

- (1) The condition of active service, ie when warlike operations are in progress or threatened.
- (2) During transit at public expense where normal insurance against loss or damage was unobtainable.
- (3) Traffic, flying, and other accidents on duty.
- (4) Fire on airfields, in barracks, Service hutments, single quarters or camps except in cases where it is clear that the MOD has no legal liability.
- (5) Loss of or damage to property handed into the unit store or otherwise entrusted to official custody during the absence of the owner on leave etc.
- (6) Destruction by official order to prevent the spread of infectious or contagious disease.
- (7) The faulty construction or bad repair of airfields, barracks, Service hutments, single or married quarters.

There may be certain other circumstances which could be considered as an exigency of the Service and in such cases the final decision will be the responsibility of the CO or DBR CLCP as appropriate.

**2280. Infected Uniforms.**

*Sponsor: DBR CLCP*

If infected uniform is ordered to be destroyed, and the destruction is regarded as an exigency of the Service, compensation may be assessed in accordance with para **2288(3)**. A list of the articles destroyed should be made and a certificate from the Medical Officer stating the necessity for destruction attached.

**2281. Exceptional Causes.**

*Sponsor: DBR CLCP*

Claims for loss or damage arising from exceptional causes outside the definition of exigencies of the Service and which were not insurable risks may receive special consideration. Any claim under this paragraph must satisfy the requirements of para **2277** clauses (1) and (2).

**2282. Claims from Personnel on Loan or Secondment.**

*Sponsor: DBR CLCP*

Commonwealth or other forces are not covered by these regulations but in exceptional circumstances cases may be referred through Command HQ to the DBR CLCP for consideration.

**2283. Items for which Compensation may be Payable.**

*Sponsor: DBR CLCP*

Compensation may be granted in respect of the following items, subject always to the provisions of para **2277**:

- (1) Items of uniform clothing, Service kit and equipment unless there is an entitlement for free replacement through Service sources.
- (2) Privately owned books or instruments used for the benefit of the public service.
- (3) Articles of civilian clothing which have been specially ordered to be worn on duty.  
Compensation will not be admissible where the clothing was purchased from a grant from public funds.
- (4) Personal and family effects and other clothing (not otherwise excluded in these regulations) which it is reasonable for the individual to have in their possession at the time of the loss, namely:
  - (a) Personal toilet requisites, civilian clothing and sports gear.
  - (b) Other personal possessions (if not otherwise excluded, or provided for, in these

regulations).

(5) Compensation in respect of family effects of individuals will be assessed to the extent to which such articles replace conventional articles and on the basis of the value of the latter.

(6) Private furniture not under para 2283(5) but within the scales laid down for single officers quarters furnished at public expense.

(7) Mess and band property, limited to articles considered necessary and in the case of mess property excluding silver, plate, consumable stores and any items provided as an approved official issue.

#### **2284. Losses to be Investigated.**

*Sponsor: DBR CLCP*

(1) Where loss, damage or destruction occurs in circumstances in which a claim to compensation can be made, the circumstances and the extent of the loss or damage are to be investigated by the CO who may, if considered necessary, convene a unit inquiry (see [para 1263](#)) for the purpose. If the circumstances appear to warrant it a Board of Inquiry may be convened (see [para 1258](#)). The Board of Inquiry or Unit Inquiry is to report and record an opinion as to whether:

- (a) The owner is free of all blame.
- (b) The loss occurred in circumstances unavoidable by the claimant.
- (c) Every effort was made to prevent the loss or minimize the damage.
- (d) What efforts were made by the claimant or the claimant's unit to trace and recover any missing articles.

(2) Reports of loss and damage are to be made immediately upon discovery and failure to do this, with the consequent delay in the investigation of the circumstances thereof, may be held as sufficient reason for rejection of any claim.

#### **2285. Submission of claims.**

*Sponsor: DBR CLCP*

Claims are to be submitted on MOD Form 441 (Revised 2010) to the appropriate authorities within one month of the date of the incident giving rise to the loss or damage. When completing MOD Form 441 claimants and management authorities are to ensure that the following supporting evidence is supplied whenever possible:

- (1) An account of the incident.
- (2) Description, original cost and date of purchase of the article.
- (3) A receipt or estimate for replacement or repair (see paragraph 2287).
- (4) Statements from any witnesses to the incident.
- (5) Confirmation that the article was not covered by insurance or any other provision for replacement.

#### **2286. Evidence of Ownership.**

*Sponsor: DBR CLCP*

A claimant may be required to produce evidence of ownership and of the value of the article in respect of which he is claiming compensation. Where the owner of lost articles has subsequently died the MOD may require proof that replacement was made before death.