

**BY ORDER OF THE COMMANDER
US AIR FORCES IN EUROPE-AIR
FORCES AFRICA**

**US AIR FORCES IN EUROPE-AIR
FORCES AFRICA INSTRUCTION
51-401**

8 MAY 2019

Law



**TRAFFIC ACCIDENT REPORTING
AND CLAIMS PROCEDURES IN THE
UNITED KINGDOM**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements Air Force Policy Directive (AFPD) 51-4, *Operations and International Law*. It sets out the procedures to be followed when a service vehicle is involved in a traffic accident in the United Kingdom (UK). The purpose is to ensure timely and sufficient reporting of accidents to the Ministry of Defense (MOD), the US sending state claims office, and unit claims offices. Only through prompt and accurate reporting of accidents, which may give rise to claims, can the interests of the United States (US), the UK, the service driver, and third party claimants be protected. This instruction is applicable to all elements of the US Force, permanently stationed or on temporary duty (TDY) in the UK. It includes Air Force Reserve Command (AFRC) and Air National Guard of the United States (ANGUS). This instruction requires collecting and maintaining information protected by the Privacy Act of 1974 authorized by 5 USC 552 (a). System of records notice F051 AFJA J, Claims Records (December 31, 2008, Federal Register # - 73 FR 80372) applies. Each form required by this instruction contains a Privacy Act Statement, incorporated either in the body of the document, or in a separate statement accompanying such document. Ensure that all records created as a result of processes prescribed in this publication are maintained 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 revision updates guidance for accident reporting requirements as set forth in AFI 24-301 along with clarifying language and reference updates.

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1. Definitions.

1.1. Traffic Accident. A service vehicle has been involved in a traffic accident for purposes of this instruction if:

1.1.1. The service vehicle, whether moving or stationary, is involved in a collision with another object causing injury to a person or animal, or damage to any vehicle (including the service vehicle), property, goods, or other object.

1.1.2. The service vehicle, by its presence but without physical involvement, contributed to, or allegedly contributed to, the cause of the accident in which damage or injury occurred. This applies whether or not the incident occurred on service property. The term "traffic accident" is used interchangeably with the term "motor vehicle accident."

1.2. Service Vehicle. Any vehicle owned and maintained or utilized (including hired and MOD vehicles) by a US force, a non-appropriated fund activity, Army and Air Force Exchange Service (AAFES), or any Morale, Welfare and Recreation (MWR) activity or the MOD, when the driver was acting on behalf of the US Government or the MOD.

1.3. Service Driver. Any person who, whether with or without authority, was driving, controlling, or had custodial responsibility for, the vehicle at the time of the traffic accident, or alleged traffic accident. This includes USAF service personnel, members of the civilian component, MOD employees and local civilians driving US owned vehicles acting on behalf of the US or the MOD.

1.4. Third Party. For the purposes of this instruction, any person or legal entity sustaining or purportedly sustaining property damage or injury. US service personnel and members of the civilian component are specifically excluded from this definition.

1.5. Reporting Officer. The vehicle control officer (VCO) of vehicle operations to which the vehicle was assigned at the time of the accident, or if none, the officer in charge of the activity to which the vehicle was assigned, or the officer in charge of the activity to which the operator was assigned if the vehicle is leased or borrowed. This definition includes MWR activities, non-appropriated fund activities, and the AAFES activities that are responsible for vehicles.

2. Obligation to Report Traffic Accidents. Every traffic accident in which a service vehicle is involved is to be reported to the appropriate offices (set forth below) within 72 hours of its occurrence. The traffic accident report will consist of the following:

2.1. SF 91, *Motor Vehicle Accident Report*, for accidents that must be reported to the UK MOD.

2.2. Required Documents. Those documents are required to be completed in accordance with AFI 24-301, *Vehicle Operation*.

2.3. Signed statement of the service driver.

2.4. Signed statement of service witnesses, including all passengers in the service vehicle and other personnel who witnessed the accident.

2.5. Photographs if available, preferably in color.

2.6. AF Form 1823, *Vehicle and Equipment Work Order*, or if a civilian repair facility is utilized, an itemized invoice or estimate listing the repairs to the service vehicle. If the vehicle is damaged beyond economic repair, a statement of intended disposition will be attached. Do not salvage any service vehicle prior to obtaining permission from the MOD.

2.7. A "Certificate of Willingness to Act as Guardian ad Litem and Retainer of 'Guardian ad Litem'" (Attachment 2) will be obtained if the service driver was less than eighteen years old and was acting on official duty.

2.8. In cases where the vehicle accident occurred during a deviation from an authorized route, a statement by the reporting officer certifying that the accident occurred during a deviation from an authorized route must be obtained. The statement should include the reason and circumstances for the deviation and the approximate difference in distance between the actual route and the authorized route. Any questions regarding a deviation from an authorized route should be presented to the nearest claims officer or judge advocate.

2.9. This instruction does not preclude other reporting requirements. Military personnel must report vehicle accidents to the nearest Security Forces, Military Police, or Navy equivalent.

3. Action to be taken when a Service Vehicle is in an Accident. The MOD Common Law Claims & Policy Division (CLC&P) processes all claims that arise from road traffic accidents in the United Kingdom involving US Armed Forces' vehicles and MOD vehicles when the service driver is performing US Armed Forces' business. All such accidents are reported on the SF 91. Claims are dealt with by the MOD in accordance with The NATO Status of Forces Agreement. In addition, the requirements of AFI 24-301, must be fulfilled.

3.1. Unit of Service Driver will ensure: (T-0)

3.1.1. When an accident occurs involving a service vehicle (either directly or indirectly) and personal injury is caused to any person or animal or damage is caused to any vehicle (except another government vehicle) or to any property on or near the road, the driver must:

3.1.1.1. Not admit liability or fault.

3.1.1.2. Stop his vehicle and, if possible, provide the following information to any person reasonably requiring such information:

3.1.1.2.1. Their name and rank.

3.1.1.2.2. Their organization and station.

3.1.1.2.3. The registration number of the service vehicle.

3.1.2. In case of any accident occurring off of the military installation, the driver will report the accident at a police station or to a constable as soon as reasonably practicable and, in any case, within seventy-two hours of the accident. Upon their return to base, the driver must also notify the military police. Report all accidents occurring on military installations to the military police as soon as practicable, but in no event later than 72 hours after the accident.

3.1.3. If the driver was on official business at the time of the accident, the driver will complete an SF 91, which must be prepared with original signatures. Carbon signatures are not acceptable. The SF 91 may be completed after the service driver returns to the base, but should be completed in sufficient time to insure compliance with the time standard provided in paragraph **3.1.2**. Particular attention should be paid to the following:

3.1.3.1. Section II, Other Vehicle Data. Details of the owner's and driver's name (if different from that of the owner), address, and vehicle details must be obtained. The third party's insurance details should be obtained and noted if possible.

3.1.4. Report to the responsible reporting officer with the completed SF 91 and make a written statement. The written statement must be prepared with an original signature.

3.2. Passengers and other witnesses. All passengers in the service vehicle or other service connected personnel who may have witnessed the accident will report to the reporting officer and make a written statement. The statements will contain detailed information concerning their location with respect to the accident and what they observed. The statements will be prepared with original signatures.

3.3. Unit Reporting Officer:

3.3.1. The reporting officer is responsible for compliance with the provisions of this instruction. (T-0)

3.3.2. The reporting officer will execute Section X, Details of Trip During Which Accident Occurred, of the SF 91, with an original signature. The reporting officer will mark the appropriate block in Block 82 to indicate whether or not the service driver was within the scope of duty. If the block indicating "Yes" is checked, the reporting officer should also mark either "Yes" or "No" to the question of Block 79, "Was There Any Deviation From Direct Route?" If the driver was within the scope of duty (Block 82, "Yes") but deviated from the authorized route (Block 79, "Yes"), an explanation for the deviation from the authorized route must be provided in writing (see paragraph 2.8) and bear an original signature.

3.3.3. When the SF 91 is prepared, the reporting officer will ensure inclusion of all documents and evidence required for the traffic accident report (see paragraph 2.). The reporting officer will ensure that the original traffic accident report is transmitted by letter of transmittal (**Attachment 3**) to their respective base legal office. The reporting officer will ensure that distribution of copies of all correspondence sent to the base legal office is made to the following organizations:

3.3.3.1. One copy to Det 1, HQ USAFE (USAFE-AFAFRICA/UK/JA), Unit 4840, APO AE 09459.

3.3.3.2. One copy will be retained by the unit that initiated the traffic accident report.

3.3.3.3. One copy will be made available to the ground safety staff IAW AFI 91-204_USAFESUP, *Safety Investigations and Reports*, 4 February 2015, para 2.10.3.2.

3.3.4. Occasionally, all of the documents required for the traffic accident report are not available within 72 hours of the accident. In these instances, those documents that are available will be forwarded within the prescribed time period with a cover letter indicating the unavailable documents will be forwarded as soon as they become available.

3.3.5. Upon notification of the receiving state (MOD) and/or sending state (base legal office) claims numbers, all subsequent correspondence will reference those numbers.

3.3.6. Upon receipt of any correspondence from a potential claimant, acknowledge receipt only by letter as set forth in **Attachment 4** within one workday of receipt of correspondence. Do not make any comments as to liability or answer any questions. Forward the claimant's letter and a copy of the acknowledgment to the MOD with copies to the base legal office.

4. Actions to be taken if the Service Driver is Unable to Comply. The reporting officer will: (T-0)

4.1. Report the accident to the police station nearest the duty station.

4.2. Comply with paragraph 3.3. of this instruction.

5. Fatal Accidents, Inquests, and Police Proceedings.

5.1. For motor vehicle accidents involving fatalities, an inquest, or police proceedings, the reporting officer will immediately notify the responsible base claims officer, by telephone, of the following information: (T-0)

5.1.1. The date, time, and place of the accident.

5.1.2. Whether or not the driver of the service vehicle was authorized to operate the service vehicle.

5.1.3. Whether or not the vehicle was on an authorized route at the time of the accident.

5.2. The reporting officer will send a written report to the MOD, with a copy to Det 1, HQ USAFE (USAFE-AFAFRICA/UK/JA), by close of business on the next duty day. (T-0)

6. Commencement of Legal Proceedings. Any High Court writ, County Court summons or subpoena served upon service personnel, members of the civilian component, or Crown employees acting on behalf of the US, in connection with an accident reportable under this instruction, will be forwarded by letter of transmittal (**Attachment 3**) to the MOD, with a copy to the base legal office and USAFE-AFAFRICA/UK/JA within 24 hours of its service.

7. Documentation. Maintain and destroy all documentation IAW AFI 33-364, AFI 33-322 and AFMAN 33-363.

8. Interpretation. Direct all questions involving interpretation of this instruction to UK base legal offices.

MARK K. CIERO, Colonel, USAF
Director, Detachment 1, Headquarters United States
Air Forces in Europe

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFI 24-301, *Vehicle Operations*, 23 April 2019

AFI 33-322, *Records Management Program*, 4 Jun 2012

AFI 33-364, *Records Disposition-Procedures and Responsibilities*, 22 Dec 2006

AFI 91-204_USAFESUP, *Safety Investigations and Reports*, 4 February 2015

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

AFPD 51-4, *Operations and International Law*, 24 July 2018

Prescribed Forms

None

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

AF Form 1823, *Vehicle and Equipment Work Order*

Standard Form 91, *Motor Vehicle Accident Report*

Abbreviations and Acronyms

AAFES—Army and Air Force Exchange Service

AFI—Air Force Instruction

CLC&P—Common Law Claims & Policy Division

DoD—Department of Defense

MOD—Ministry of Defense

MWR—Morale, Welfare and Recreation

NATO—Northern Atlantic Treaty Organization

OPR—Office of Primary Responsibility

RDS—Record of Disposition Schedule

UK—United Kingdom

US—United States

USAFE-AFAFRICA/UK—United States Air Forces in Europe-United States Air Forces Africa/United Kingdom

VCO—Vehicle Control Officer

Attachment 2

**CERTIFICATE OF WILLINGNESS TO ACT AS "GUARDIAN AD LITEM" AND
RETAINER OF "GUARDIAN AD LITEM"**

TABLE A2.1. CERTIFICATE OF WILLINGNESS TO ACT AS "GUARDIAN AD LITEM" AND RETAINER OF "GUARDIAN AD LITEM"

<p>TRAFFIC ACCIDENT AT: _____ ON: _____</p> <p>(a) Officer's full names) I (a) (b) Officer's Unit) of (b) (c) Officer's Private Address) (c)</p> <p>hereby consent to act as Guardian ad Litem for</p> <p>(d) Minor's full names) (d) (e) Minor's Unit) (e) (f) Minor's Private Address) (f)</p> <p>I hereby authorize any Military Service Claims Authority for the United Kingdom, if it so desires, to instruct the Treasury Solicitor to act on my behalf in any proceedings which may be instituted arising out of the above traffic accident. Furthermore, I authorize the Treasury Solicitor, if he accepts this retainer, without further consultation with or authority from me to defend, compromise, or settle any civil proceedings which may be instituted (if necessary by admitting liability) and generally so to conduct the matter as in his judgment may best serve the interests of myself and the above mentioned infant.</p> <p>The date of my birth is _____</p> <p>Dated this ____ day of _____ 20____.</p> <p>Signed _____</p> <p>NOTE: In appropriate cases specified in paragraph 2.7., this certificate will be completed and forwarded to the Ministry of Defence with copies (each containing original signatures) transmitted to the offices referred to in paragraph 3.3.3. of this instruction as appropriate.</p>
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Attachment 3

LETTER TO BASE LEGAL OFFICE – TRANSMITTAL

TABLE A3.1. LETTER TO BASE LEGAL OFFICE – TRANSMITTAL

<p>MEMORANDUM FOR XXX/JA UNIT ADDRESS FROM: SUBJECT:</p> <p>1. This is the report of a motor vehicle accident involving a vehicle operated by an Armed Service of the United States. The following documents are attached:</p> <p>_____ SF 91, <i>Motor Vehicle Accident Report</i>, properly executed. _____ Statement of the service driver. _____ Statement(s) of service witnesses. _____ Photographs (preferably in color) _____ Statement of deviation from authorized route (only if driver was not on an authorized route). _____ Estimate of cost of repairs to service vehicle (AF Form 1823). If the vehicle is damaged beyond repairable limits, a statement of intended action will be attached. _____ "Guardian ad Litem" (only necessary when service driver is less than 18 years of age).</p> <p>2. The following documents, which are not available at this time, will be forwarded as soon as possible:</p> <p>_____</p> <p>_____ Name</p> <p>_____ Grade and Service Organization</p> <p>_____ Reporting Officer</p> <p>NOTE: Check applicable items as appropriate.</p>
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Attachment 4

LETTER TO THIRD PARTY

TABLE A4.1. LETTER TO THIRD PARTY

<p>(BRITISH MAIL RETURN ADDRESS OF FORCES ACTIVITY)</p> <p>(THIRD PARTY MAIL ADDRESS)</p> <p>Dear:</p> <p>I hereby acknowledge receipt of your letter dated _____ concerning the alleged accident between you/your client and USAF/USN/USA vehicle number _____. This letter has been forwarded to:</p> <p>Ministry of Defence CLC & P MOD Main Building Level 3, Zone I Whitehall London SW1A 2HB</p> <p>All further correspondence should be directed to that address. This letter should in no way be taken as an admission of liability.</p> <p>Sincerely,</p> <p>_____</p> <p>Name, Rank, Armed Force cc: Base Legal Office File</p> <p>NOTE: If hired vehicle, indicate registration number</p>
