



ANY REPLY OR SUBSEQUENT REFERENCE SHOULD BE ADDRESSED TO THE
FINANCIAL SECRETARY AND THE FOLLOWING REFERENCE NUMBER QUOTED:-

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MINISTRY OF FINANCE AND PLANNING
30 NATIONAL HEROES CIRCLE
P.O. BOX 512
KINGSTON
JAMAICA

2013 June 10

Circular No. 16

File No. 107/022

Division: Public Expenditure Policy Co-ordination

Permanent Secretaries
Chief Executive Officers of Executive Agencies
Heads of Departments

Re: Motor Vehicle Accident Procedures

The attention of Permanent Secretaries, Heads of Departments and Chief Executive Officers is invited to the following procedures for dealing with accidents involving Government-owned motor vehicles.

1. Duties of the Government Driver

For the purposes of this Circular "Government driver" shall mean any person duly approved for driving a Government-owned motor vehicle.

The Government driver must:-

- a) Within twenty-four (24) hours from the time of the accident report it to the Police;
- b) Complete and sign the Accident Data Form at Appendix A; ensuring that the details of the other vehicle(s) and party(ies) involved in the accident are correct;
- c) Under no circumstance declare responsibility or accept liability for any damage caused by the accident;
- d) Drive or arrange to have the vehicle towed to the premises of the Ministry Department and Agency (MDA) or to the nearest Police Station; (NB. The vehicle **must not** be taken to a garage for repairs without the prior approval of the Transport Manager);

- e) Submit to the MDA's Transport Manager, a written detailed accident report within forty eight (48) hours of the accident or the earliest possible time.

2. Duties of Transport Manager

2.1. Receive accident reports from:-

- a) the Government driver;
- b) passenger(s) in the Government vehicle;
- c) any eye witness(es) at the scene of the accident;
- d) The other drivers' Report;
- e) The Police Accident Report

2.2. If the vehicle is insured, the accident must be reported to insurer at the earliest possible time;

2.3. Personally examine the vehicle and record all damages done to it (i.e. engine; body and all other parts of the vehicle);

2.4. Obtain an estimate from an approved garage of the cost to effect repairs;

2.5. Obtain an Assessor's report from an approved Motor Vehicle Assessment provider;

2.6. Collate all documents relating to the accident and submit them to the MDA's legal officer for advice. The submission must include the following:

- a) The Accident Data Form;
- b) The Government driver's report;
- c) The Government passengers' reports;
- d) Eye-witnesses' reports;
- e) The other drivers' report, if received;
- f) The Police receipt of the accident Report;
- g) The Police Accident Report, if received;
- h) A diagram illustrating the position of the vehicle(s) at the time of the accident;
- i) The Estimate of repairs to the Government Vehicle;
- j) The Assessors' Report from an approved Motor Vehicle Assessment Provider;
- k) A statement from the Transport Manager on whether the driver was authorised to drive the vehicle at the time of the accident and whether the accident occurred while he/she was discharging his/her official duties;
- l) A statement from the driver of the Government owned vehicle, that permission was given to drive the vehicle where he/she is not a Government employed driver;

2.7. Submit a report of the motor vehicle accident to the Accounting Officer, Head of Department or Chief Executive Officer.

3. Submission to Attorney General

- 3.1. The MDA's legal officer must where considered necessary submit his/her legal opinion to the Attorney General along with the documents at (2.5) for an opinion regarding culpability.
- 3.2. The MDA may effect repairs to the damaged vehicle upon submission of the documents listed at (2.5) above, pending the ruling of the Attorney General. The opinion of the MDA's legal officer must be sought before repairs are effected to the vehicle.

4. Submission to the Financial Secretary/Auditor General

- 4.1. In accordance with Section 6.44 and 6.45 of the Financial Administration and Audit (FAA) Act, Instructions, the Accounting Officer, Head of Department or Chief Executive Officer must report the accident forthwith to the Financial Secretary and the Auditor General.

5. Submission of Claim to Insurers

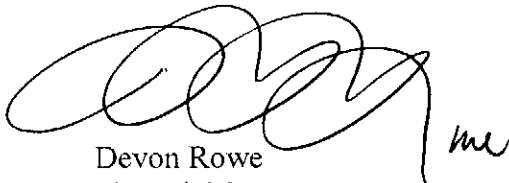
- 5.1. Where the Government-owned vehicle is insured and was involved in a motor vehicle accident, the required documents must be submitted to the insurance company promptly for a settlement to be made at the earliest possible time. An opinion from the Attorney General regarding culpability is not necessary for vehicles that are insured.
- 5.2. Where the driver of the Government-owned vehicle was not at fault and a claim is likely to be made against the other party to the accident and/or his insurer, the insurer should be notified in writing before the repairs are effected.
- 5.3. Where the insurers have provided settlement for the Claim, the amount received must be:
 - a) Used to effect repairs to the vehicle if the vehicle has not yet been repaired;
 - b) Used to reimburse the MDA for the amount spent on repairs to the vehicle if the repairs were paid for in the current financial year;
 - c) Lodged to Miscellaneous Revenue, if the repairs to the vehicle were done in a previous financial year in case of Ministries and Departments.
- 5.4. Where the settlement received from the insurers is in respect of Government vehicles that have been written off, approval must be sought from the Financial Secretary to utilize the funds to assist in the procuring of a replacement vehicle subject to the availability of funds.

6. Liability of Government Drivers/Transport Manager

- 6.1. Where the Government vehicle is not insured and the Government driver is deemed by the Attorney General to be liable and negligent, the full cost or portion thereof to repair the Government vehicle and vehicle(s) and/or property(ies) of the other parties involved in the accident must be recovered from the driver and/or disciplinary action as deemed appropriate by the Accounting Officer. The appropriate amount to be recovered from the driver must be determined by the Accounting Officer, Head of Department or the Chief Executive Officer in accordance with the FAA Act, the Financial Management Regulations 2011, Section 82.
- 6.2. Where the Government vehicle is insured and the driver is deemed by the insurance company to be liable and negligent, the excess cost of repairs to be borne by the MDA or portion thereof must be recovered from the driver, and/or disciplinary action as deemed appropriate by the Accounting Officer be executed.
- 6.3. Where the Government driver or Transport Manager fails to comply with Sections 1 and 2 of this Circular, disciplinary action must be imposed on the officer and/or a recommendation made for the officer to be surcharged for any loss incurred by Government as a result of the officer's non- compliance with the Circular.

Conclusion

Permanent Secretaries, Chief Executive Officers and Heads of Departments must ensure that this Circular is brought to the attention of all relevant public officers in their Ministries, Departments and Agencies. The Circular takes immediate effect.



Devon Rowe
Financial Secretary

Appendix A – ACCIDENT DATA FORM

Date of Accident	Time of Accident	Accident Location	
Name of Government Driver		Name of Passengers in Government Vehicle	
Driver's Licence no.			
Expiry date			
Government Vehicle Type	Government Vehicle Make/Model	Government Vehicle Licence Plate Number	
PARTICULARS OF OTHER VEHICLE(S) INVOLVED IN THE ACCIDENT			
	Vehicle 1	Vehicle 2	Vehicle 3
Licence Plate Number			
Vehicle Make/Model			
Name of Driver			
Driver's Licence Number			
Driver's Licence Expiry Date			
Name of Insurer			
Insurance Certificate Expiry Date			
Certificate of Fitness Expiry Date			
Motor Vehicle Registration Certificate Expiry Date			
Name of Persons Injured			
Other Property (ies) Damaged			

Driver's Signature _____ Date _____