

# FILMING WITH DRONES

Contracting  
Insuring  
Safeguarding

A crashing drone can cause substantial damage to equipment, people and property at great expense, so it is critical that you ensure the drone company is qualified, that they accept responsibility for their actions contractually and provide the right insurance.

With this in mind we recommend you check the following points when considering hiring any. Issues around 2 and 3 have arisen with APA members, 1 is the starting point:

## 1. CERTIFICATION

The drone company should have the necessary certification to operate. In the UK, this is issued by the Civil Aviation Authority (CAA) in order to comply with the law. In the UK regulations prevent drones being flown within certain distances of buildings and people etc and you need to feel confident that your drone company knows and understands those regulations and knows you are relying on their advice. If you are overseas, you need to enquire as to the certification the drone company has from their CAA equivalent or whatever their law requires and ask them to confirm they understand the law relating to drone use and will comply with it

## 2. RESPONSIBILITY

Does the hire contract with the drone company fairly apportion risk and responsibility? They should take responsibility for their actions and for any damage or injury caused to or by the drone. In one contract we have seen, the drone company seeks to make the production company responsible for its failures.

### 3. INDEMNITY & INSURANCE

The drone company should indemnify you but you should not rely on that indemnity, particularly if you are shooting overseas and would have to enforce that indemnity in a foreign court - safer to assume that the indemnity can't be relied upon because their assets would not be sufficient to meet a significant claim. Even if the drone company is in the UK, it may have insufficient assets to meet a substantial claim.

So that leaves insurance. Whether they have insurance and what insurance they have will vary from company to company and from country to country. You need a company that can prove that they have insurance at a suitable level for the production (minimum £1,000,000 recommended) for the drone and equipment attached to it, including a camera and whether owned by them, you or hired.

The drone company needs to add you on the policy, so you have direct rights to enforce the insurance against the insurer, rather than just a right against the drone company and can provide you with evidence of that. Without that, you would be liable to significant claims - even if the drone company has taken contractual responsibility, someone injured or whose property has been damaged could claim against you and you would then be relying upon the indemnity of the drone company, which might prove worthless, so being a named insured is critical.

*Thank you to Stonehouse Integro for their input into this note.*



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