

**BY ORDER OF THE COMMANDER
UNITED STATES AIR FORCES IN
EUROPE**

**UNITED STATES AIR FORCES IN EUROPE
INSTRUCTION 51-507**

26 JANUARY 2015



Law

**SERVICE OF UNITED KINGDOM LEGAL
PROCESS WITHIN UNITED STATES
FORCE INSTALLATIONS IN THE UNITED
KINGDOM**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements Air Force Policy Directive (AFPD) 51-7, *International Law*. By this instruction, the United States Country Representative for the United Kingdom (UK USCR) establishes a uniform procedure for the service of United Kingdom (UK) legal process on United States (U.S.) personnel within the boundaries of U.S. Installations. This instruction is applicable to all elements of the U.S. Force, permanently stationed or on temporary duty (TDY) in the UK. This publication applies to Air Force Reserve Command (AFRC) units and to the Air National Guard of the United States (ANGUS). Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command. This publication may be supplemented, but all direct Supplements must be routed to the OPR of this publication for coordination prior to certification and approval. The authorities to waive requirements in this publication are identified with a Tier number (T-0, T-1, T-2, T-3) following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the Publication OPR for non-tiered compliance items.

SUMMARY OF CHANGES

This document has been substantially revised and must be completely reviewed. Major changes include a title change from 3AFI51-711 to USAFEI51-507 and the OPR change from 3rd Air Force-United Kingdom (3AF-UK) to Headquarters, United States Air Forces in Europe, Detachment 1, which is referred to throughout this document as United States Air Forces in Europe-United States Air Forces Africa/United Kingdom (USAFE-AFAFRICA/UK). It makes clear application of international hold procedures to civilians and dependents and adds a reference to consideration of counsel fees.

1. Scope. The provisions regarding criminal process are applicable to all U.S. military personnel in the UK. The provisions regarding civil process are applicable to all U.S. Air Force and U.S. Army and Navy personnel in the UK. This instruction does not apply to attempted service of process on the U.S. Force. This instruction only applies to the service of process against individual members of the force. For civil litigation matters and attempted service of process against the U.S. Force, refer to AFI 51-301, *Civil Litigation*, Chapter 6.

2. General. UK authorities have the authority to serve process on U.S. service members both on and off installations occupied by the U.S. Force in the UK. U.S. military authorities assist in the service of process by locating the individual sought and providing a place for service to be made.

3. Procedure to be followed.

3.1. Criminal Process.

3.1.1. Service by Process Server.

3.1.1.1. When a process server enters an installation, he or she should be referred to the Office of the Staff Judge Advocate (SJA). If there is no Judge Advocate or legal officer assigned, the process server should be referred to the installation commander or his or her designee (**T-2**).

3.1.1.2. The individual to whom the matter is referred should contact the person sought and advise when and where to meet the process server and that a judge advocate or legal officer is available to give legal advice (**T-2**).

3.1.1.3. If the person sought is not immediately available, the process server should be asked to return at a time to be arranged (**T-2**).

3.1.1.4. Please note that under arrangements with the UK courts, bailiffs may now serve arrest warrants for non-payment of fines.

3.1.2. Service by Mail.

3.1.2.1. When process is received by mail to a U.S. organizational unit, it should be referred to the Office of the SJA. If there is no Judge Advocate or legal officer, it should be referred to the installation commander or his or her designee (**T-2**).

3.1.2.2. The individual to whom the matter is referred should contact the person sought and set a time and place to meet the process server and should inform that person a judge advocate or legal officer is available to give legal advice (**T-2**).

3.1.2.3. The individual to whom the matter is referred should contact the person who mailed the process and advise that the person sought will be available for service at a

set place and time; and no member of the U.S. military can serve such process nor can anyone else accept service on their behalf (T-2).

3.1.3. If possible, service of criminal process should be made at the Office of the SJA and in the presence of legal personnel. A copy of the process should be obtained or a memorandum of its contents be made. The copy or memorandum should reflect the name and location of the court for appearance, the date and time of appearance or answer, and the nature of the charge (T-2).

3.1.4. After service has been completed, consideration should be given to the following matters:

3.1.4.1. Notifying the individual's unit commander, the servicing SJA or legal officer, and other interested persons (for example: USAFE-UK/JA, Military Personnel Flight (MPF), supervisor, or family) (T-2).

3.1.4.2. Placing the individual on international hold. This consideration is particularly important because it has been agreed with British authorities that U.S. service members involved in criminal offenses will not be allowed to leave the UK prior to the matter being resolved. U.S. civilians and dependents will also be restricted from travel at U.S. Government expense until criminal proceedings against them are completed (see USAFEI 51-706 Appendix Q). All problems encountered in implementing this requirement should be referred to USAFE-UK/JA (T-1).

3.1.4.3. Analyzing the summons to determine whether U.S. or UK authorities have the primary right to exercise the concurrent jurisdiction over the case (T-1).

3.1.4.4. Appointing a Military Legal Advisor (MLA) in accordance with AFI 51-703, *Foreign Criminal Jurisdiction* (T-1).

3.1.4.5. Determining whether Counsel Fees are authorized in accordance with AR 27-50/ SECNAVINST5820.4G/AFJI 51-706, *Status of Forces Policies, Procedures and Information* (T1).

3.1.4.6. Appointing a Trial Observer (TO) in accordance with AR 27-50/ SECNAVINST5820.4G / AFJI 51-706, *Status of Forces Policies, Procedures and Information* (T-1).

3.2. Civil Process.

3.2.1. The procedures used when dealing with civil process are the same as those followed with respect to criminal process except some of the considerations in paragraph 3.1.4 may not apply.

3.2.2. Civil process should be examined to determine if the matter should be reported in accordance with AFI 51-301 (for Air Force personnel); or in accordance with AR 27-40, *Litigation* (T-1).

4. Restriction. Legal process will not be accepted for service, nor served by U.S. military personnel (**T-1**).

DOUGLAS A. COX, Brigadier General, USAF
Director, Detachment 1, Headquarters United States
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Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFPD 51-7, *International Law*, 19 Jan 2001

AFMAN 33-363, *Management of Records*, 1 March 2008

AFI 51-301, *Civil Litigation*, 1 July 2002

AFI 51-703, *Foreign Criminal Jurisdiction*, 6 May 1994

AR 27-40, *Litigation*, 19 September 1994

AR27-50/SECNAVINST 5820.4G/AFJI51-706, *Status of Forces Policies, Procedures and Information*, 15 December 1989

Prescribed Forms

None

Forms Adopted

AF847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AFMAN—Air Force Manual

AFRC—Air Force Reserve Command

AFRIMS—Air Force Records Information Management System

ANGUS—Air National Guard of the United States

IAW—In Accordance With

MLA—Military Legal Advisor

MPF—Military Personnel Flight

RDS—Records Disposition Schedule

SJA—Staff Judge Advocate

TDY—Temporary Duty

TO—Trial Observer

UK—United Kingdom

UK USCR—United States Country Representative to the United Kingdom

U.S.—United States