

## APPENDIX 36

(Referred to in para **J1810** and **J1811**)**DIRECTORATE OF BUSINESS RESILIENCE –  
COMMON LAW CLAIMS POLICY (CLCP)****SECTION 1****Constitution.**

1. Hd of CLCP and his staff act on behalf of the Secretary of State for Defence and are the sole authority responsible for the investigation, negotiation and settlement of claims for compensation on a legal liability basis and in line with common law principles by and against the MOD. Claims Officers have delegated financial authority to pay compensation which may only be delegated to others with the agreement of Hd of CLCP.

**Duties.**

2. DBR CLCP deals with claims at common law made by or against the MOD arising out of:

(1) Traffic accidents involving MOD owned and leased/hired vehicles, excluding those occurring in the UK which are dealt with by a commercial claims handling organisation.

(2) Death of, illness or personal injury to Service personnel, dependants and other entitled patients as a result of clinical negligence.

(3) Incidents involving death or personal injury to on duty Service personnel occurring since the repeal of Section 10 Crown Proceedings Act on 15 May 1987 and prior to 1 July 1996 when the handling of Service personnel Employer's Liability claims were contracted out to a commercial organization.

(4) MOD aircraft activity, including crashes, but excluding claims arising out of the participation of Service aircraft in air displays, tattoos etc which are covered by the MOD's non-core third party aviation liability insurance.

(5) Maritime accidents including salvage, collisions, damage to fishing gear, etc.

(6) Hovercraft accidents.

(7) Accidents involving death or personal injury to civilian employees of the MOD except those in the UK and involving UKBC overseas (but not Locally Employed Civilians) which occurred after 1 March 1982 as these are dealt with under the MOD's Civilian Employer's Liability claims handling arrangements with a commercial organization.

(8) Common law claims by and against Visiting Forces based in the UK are dealt with under Section 9 of the Visiting Forces Act and Article VIII, Para 5 of the NATO Status of Forces Agreement. Overseas Area Claims Officers deal with claims covered in international agreements governing the status of UK Forces and the civilian component and advises on claims matters in connection therewith. (See Section 2 to this Annex).

(9) Miscellaneous occurrences involving the death or injury or loss or damage of the property of other third parties.

(10) Overseas only:

(a) Damage to lands, buildings, crops, private roads not leased or under contract and public roads during training and manoeuvres or at other times.

(b) Off duty incidents in which Service personnel, members of the civilian component and staff of sponsored organizations are involved and the claims are of a tortious nature.

3. Other duties of Hd of CLCP and his staff include:

(1) Preparing financial estimates, Short Term Financial Plans, Management Plans, Claims Annual Report, etc.

(2) Providing advice to and on behalf of the MOD on matters relating MOD liability to insurance and indemnities, except on contractual or lands matters.

(3) Advising on policy relating to ex gratia claims for compensation from MOD civilian and Service personnel arising from the loss of or damage to personal property.

(4) Managing the MOD's commercial claims handling arrangements in the UK in respect of motor , Uninsured Loss Recovers and service and civilian employer's liability risks.

(5) Managing the MOD's commercial aviation insurance arrangements in respect of third party risks in the field of:

(a) Civilian use of MOD airfields.

(b) Fare paying passengers.

(c) Participation of MOD aircraft in air displays, tattoos, etc, worldwide.

(d) Search and rescue training and observation flights with civilian organisations.

(e) Aviation Income Generation projects.

4. DBR CLCP does not deal with claims made by or against the MOD arising out of:

(1) Damage to land, crops and buildings and roads caused during training and manoeuvres on land in the UK.

(2) Requisitions, hirings, purchases or other contracts;

(3) Royal Warrants or certain other Departmental regulations;

5. Financial powers necessary for settling claims which fall within DBR CLCP jurisdiction have been delegated to Hd of CLCP and his staff. None of the claims described in para 2 may be settled by any other person or body.

6. The address for DBR CLCP is:

DBR CLCP

Ministry of Defence  
 Level 1, Spine 3, Zone I  
 Main Building  
 Whitehall  
 London SW1A 2HB

Tel: military 9621 80380 civil 020 7218 0380

7. DBR CLCP staff deploy, as required, with operational civil secretariats and on major overseas exercises. The addresses of permanent Claims representatives are shown in Section 2.

## SECTION 2 - THE CLAIMS BRANCH ADDRESSES

### Geographical Responsibilities and Addresses of Claims Officers

Geographical Responsibility	Address	Telephone Number
Austria	Area Claims Officer	JHQ Mil 94872 Ext 3020
Belgium	North West Europe	Civ 0049 2161 472 3020
Czech Republic	HQ UKSC(G)	
Denmark	BFPO 140	
France		
Germany		
Hungary		
Luxembourg		
Netherlands		
Norway		
Poland		
Switzerland		
Cyprus	Area Claims Officer	Mil 94120 3406/3573
	Cyprus	Civ 00357 2596 3406/2573
	BFPO 53	

Falkland Islands	Command Secretary	Mil 94130 6485
	HQ British Forces	Civ 00500 76485/76175
	Falkland Islands	
	BFPO 655	
Other Areas	Ministry of Defence	Mil 9621 80380
	DBR-CLCP	Civ 020 7218 0380
	MOD	
	Level 1, Spine 3, Zone I	
	Main Building	
	Whitehall	
	London SW1A 2HB	

### SECTION 3 - OFFICES OF THE SENDING STATES (NATO)

Where the UK is the 'Sending State' in the context of Article VIII of the NATO Status of Forces Agreement claims by and against the MOD will in the first instance be investigated by the "Host Nation" and then forwarded to the following:

Area	Address
Canada	British Defence Liaison Staff (Army)
	British High Commission
	80 Elgin Street
	Ottawa, Ontario K1P 5K7
Denmark	Defence Attaché

Greece	British Embassy
	Copenhagen
	Military Attaché
	British Embassy
Italy	Athens
	Naval Attaché
	British Embassy
Portugal	Rome
	Naval Attaché
	British Embassy
	Lisbon
Turkey	Air Attaché
	British Embassy
	Ankara
USA	British Defence Staff
	British Embassy
	Washington DC 20008