

Police Federation
Of England and Wales



Ffederasiwn Heddlu
Lloegr a Chymru

Established by Act of Parliament

Federation House, Highbury Drive, Leatherhead, Surrey KT22 7UY
Telephone 01372 352021 Fax 01372 352078
Email GenSec@polfed.org www.polfed.org

FROM THE DEPUTY GENERAL SECRETARY'S OFFICE

SS/sg

23 January 2014

JBB CIRCULAR NO : 003/2014

To: The Chairman and Secretary
Roads Policing Representatives
All Branch Boards

Dear Colleagues

POLICE TACTICAL PURSUIT AND CONTAINMENT (TPAC) – LIABILITY ON POLICE OFFICERS TO INFORM THEIR OWN PRIVATE VEHICLE INSURERS

The Police Federation of England and Wales have been working with Andy Holt, Deputy Chief Constable, South Yorkshire Police, the ACPO National Lead for Police Pursuits and the Association of British Insurers (ABI) to agree common practice on the liability of police officer drivers to disclose details of TPAC incidents to their own private vehicle insurance companies.

Through negotiation with ABI executives, the following has been agreed:-

If a police officer is involved in the tactical pursuit and containment of a subject vehicle in line with duties and training and a collision occurs, the police officer only has a requirement to inform their own private vehicle insurance company if:

“The manoeuvre necessitates the recording of an ‘accident’ report as defined by Sec 170 (1) of the Road Traffic Act 1988.”

This means that should a collision occur as a result of engaging in tactical options, police drivers directly involved in these tactics have no liability to disclose such incidents to their own insurance companies providing tactics used were in accordance with pursuits Authorised Professional Practice (APP).

Represent · Influence · Negotiate

However, if an incident occurs, whereby a third party not connected is involved as a consequence of police tactics and this necessitates the recording of a road traffic accident report, then the officer would be advised to inform their own insurers to comply with legal obligations.

A legal definition (R v Morris 1972) of an accident is '*an unintended course of action, which had an adverse physical effect*'.

Some officers may encounter difficulties when renewing or applying for car insurance because they have made a claim in the last few years, which has been recorded on the Claims and Underwriting Exchange (CUE) Personal Injury database where injuries were sustained in a pursuit.

It is likely that if an officer has made a personal injury claim against a third party, this information will be stored on the database and when an officer obtains a quote; this information will be populated automatically. If the claim was made as a result of an accident that occurred during an authorised pursuit, officers should contact their insurer/proposed insurer to directly discuss any claim that they have previously made.

The information contained within this JBB Circular has also been promulgated to all Chief Officers via ACPO and I would be grateful if you would disseminate this information to all members who may be involved in pursuits.

If you have any queries with regard to this circular or require more information please contact our JCC Roads Policing Lead John Giblin at john.giblin@polfed.org

Yours sincerely



STEPHEN A. SMITH
Deputy General Secretary