"***

She lived with her mother, brother and father in Shenfield, near Brentwood in Essex. He was a surgeon at a London Hospital, had invented the gastroscope and owned the most magnificent Lincoln V12 saloon. The latter may have contributed to the lofty elevation to the pinnacle of admiration on which I placed his daughter Jenny. Whatever the reason, my own head had been turned.

Jenny was not an admirer of the Services, particularly the RAF. She was immune to the Walter Mitty glamour I affected, ►

▷ making it clear that if we were to be wed I would quit.

Because this was so incomprehensible to me, I made up my mind that she was confused, and that the sight of an aeroplane being piloted over the house by her suitor would quickly put her to rights.

It was, therefore, with this conviction firmly in mind that I departed Nacton in the club's Auster Autocrat G-AGXP, destination Shenfield.

From the ground, hubris or no, the immoderate pleasure and excitement gained by an aspiring fighter pilot watching an aeroplane skimming the treetops was derived no doubt from memories of the war and hero worship of its fighter aces. It was, in the absence of evidence to the contrary, assumed that other earthbound spectators would be similarly, if not so passionately, affected. I submit this argument in a feeble attempt to explain the transgression.

Arriving overhead Shenfield at a respectable 1500ft, I experienced no difficulty in locating the house and, after calculating the best direction from which to start the nose dive, closed the throttle and put the aircraft in a steep descending turn to the left.

The airspeed began to build, the rush of air over the wings produced the whistle that would bring Jenny, who had no idea of my plot, rushing with admiration to her back door, her mother, I imagined, standing beside her with a gentle, understanding smile upon her face.

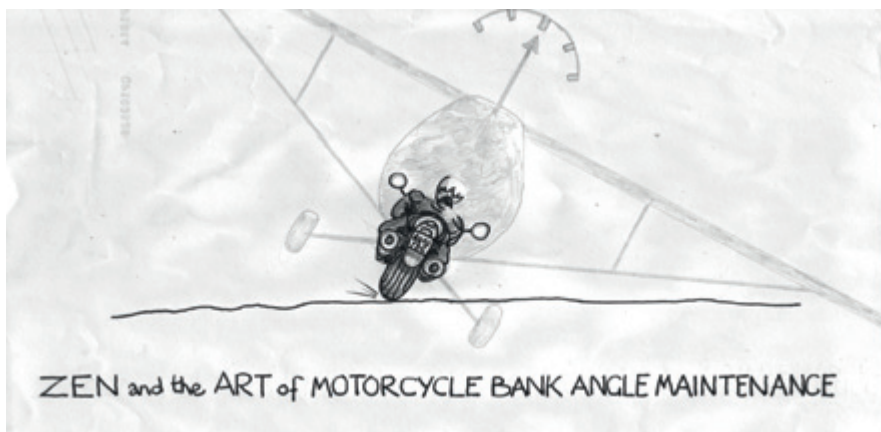
At about 200ft I stopped the spiral dive, levelled the wings and pointed the nose at the back lawn.

This low, you don't waste time looking at altimeter and ASI; your eyes are too busy looking at objects on the ground and assessing rate of descent, drift and trajectory.

What I do, however, remember seeing, from the corner of my eye, was a gravel tennis court in the garden immediately adjoining Jenny's and, with a clarity I retain to this day, a young lady in tennis whites throwing herself to the ground.

Carrying out a couple of steep turns and wagging the wings, I made an earlier departure than I had intended. On the way back to Nacton the guilt began to take a grip and I even considered the possibility that Jenny and her mother may not have been impressed.

Certainly their neighbours were not. Three separate households had taken the aircraft's registration and the three separate households had reported the incident to the police.



... or "banking on the correct bank angle"; sketch by the author

The punishment at that time included a hefty fine and imprisonment, so I therefore thought it wise to seek legal advice through the RAeC.

#### EVERY DOG HAS ITS DAY

Although I had concocted a number of tenuous excuses that I wanted to convey to my barrister, along came the day of the hearing at Brentwood Town Court without any preparatory discussion about our defence having taken place. This seemed to me like bad news.

The barrister was a brisk and dapper man who didn't seem to have a great deal of time to spare for me; he bustled about, flicking through a bundle of impressive looking papers and folders and finally tucking them under his left arm.

Three witnesses represented the prosecution. None had a friendly look for the trembling accused. If I held out any hope prior to this moment, it was now all gone.

The prosecution, on behalf of the police, stated their case briefly and rather brutally, to wit, that I had been flying below a height of 250ft over the congested area of a town.

Quaking at the appearance of the first witness in the box, so upright, so City Gent, my heart sank further.

"Good afternoon, Sir," from my man, all deferential, followed by an equally polite response from the resident of Shenfield in tones so similar to the barrister's that I at once formed the opinion that both had been schooled in Windsor.

"Now, Sir, you will forgive my asking, I take it you work in the City?"

"I do, indeed."

"An important position, I don't doubt? In the world of finance, perhaps?"

"Correct."

Where, I wondered, in a brief pause for a stagey shuffling of papers and pull upon each lapel, is this leading? Surely the man exudes enough credibility without Mr Barrister rubbing it in?

"So," from my counsel, "may we assume you meet with your colleagues for the occasional luncheon together, to discuss business and generally be sociable, shall we say?"

A brief look of puzzlement from the witness.

"Well, yes, it is our custom to meet at least once, sometimes twice, a week, at the club, you know, for luncheon. Not for long, you understand."

"And these are as much social occasions as business?"

"It varies. Both topics, social and business, certainly... have their turn."

"I see, so you will discuss with your colleagues and friends, some of whom know nothing of your domestic situation, you will discuss with them your lives outside the daily grind – how you spend your leisure time – talk about your family, your home..."

By this time I am beginning to wonder if he has inadvertently picked up the wrong brief. Another studied pause, the witness becoming irritated.

The barrister breaks the silence: "Are you, Sir, finding it difficult? Do you discuss your domestic situation, your children, your wife, your house, your garden... you know... with your acquaintances over the cigars and brandy?"

"Y...e...s." The word stretched out as if replying to a small child.

"Good! Thank you. And at these luncheons would you describe your house to those who hadn't had the pleasure of seeing it: size, rooms, age, style – that sort of thing – would you describe that to them?"

With a look to the magistrates that implies a question: what's this all about? "Yes, that would come up in conversation. Why do you ask?"

Ignoring the question: "When talking about your garden, for instance, do you bemoan the lack of space, tell them how you wish you had room for more flowerbeds, a vegetable patch, that rockery you had always promised the wife..."

"Good Lord, no! Whatever made you think that? I have a tennis court, a swimming-pool – not a large one, you know, but big enough to put in a useful number of strokes, 30 yards long or thereabouts – we've a lawn we play croquet on, when the weather allows, and a small orchard. The house has five bedrooms and there are four bathrooms. Why do you ask?"

Again the question is ignored, another posed: "I see, I'd got quite the wrong impression, forgive me. So it would be wrong to imagine that your neighbours encroach on your space: a house on either side? That you are overlooked? I had imagined your entire garden was no bigger than your swimming pool!"

"Good heavens above, why ever would you think that? I'm very comfortable with where we live. I've worked hard to get it. How preposterous!" and turning again to the bench, "can we get on with the case?"

Partly turning his back, the barrister, voice raised to address the whole court: "No further questions!"

The next witness, and the third, were subjected to a similar interrogation, to which they responded in like fashion. I wish I could claim that I began at this point to realize what my counsel was up to, but I didn't.

It was time for the summary on behalf of the defence. Without wishing to suggest that the drama rose to levels of Rumpollian histrionics, the next episode was undeniably entertaining, particularly for me.

The dapper man addressed the bench briskly:

"Your Worships, I submit that there is no case to be contested today. You have heard from three estimable citizens of Shenfield that they live, each one of them, in handsome houses, as befit the well-off, set in spacious grounds, secluded and quiet.

"There is absolutely no way in which such houses could be described as being situated in the congested area of a town. With respect, I would like to request that the case be dismissed."

The worthies seated at the raised desk consulted briefly before acknowledging that there was no case, declaring me blameless.

To add salt to the wound, my barrister drew the court's attention to the fact that his unfortunate client had been put to some expense and that he would like to apply on his behalf for the award of costs, suggesting £100, to which after short deliberation they agreed.

In another case of communications,



CFM Shadow. With propeller

it was more a matter of talk when silence would have been preferable.

As chief test pilot and general manager for Cook Flying Machines (CFM) in the 1990s, I regularly took prospective purchasers for demo flights in the eccentric and highly successful Shadow microlight.

On this occasion the client was a small man who had arrived at Bentwaters in Suffolk from London on a hot summer's day astride a massive motorbike. He was sweating upon arrival, then even more so in the front cockpit, where he thought-

***"After the propeller came off, my passenger, who had never been up in anything like the Shadow, was not only unfazed, but was positively bursting with unwanted advice"***

lessly unzipped the upper part of his leathers before we took off.

I don't, for a moment, suggest that the powerful odour of hot motorcyclist caused the engine problem, nor that it affected me in any way but, at a height of 1500ft, engine revs suddenly soared and I realized the propeller had come off.

Since in the Shadow the engine and propeller are at the back, we never saw its departure.

My first fear, that it had sliced anything off behind, was immediately allayed as the aircraft continued to fly normally as a glider. Had the prop sliced through the tail empennage, which it could have if I'd been pitching up at the time, we would have been a twirling brick hungry for the ground.

We practise forced landings all the time, and they should be second nature, but the authentic situation introduces a

few extra headaches. For example: where to land, aircraft behaviour without milling propeller, wind, passenger. He, who had never been up in anything like the Shadow, was not only unfazed, but was positively bursting with unwanted advice.

Had I been less keen to sell him an aeroplane I'd have probably told him to belt up.

The entire episode was executed to the accompaniment of a ceaseless flow of chatter: "Why don't you..." "What about..."

He was still chattering as we walked to some cottages from the unharmed aeroplane, perched in the middle of a field of stubble.

It was a moment I wanted to savour. I had always fancied walking up to a cottage and saying something along the lines of: "I'm frightfully sorry, but I've crash-landed in your field. May I use your phone, please?"

The moment wasn't entirely wasted, as the two women were suitably surprised and offered us the requisite cups of sweet tea.

The destination of the spinning propeller did worry me, and I had visions of an unfortunate farmer walking into the A&E department with a three-bladed propeller jutting out of his head. It did turn up, over a year later, found in a wood some way off.

Communication also relies upon some shared understanding of the greater world. When I was working for Kent Instruments in Paris in the early '70s, I decided one day to visit Kent cousins, the Campbells. They had a bright daughter, Zoë, who welcomed me at the front door with relaxed informality, embarking at once on a serious conversation.

"I'm three years old!"

"Good gracious! I'm 38." For that's what I was at the time.

After a pause for thought: "Ah, well, I expect you'll very soon be three."

"No, Zoë, I've already been three."

Indignantly: "Well! I never saw you there!" □