



Ministry  
of Defence



## MINISTRY OF DEFENCE STATEMENT OF CIVILIAN PERSONNEL POLICY

### INSURANCE, ACCIDENTS AND INJURIES COMPENSATION WHILE OVERSEAS

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## **INSURANCE, ACCIDENTS AND INJURIES COMPENSATION WHILE OVERSEAS**

### **Effect on Life Assurance Policies when Flying in Non-Commercial Aircraft**

Usually the conditions of a life assurance contract are set when you take a policy out and cannot be changed by the insurer during the term of the contract if circumstances change. Normally, there should be no restrictive clauses in a contract, but if there are special circumstances that exist at the time of making the proposal, the insurance company may add a restrictive clause or an extra premium may be charged. If you have occasion to travel by non-commercial air flights you should ensure that this information is included when completing any new proposal form and you should examine your existing policies to see if there is any restriction on flying activity. If there is a restriction or if you are in any doubt about your policy you should consult your insurers.

### **Travelling as a passenger in Crown aircraft**

Advice regarding compensation can be found below at - **Compensation for death or injury, or loss of or damage to property, causes when travelling in Crown aircraft.**

### **Indemnities required by private firms**

If you are arranging a visit to a private firm on duty and they request a personal indemnity the request should be discussed with your line manager and referred to DBR- CLCP- Claims.

### **Insurance of Personal Property**

**During Duty Flights** - You are responsible for your personal property and will have to meet from your own pocket any expense arising out of loss or damage against which you have not insured. Insurance is advised whether you travel by civil/commercial or Crown aircraft as claims for compensation are subject to the same statutory limits. Damage to or loss of personal property should be reported as soon as possible at the airport to a representative of the airline and claims for compensation made in accordance with the airlines' own procedures.

**Short Term Duty Visits on Subsistence Terms** - You are responsible for insuring your personal property and no contribution is made in respect of existing or new insurance. Consequently, in the event of damage to, or loss of, personal property while on detached duty, staff should make a claim against their existing insurance policy. For most staff, it is expected that appropriate insurance will be provided through their home contents policy. It is becoming general practice that such policies provide cover for short trips overseas up to a maximum of 30 or 60 days, depending on the policy, in any year.

Although individuals are advised to check their policies to ensure appropriate insurance cover, it is therefore, likely that existing home contents policies will offer adequate cover for short duty journeys both within the UK and overseas.

**Ex-Gratia Claims** - The Department considers insurance a personal responsibility. Therefore, the decision whether or not to insure personal possessions will reflect an individual's assessment of the value balanced against the risk of loss or damage. However, circumstances may arise when the Department can consider making an ex-gratia award. It is not the Department's intention to make ex-gratia awards to give means of protection at taxpayer's expense, which the owner has chosen not to provide at personal expense. Consequently, if an individual has decided not to insure their personal property there is no entitlement to compensation from the Department unless it can be established that the Department has acted negligently and has directly caused the loss suffered. Claims for compensation are to be submitted on the appropriate form (through your Head of Branch or Division to MOD SM Pol3c, HQ STC, RAF High Wycombe, Bucks, HP14 4UE.

**Short Term Duty Visit on COLA Terms** - You are expected to insure against all risks. COLA includes a provision for insurance.

**At permanent duty station abroad** - If you are serving abroad on COLA terms you are advised to take out insurance (e.g. contents insurance or your Service Family Accommodation etc) comparable to that which you considered necessary to have in the UK. Any losses are the owner's responsibility unless they occur on official duty within the terms of the normal MOD rules, or during riots abroad within the terms of **Compensation for loss of or damage to cars and personal possessions caused by riot abroad**.

#### **Personal accident insurance**

It is a matter of personal choice whether you take out additional accident insurance cover. However, in view of the official provisions for injury compensation the Department will not reimburse you the cost of any additional accident insurance you choose to purchase. If you may a claim under a personal accident insurance policy and the insurance company declines to make a payment on the grounds that your service with the Crown has invalidated the terms of the policy, then MOD will indemnify you to the extent of the benefit that would otherwise be payable under the policy, subject to an upper limit of £50,000.

#### **Criminal injuries compensation scheme (CICS)**

Any individual who is injured as a result of a criminal action while in Great Britain can apply for compensation under the CICS. CICS does not apply where injuries are sustained outside Great Britain, however, payments may be made by MOD by analogy with the scheme. Claims should be made through the DBS Pensions.

#### **Life Assurance**

Life insurance policies that were in existence before you knew of a particular

assignment to a "dangerous" area should not be subject to exclusions and should remain unaffected by the scope of your duties. When whole life insurance is taken out, or when you join the MOD, you must declare to your insurers that you are a civil servant with the MOD. If you are called on to go to a war zone or an area of conflict, you should inform your insurance company that you have been asked to do this as part of your normal duties with the MOD. Provided this is done, your whole life insurance protection should remain extent.

If at a later stage the insurance company declines to make payment on the grounds that your service with the Crown had invalidated the terms of the policy, then MOD will indemnify you to the extent of the benefit that would otherwise have been payable under the policy.

In the unlikely event that your insurance company seeks additional sums to provide the same level of cover for an existing policy, the Department will meet the cost.

### **Accidents injuries and compensation in connection with duty**

For detailed guidance on procedural arrangements and the full range of injury benefits you should read the MOD rules, as they also apply when serving overseas.

### **Other issues you should be aware of relating liability and compensation claims**

#### **Privately Arranged Travel (PAT)**

When travelling under PAT arrangements to and from overseas areas, the MOD accepts no liability for injury (including injury resulting in death) or for loss or damage to person, property and estate (including third party claims) which may arise out of, or in connection with your privately arranged journey. The same applies to any injuries sustained while on PAT within the overseas area.

**IMPORTANT:** It is very important that you obtain adequate insurance cover for yourself and where appropriate members of your family, when travelling under private arrangements.

#### **Claims of common law**

The Queen's Regulations for the 3 Armed Services and **JSP 800: Defence Movements and Transport Regulations - Volume 2: Passenger Travel Instructions** explains how to report accidents involving MOD vehicles. You must consult the local Armed Service Authority in your overseas area on a report to be submitted about any incident involving MOD Civil Servant. Any incident arising during the course of your employment which might lead to a common law claim, an industrial accident or a miscellaneous incident not falling under those listed in the section below on - **Compensation for dependants of MOD civil servants injured as a result of criminal/terrorist activity abroad** - results in injury to, death of, loss of or damage to property of, MOD staff, you should send a report to the appropriate Area Claims Office.

The report must include the following information:

- Date and time of occurrence
- Ministry of Defence staff and establishment involved
- Place of occurrence
- Brief details of occurrence
- Nature of injury or damage caused
- Name, address, age and sex of any person injured
- Name, address, age and sex of any person killed
- Name and address of any potential claimant
- Names, addresses and telephone numbers of any witnesses
- For fires only. Whether the Navy Department Fire Prevention Service, the Army Inspector of Fire Services or the Head of Fire Services (RAF) have been advised.

There is also provision in certain international agreements governing the status of UK forces overseas for the MOD to consider claims arising from off-duty incidents. Therefore the Area Claims Office is to be consulted when any such a claim arises.

#### **Compensation for dependants of MOD civil servants injured as a result of criminal/terrorist activity abroad**

If one of your accompanying (at public expense) or visiting (under a SCV or private visit) dependants is disabled as a result of injuries sustained during a criminal/terrorist activity in your overseas area then they may be able to claim an ex-gratia compensation payment for personal disablement. However this scheme does not apply to you if you are already covered by the Principal Civil Service Pension Scheme (PCSPS).

If any injury is sustained by a person other than those defined above the question of eligibility under the scheme will be considered by DBR-CLCP-Claims in the light of the particular circumstances of the occurrence.

The scheme **would not** apply to injuries caused or contributed to by serious negligence or misconduct of the injured person.

Compensation will be payable only on application and the onus is on the victim (or in the event of death, the next of kin) to ensure that the facts of the event are recorded and substantiated. Any incident which might be subject to a claim should be reported immediately to the local police, unless it is clearly inappropriate to do so and in all cases to the management branch abroad, who will take all reasonable steps to establish and record the facts as soon as possible.

If a criminal injury is sustained in a country which has its own criminal injuries compensation scheme, the victim must, if eligible, lodge a claim under the scheme, as well as under MOD arrangements for paying compensation.

Prospective claimants should submit claims through the appropriate channels to DBR – CLCP - Claims.

The level of compensation will be assessed by Government Legal Advisers and will be comparable to that which is paid under the Criminal Injuries Compensation Scheme had the injury occurred in the UK.

If the victim is alive compensation is reduced to take account of any pension accruing as a result of the injury. If the victim has died as a consequence of the injury, and any pension payable is for the benefit of the person to whom the award is made as a result of the death of the victim, compensation is similarly reduced to take account of the value of that pension. If such pensions are taxable, half of their value is deducted, if they are not taxable they are deducted in full. For the purpose of this paragraph 'pension' means any payment payable as a result of the injury or death, in pursuance of pension or other rights whatsoever connected with the victim's employment and includes any gratuity of that kind and similar benefits payable under insurance policies paid for by employers. Pension rights accruing solely as a result of payments by the victim or a dependant will be disregarded.

If a civil court gives a judgement providing for payment of damages or a claim or damages is settled on terms providing for payment of money, or when payment of compensation is ordered by a criminal court, in respect of personal injuries, compensation in respect of the same injuries is reduced by the amount of any payment received under such an order or settlement. If a civil court has assessed damages opposed to giving judgement for damages agreed by the parties, but the person entitled to such damages has not yet received the full sum awarded he will not be precluded from applying, but the assessment of compensation will not exceed the sum assessed by the court. Furthermore, a person granted a compensation award under this scheme is required to undertake to repay it from any damages, settlement or compensation they may later obtain from other sources in respect of their injuries. The arrival at the assessment of compensation will not be bound by any findings of contributory negligence by any court, but will be entirely bound by the terms of the scheme.

### **Compensation for loss of or damage to cars and personal possessions caused by riot abroad**

Although responsibility of personal possessions would normally be your responsibility, but in certain countries where risk of civil unrest are endemic or where such unrest may flare up suddenly, it may either be too expensive to insure against loss or impossible to do so. Where riot insurance is only available at additional cost MOD may consider ex-gratia compensation for loss or damage, according to the principles set out below.

If the car or personal possessions of an officer serving abroad are lost or damaged through riot, the overseas government will normally be liable for compensation by reason of its failure to protect British property.

At posts where it is normal local practice for insurance companies not to

exclude cover for riot risks in their standard comprehensive policies, in the event of riot damage at any of these posts you are to pursue your claims through your own insurance company. If you do not insure, or under insure you are deemed to carry riot risks in the same way as you have elected to carry other risks. A claim may be considered if:

- It can be shown that your insurance company has unilaterally revoked cover for riot loss or damage.
- It is entirely clear that if you have not affected insurance of any kind, you would not have succeeded in any claim even if you had insured within the guidelines of this section.

At posts where it is normal local practice to exclude riot risks from insurance policies, claims for riot compensation against overseas governments are made via the Foreign and Commonwealth Office, and MOD will assist staff to present their claims to that Department. Such claims take some time to be dealt with and may be rejected; and without in principle, accepting any liability, MOD will consider claims for repayable advances, to tide staff over while their claims are being considered and as a last resort provide ex-gratia compensation.

#### **Considering Claims for Advances**

The MOD will consider claims for advances providing:

- there was no culpable negligence or misconduct on your part;
- you undertake to repay the advance from any sums received by way of compensation from the overseas government or any other source.

You will be required to sign an undertaking.

Any advance made by MOD is based on current depreciated values and is limited to correspond broadly with up to twice the appropriate capital value covered by the car and/or personal possessions. Claims are to be submitted to DBR – CLCP- Claims through the DBS.

#### **Compensation under the Vaccine Damage Payments Act, 1979**

The Vaccine Damage Payments Act, 1979 does not include provision for the payment of damages to MOD civil servants and their families who are vaccinated abroad. However, provision has been made for those MOD civil servants and their families serving abroad who are dependent on the medical facilities of the armed services and who suffer any damage as a result of vaccination administered by the UK Armed Forces medical authorities to have their claims considered by the DWP on an extra-statutory basis.

#### **Compensation for death or injury, or loss of or damage to property when travelling in Crown aircraft**

When you and your dependants travel as authorised passengers in Crown aircraft you are subject to the same statutory rights as apply to commercial passengers.

Claims arising from authorised carriage in Service aircraft of a foreign or Commonwealth country will be dealt with by MOD as if carriage had been in Crown aircraft.

The amount of damages will be taken into account in the assessment of any injury benefit which might become payable on impairment or loss of earning capacity under the normal PCSPS rules.

If baggage carried in Crown aircraft is damaged, delayed or lost, a claim for compensation may be made but any payment authorised will be subject to the statutory limits applicable to commercial airlines.

If you and your dependants travel as authorised passengers in commercial aircraft chartered by MOD you are subject to the statutory limits of compensation applicable to passengers travelling by the commercial airline operating the aircraft. It is important for authorised passengers to read the notices, advice and conditions of carriage printed on the passenger ticket issued to them. In particular, attention is directed to those conditions pertaining to damage to baggage which advise notification in writing forthwith and at the latest within 7 days of receipt, to the 'carrier'. 'Carrier' in this context is the charter aircraft operator and **not** the MOD.