



Service provided accommodation - Common Law Claims

This note sets out the process for handling compensation claims in respect of personal injury or property damage from occupants of Service provided accommodation. Detailed guidance on how to bring a common law compensation claim against the MOD is contained in [2021DIN06-014.docx \(sharepoint.com\)](#).

Contractual issues/disputes around alleged failures by DIO, or Industry Partners, to deliver acceptable service levels to individuals of Defence provided accommodation, or reimbursement of costs incurred for issues outside the scope of the contract or policy are not common law claims and should not be directed to Topmark Claims Management Solutions, part of the Davies Group.

The MOD does not purchase insurance policies but accepts its own risks and acts as its own insurer. The MOD will deal with any claims for compensation arising against it on the basis of its legal liability to make payment, which is to say any claim that arises due to the negligent actions or omissions of the MOD, its personnel, servants or agents. Any such claim should be forwarded to the MODs claims administrators, Topmark Claims Management Solutions: Defence.CM@davies-group.com

To assist in identifying genuine common law claims for loss that may be submitted to Topmark for consideration is a list below, together with some examples that are not within the scope of a common law claim.

Examples of Common Law Compensation Claims

- The rented property had not been maintained by the defendant and leaking sewage pipes had let fumes and smell into the property causing personal injury through inhalation.
- Leak from the ceiling caused damage to personal items.
- Mould within the claimant's SFA damaged various items of furniture and clothing.
- Losses and damage from collapsed ceiling in SFA.
- Claimant was descending the stairs in her SFA, as she did so her foot gave way and she lost her balance, due to the fact there was no handrail fitted to the right-hand side of the staircase. This resulted in the individual falling down the stairs sustaining injury.
- The Claimant was in the process of leaving her SFA when she lost her footing due to some render that had dropped and was obstructing the pathway. The individual fell, sustaining injury as a result.

Examples of Issues that are not within scope of a Common Law Claim

- Incorrectly fitted connection pipe caused contamination of washing machine.
- Claim for costs of running the de-humidifier because of the damp issue in SFA. Following a damp and mould survey it was determined that work is required to the damp proof coursing in the property which should alleviate the issues and negate the requirement for the dehumidifier.
- Disruption and delay caused during move in arrangement to new SFA resulted in costs incurred relating to storage and payment for temporary accommodation.
- Surge in utility bill due to poor insulation and heating system in SFA.
- Frozen food loss, due to power outage.
- Cost to call out a plumber to rectify a leaking tap installed/repaired by the MOD Industry Partner.