

4 Apr 11

## **BRITISH FORCES GIBRALTAR POLICY FOR ADMINISTRATION OF SERVICE FAMILY ACCOMMODATION**

Reference:

A. JSP 464 – Tri-Service Accommodation Regulations (TSARs) Part 2 (Overseas)

### **STRATEGIC OVERVIEW**

- 1. Provision of Service Accommodation.** It is a condition of service in recognition of their inherently mobile lifestyles, frequently remote bases and terms of service that Regular Service personnel are provided with a satisfactory standard of accommodation either at, or within an appropriate distance from, their duty unit.
- 2. Responsibility for Policy.** ACOS Spt is responsible for the operational delivery of the housing service within the framework of Reference A. J1, HQ BF sets the policy for the administration of SFA within Gibraltar, while the Families Housing department executes that policy on behalf of J1.
- 3. Aim.** The aim of this local policy is to elaborate and articulate the over-arching MOD policy at Reference A, but in the unique Gibraltar context. It applies to all UK Military and Royal Gibraltar Regiment (RG) personnel, UK Based Civilians (UKBC) and UK Based Teachers (UKBT). It also applies to personnel from welfare and supporting agencies where an entitlement or eligibility to SFA exists. Definitions of entitlement and eligibility are at Annex B.
- 4. Overarching Policy.** This policy must be read in conjunction with the Reference A which is the overarching and definitive policy source document for the provision of Defence living accommodation and takes primacy on all accommodation matters. It provides policy guidelines for the provision of SFA and the substitute equivalents overseas and applies to all entitled personnel, military and civilian.
- 5. Implementation.** This policy supersedes any previously issued local policies covering the management of SFA and is to be applied with immediate effect; no exemptions or deviations are permitted without the authority of J1 Branch, HQ BF, through the Families Housing department. Where this policy changes the entitlement of personnel already occupying SFA in Gibraltar, they are permitted to retain their SFA for the duration of their tour without any acknowledgement of 'precedence' for successors. The Families Housing department is to ensure a copy of this policy is made available, on request, to all SFA occupants.

### **MOD'S POLICY FOR THE ALLOCATION OF SFA**

- 6. Service personnel.** Officers are allocated SFA primarily by rank, however, other factors such as family size, appointment, representational responsibilities and personal choice may influence the final allocation. Other Rank accommodation is allocated by family size, although personal choice may influence the final allocation. As a guiding principle, officers should not be accommodated in Other Ranks Service Family Accommodation (ORSFA), and similarly, Other Ranks should not be accommodated in Officers Service Family Accommodation (OSFA). Any exceptions may only be made by ACOS Spt.

7. **Entitled civilian personnel.** Entitled civilian families are allocated SFA by rank (equivalent military rank (EMR) as appropriate), tempered by family size<sup>1</sup>.

## **MOD'S POLICY ON CO-HABITATION IN PUBLICLY FUNDED ACCOMMODATION**

8. **Single personnel and single and lone parents.** Under no circumstances may Service or Civilian personnel co-habit with a partner (who is not their legal spouse/civil partner) in SLA or SFA (and the substitute equivalents). 'Cohabitation' describes a situation where the accommodation becomes the home of another person.

9. **Unaccompanied personnel.** Unaccompanied personnel occupying misappropriated SFA (and in receipt of unaccompanied allowances) may have spouse/civil partner/family visits for no more than 28 days (aggregated or continuous) in any 61 day period. Personnel who permit spouse/civil partner/family visits for more than 28 days in any 61 day period may, at the discretion of the Local Service Commander, be classified as serving accompanied and their unaccompanied status (and the payment of certain allowances associated with that status) may cease. They may also be liable to SFA charges.

## **GIBRALTAR SFA ESTATE**

10. **Overview.** The current disposition of Gibraltar SFA is detailed at [Annex A](#). This outlines the number of SFA, by type, at each location within the Gibraltar MOD estate.

## **DEFINITIONS**

11. **Summary.** A summary of accommodation related definitions is at [Annex B](#). This includes clarification of the status of dependants and other occupants including nannies and au pairs. It also gives clear definitions of Personal Status Categories for Service personnel.

## **ADMINISTRATION OF SFA IN GIBRALTAR**

12. **Application for SFA.** Procedures for the application for SFA in Gibraltar are detailed at [Annex C](#). All personnel, military and civilian, are to follow these procedures.

13. **Allocation of SFA – UK Military Personnel.** Procedures and regulations, including entitlements and eligibilities, for the allocation of SFA to UK military personnel are detailed at [Annex D](#).

14. **Allocation of SFA – Royal Gibraltar Regiment (RG) Personnel.** Procedures and regulations, including eligibility, for the allocation of SFA to RG personnel are detailed at [Annex E](#).

15. **Allocation of SFA – UK Based Civilians (UKBCs) and UK Based Teachers (UKBTs).** Procedures and regulations, including entitlements and eligibilities, for the allocation of SFA to UKBCs and UKBTs are detailed at [Annex F](#).

16. **Allocation of SFA – Welfare and Supporting Agencies.** Procedures and regulations, including entitlements and eligibilities, for the allocation of SFA to personnel from welfare and supporting agencies are detailed at [Annex G](#).

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<sup>1</sup> JSP 464 Part 2, Chapter 1, Section III, Para 0109

17. **Entitlement to SFA by Appointment.** Certain appointments will entitle personnel to Tied/Ex-officio SFA. The regulations are detailed at [Annex H](#).
18. **Takeover and Move Into SFA.** Guidance on the Takeover and Move Into SFA is detailed at [Annex I](#). This Annex also includes the details of the Service Licence to Occupy SFA, which is to be signed by all entitled and eligible Service and civilian personnel who occupy SFA.
19. **Move Out of SFA.** Guidance on the Move Out of SFA is detailed at [Annex J](#).
20. **Grading of SFA and Charges.** Procedures and regulations for the Grading and Charges are detailed at [Annex K](#).
21. **Misappropriation of SFA.** Procedures for the misappropriation of SFA are detailed at [Annex L](#).
22. **Irregular Occupancy.** Procedures for the administration of irregular occupancy of SFA are detailed at [Annex M](#).
23. **Furniture and Equipment.** Procedures and regulations for the furnishing of SFA and provision of equipment are detailed at [Annex N](#).

## **POLICY REVIEW**

24. This policy is to be reviewed by SO3 J1 on an annual basis. Proposals for changes to this policy should be submitted to SO3 J1 in the first instance.

Annexes:

- A. [Gibraltar SFA Overview.](#)
- B. [Summary of Accommodation Related Definitions.](#)
- C. [Application for SFA in Gibraltar.](#)
- D. [Allocation of SFA to UK Military Personnel.](#)
- E. [Allocation of SFA to Royal Gibraltar Regiment Personnel.](#)
- F. [Allocation of SFA to UK Based Civilians and UK Based Teachers.](#)
- G. [Allocation of SFA to Personnel from Welfare and Supporting Agencies.](#)
- H. [Entitlement to SFA by Appointment.](#)
- I. [Takeover and Move Into SFA.](#)
- J. [Move Out of SFA.](#)
- K. [Grading of SFA and Charges.](#)
- L. [Misappropriation of SFA.](#)
- M. [Irregular Occupancy.](#)
- N. [Furniture and Equipment.](#)

ANNEX A TO  
BF GIB HOUSING POLICY

**GIBRALTAR SFA OVERVIEW**

The current disposition of Gibraltar SFA, by Type and Location, is quantified in the table below.

<b>LOCATION</b>	<b>TYPE</b>	2	3	4	5	D	C	B	<b>TOTAL</b>
Rooke House		1							<b>1</b>
Europa			2	4	1	29	77	42	<b>155</b>
Europa Pass Battery			1	15					<b>16</b>
Buena Vista				5	32		22		<b>59</b>
Naval Hospital Hill				10					<b>10</b>
Carter House					7			1	<b>8</b>
Chilton Court						2	58	52	<b>112</b>
Four Corners			18	18	25		7		<b>68</b>
<b>TOTAL</b>		<b>1</b>	<b>21</b>	<b>52</b>	<b>65</b>	<b>31</b>	<b>164</b>	<b>95</b>	<b>429</b>

## SUMMARY OF ACCOMMODATION RELATED DEFINITIONS

1. **Service Families Accommodation (SFA).** Accommodation provided for Service and entitled civilian personnel with dependent families.
2. **Entitled Service personnel.** Entitled personnel are guaranteed to be provided SFA in Gibraltar. To be entitled to SFA Service personnel must meet the criteria laid out at JSP 464 Pt II Chapter 3 Section I.
3. **Eligible Service personnel.** Eligible personnel may apply to occupy temporarily surplus SFA only where it is available. To be eligible to occupy surplus SFA personnel must meet the criteria laid out in JSP 464 Pt II Chapter 9 Section II.
4. **Dependants.** A dependant is defined as a spouse/civil partner or child of a Service person or entitled civilian who depends on him or her for support.
5. **Children.** For the purposes of SFA allocation, a child is defined as 'the natural child, or the adopted child of the Service person or his or her spouse/civil partner, or other partner in respect of whom a Service Declaration has been made; or a child of the family who is below the age of majority (18 years of age). Unborn children, who are expected to be born within 6 months of occupation of SFA, are to be counted as members of the family. Exceptions to the age limit above are:
  - a. Dependent children who are under age 25, unmarried and in receipt of full-time education at school, 6th Form College, College of Further Education or an Institute of Higher Education (eg University), studying up to and including 1st degree level only and where the dependant child continues to reside with the parents in SFA, providing there is no more than a break of one academic year between the secondary and further education.
  - b. Children of any age who are physically or mentally incapable of contributing to their own support.'
6. **Other Occupants.** Other occupants include non-dependant adult children, aged parents and full time nannies/au pairs for whom permission has been granted by ACOS Spt to occupy SFA. Other occupants do not normally affect the size of SFA, however, subject to availability and where circumstances permit, the applicant may be allocated a larger SFA on payment of the appropriate charge for the Type of SFA occupied. In the case of single parents, PStatCat2 and married or civil partnership couples when both partners are serving who need to employ a full time nanny/au pair specifically for child care, the Families Housing staffs will allocate an SFA which has sufficient bedrooms so that the full time nanny/au pair may be accommodated in their own bedroom.
7. **Visitors.** Occupants may have visitors in addition to the permitted occupants to stay at the property on a temporary basis only. These visits are to be no more than 28 days (aggregated or continuous) in any 93 day period.
8. **Allocation.** The point at which the formal letter informing the applicant of a specific property that is being offered, is sent by the Families Housing staffs.

9. **Move In.** The point at which the applicant or proxy takes physical control of the property which is determined by possession of the keys.
10. **Occupation.** The point at which the applicant, or their family moves into the property.
11. **Move Out.** The point at which the applicant or proxy relinquishes physical control of the property by handing back the keys to the Families Housing staffs at the Move Out appointment.
12. **Personal Status Category Definitions.** The definitions of Personal Status Category (PStat Cat) into which Service personnel are placed for the purpose of determining entitlement to SFA are described below. All Service personnel are to be placed into one of the following PStat Cats:
- a. **PStat Cat 1.** Those in PStat Cat 1 will meet one of one of the following qualifying criteria:
- (1) A married member of the Armed Forces, who lives with their spouse, or who would do so but for the exigencies of the Armed Forces.
  - (2) A member of the Armed Forces, who is registered in a civil partnership in accordance with the Civil Partnership Act 2004, or is in a civil partnership under an overseas scheme recognised under that Act, and who lives with their registered civil partner, or who would do so but for the exigencies of the Armed Forces.
- b. **PStat Cat 2.** Personnel in PStat Cat 2 will be a member of the Armed Forces who has parental responsibility within the terms of the Children Act 1989 for a child(ren) and who satisfies all of the following conditions:
- (1) Can properly be regarded as the centre and prime mover in the life of the child(ren).
  - (2) Provides a home where they normally live with the child(ren) except where unable to do so for reasons attributable to their service in the Armed Forces.
  - (3) Provides, where the child(ren) is unable to care for itself, a child carer who can look after the child(ren) during their absences attributable to their service in the Armed Forces. The child carer must not be the other natural parent of the child(ren). The other natural parent should normally only have staying access to the child(ren) for an aggregate of 56 days in any 12 month period. Staying access greater than this may render the Service person ineligible for PStat Cat2 (these restrictions on access do not apply while on recognised Unaccompanied Duty).
  - (4) Accepts financial responsibility for the child(ren).
- c. **PStat Cat 3.** A member of the Armed Forces who is not in PStat Cat 1 or 2 and who provides financial support for their spouse or former spouse, civil partner or

former civil partner, or child(ren) by voluntary agreement. In this case, voluntary agreement means financial support provided other than pursuant to an order made by a court, a Child Support Agency Maintenance Assessment, or the MOD under the relevant Service Act.

d. **PStat Cat 4.** A member of the Armed Forces who is not in PStat Cat 1 or 2 and who provides financial support for their spouse or former spouse, civil partner or former civil partner or child(ren) under an order made by a court, a Child Support Agency Maintenance Assessment, or the MOD under the relevant Service act.

e. **PStat Cat 5.** All other members of the Armed Forces.

13. **Service, Civil Service And Welfare Organisation Spouses And Civil Partners.**

When the spouse or civil partner of a member of the Armed Forces in PStat Cat 1 is a member of the Armed Forces (S), or the UK Civil Service (C), or a recognised welfare organisation, then the category is to bear the additional suffix of 'S' or 'C'. The Service spouse/civil partner and their spouse/civil partner will elect which spouse/civil partner will be PStat Cat 1 or the Civil Service equivalent, and which will be PStat Cat 5 or the Civil Service equivalent. A spouse or civil partner in a welfare organisation is to declare a PStat Cat in the same way as if they were a UK Civil Servant. The chosen option will be notified and can only be changed subsequently:

a. On the occasion of substantive promotion, reversion or relinquishment of rank/grade of either spouse/civil partner.

b. When either spouse/civil partner leaves the Service/Civil Service/recognised welfare organisation.

c. When either spouse/civil partner goes over zone for promotion.

d. When either spouse/civil partner is assigned in the UK.

e. When a Servicewoman is on unpaid maternity leave.

Options must be exercised within 6 months of the operative date of the change in circumstances. Where there is a wish to change the PStat Cat other than in these circumstances, casework is to be submitted through the chain of command to JPAC Pay and Allowance Casework Cell (PAAC).

## APPLICATION FOR SFA IN GIBRALTAR

### GENERAL

1. Personnel wishing to occupy SFA in Gibraltar are to complete MOD Form 1132 and submit to the Families Housing Manager at least 2 months in advance of the required date (when possible).

### APPLICATION PROCESS

2. Application for SFA may be made on the following occasions:

a. **On receipt of an Assignment Order.**

b. **On Marriage/Civil Partnership.** Whilst there is no entitlement to SFA prior to the date of marriage/civil partnership, if circumstances and availability permit, the Families Housing Manager may be able to make SFA available up to 2 weeks prior to the date of marriage/ civil partnership to assist the Service applicant in moving in furniture and possessions. However, occupation of the property by the Service person and/or their intended spouse/civil partner is not permitted until the date of marriage/civil partnership.

c. **On a change in personal circumstances.** When requiring re-allocation following a change in circumstances, or becoming entitled to SFA due to an impending change of PStatCat, or by virtue of appointment.

3. **Families with Additional Needs and Disability Requirements.** Where a family has a dependant with additional needs and/or disabilities that will require adaptations to the property or its access, the application is to be supported by written professional documentary evidence (eg OT report) from an appropriate source. Applicants are to inform their Single Service Manning Authorities of any particular Social, Educational or Medical needs prior to taking up an appointment. Once authority has been given by ACOS Spt for an individual to serve within the Command with particular Social, Educational or Medical needs then appropriate accommodation will be allocated.

4. **Accommodation Required Date.** The accommodation required date is to be annotated on the Application Form. This may be specified at any time up to 4 weeks before, and 4 weeks after, the date of assignment (ie within a 8 week window). There is no entitlement to SFA prior to the date of assignment, however Housing staffs will make every effort to meet an applicant's required date if it is before the date of assignment. It may be necessary for Families Housing staffs and the applicant to identify flexibility in the applicant's required date due to the limited number of SFA available. The applicant's required date may have to slip in order for suitable SFA to become available.

5. **Earliest SFA Application Date.** There is no specific timetable for the submission of the SFA Application Form, but it is in the applicant's best interests to submit the Form at the earliest opportunity in accordance with the following caveats:

- a. **Applications received by Families Housing staffs more than 4 months before the required date.** Families Housing staffs will, whenever possible, administer SFA Application Forms received more than 4 months before the required date, but there is no obligation for them to provide an address until 4 weeks before the required date.
- b. **Applications received by Families Housing staffs 4 months, or less, before the required date.** Applications received by Families housing staffs 4 months before the required date, or at any time thereafter, will be administered by them within 15 working days of receipt.

## **MID TOUR MOVES**

6. **Publicly funded mid-tour moves.** A mid tour move undertaken for Service reasons should be at public expense – i.e. the individual is entitled to the full relocation provisions and the appropriate rate of DA. It does not matter whether the occupied SFA is below, to, or above entitlement, or whether it was occupied by choice or for Service reasons. Mid tour moves for Service reasons include situations where a move is necessary for disposal or upgrade programmes; and where entitlements change as a result of changes in family size or on promotion. Service reasons may also include a move from rented accommodation where it will result in a saving to public funds, even if the move was requested by the Service occupant.
7. **Exceptional authority for a publicly funded mid tour move.** However, there could be other circumstances that do not fall within the definitions of Service reasons at Para 6 above, but where nevertheless a move at public expense might be appropriate. Individuals may therefore submit a case for exceptional authority for a publicly funded move, through the JAO, to the JPAC. Exceptional circumstances might arise where there are compassionate, welfare, or medical reasons for a move. Crucial to informing the decision would be provision of the appropriate supporting evidence from doctors, social workers, SSAFA etc.
8. **Privately funded mid-tour moves.** Personnel who decide to move from SFA for personal reasons can do so at private expense.

## ALLOCATION OF SFA TO UK MILITARY PERSONNEL

Reference:

A. JSP 464 – Tri-Service Accommodation Regulations Part 2 (Overseas)

1. **Administration of the SFA Application Form.** Families Housing staffs are to provide applicants for SFA with a provisional address within 15 working days of receipt of a properly completed application form (MOD F1132) – where it is submitted up to 4 months ahead of the assignment date. Families Housing staffs are to confirm the address of the offered and accepted SFA 28 days prior to the applicant's required date. Applicants are required to accept or turn down the offer in writing within 14 days of its receipt.
2. **Allocation Policy.** Allocation is determined by the availability of SFA and subject only to the applicant's entitlement. Officers are allocated SFA primarily by rank, however, other factors such as family size, appointment, representational responsibilities and personal choice may influence the final allocation. Other Ranks' accommodation is allocated by family size, although personal choice may influence the final allocation. As a guiding principle, Officers should not be accommodated in Other Ranks' SFA, and similarly, Other Ranks should not be accommodated in Officers' SFA. Any exceptions may only be made on the authority of ACOS Spt.
3. **Allocation of SFA to Warrant Officers.** Whilst acknowledging the entitlements to SFA for WOs (RN), WO1s (Army) and WOs (RAF) as detailed in Reference A, the BF Gibraltar policy is as follows:
  - a. WO1 (RN and Army) and WO (RAF). WOs (RAF) are entitled and therefore to be offered Type D SFA (regardless of family size). WO1s (RN and Army) are to be offered Type D SFA in the first instance when housing availability permits.
  - b. WO2 (RN and Army). WO2s (RN and Army) are to be offered Type C SFA in the first instance when housing availability permits.

This element of the policy is to be reviewed by ACOS Spt on a quarterly basis or when requested by the Families Housing Manager.

4. **Entitlement to SFA by Type.** A summary of SFA Entitlements by Type is at Appendix 1.
5. **Single/Unaccompanied Personnel.** Single/unaccompanied Service personnel are to be allocated single living accommodation (SLA) in accordance with JSP 464 Part 3. In Gibraltar the following conditions may allow single/unaccompanied personnel to occupy SFA:
  - a. **Non-availability of SLA.** Where suitable and appropriate SLA is not available, surplus SFA may be misappropriated in accordance with the guidelines at Annex L.
  - b. **Personnel on Extended Tours.** Single/unaccompanied officers and warrant officers with an expected tour length in Gibraltar in excess of 3 years may become eligible to occupy SFA. Applications are to be submitted through J1, HQ BF in the first

instance, supported by a JPA Assignment Order showing the relevant Future Availability Date. Allocation will be dependant upon SFA availability and will be subject to 28 days notice to vacate should the SFA become required by an entitled applicant.

Appendix:

1. SFA – Types and Entitlements – UK Military Personnel.

**SERVICE FAMILIES ACCOMMODATION – TYPES AND ENTITLEMENTS – UK MILITARY PERSONNEL**

**Officers**

<b>SFA Type</b>	<b>Royal Navy</b>	<b>Army</b>	<b>Royal Air Force</b>	<b>Notes</b>
II - 6/7 person Bedrooms: 2 double 2/3 single	Commodore			
III - 6 person Bedrooms: 2 double 2 single	Commander	Colonel Lieutenant Colonel	Wing Commander	Commanders and Lieutenant Colonels with one or no children may be offered a Type IV OSFA if no Type III SFA is available, under the 'one down' rule.
IV - 6 person Bedrooms: 2 double 2 single	Lieutenant Commander	Major	Squadron Leader	Lieutenant Commanders and Majors with one or no children may be offered a Type V SFA if no Type IV SFA is available, under the 'one down' rule.
V - 5 person Bedrooms: 2 double 1 single	Lieutenant and below	Captain and below	Flight Lieutenant and below	Officers entitled to Type V SFA are to be allocated Type IV SFA if they have 3 children aged 10 yrs and over, or 4 or more children of any age, and pay Type V charges.

## Other Ranks

<b>SFA Type</b>	<b>Royal Navy</b>	<b>Army</b>	<b>Royal Air Force</b>	<b>Notes</b>
D – 7 person Bedrooms: 3 double 1 single	Warrant Officers Class 1 and applicants with 4 or more children of any age, or 3 or more children age 10 or over.	Warrant Officers Class 1 and applicants with 4 or more children of any age, or 3 or more children age 10 or over.	Warrant Officers and applicants with 4 or more children of any age, or 3 or more children age 10 or over.	RAF WOs are entitled by rank to occupy Type D SFA (regardless of their family size). RN and Army WO1s are to be allocated Type D SFA when housing availability permits.
C – 5 person Bedrooms: 2 double 1 single	Applicants with 2 or 3 children.	Applicants with 2 or 3 children.	Applicants with 2 or 3 children.	Applicants with 3 children age 10 or over are to be allocated a Type D.
B – 4 person Bedrooms: 2 double	Applicants with 1 or no child	Applicants with 1 or no child	Applicants with 1 or no child	Where Type C SFA is in short supply, it may be necessary for families with 2 children under 5 to occupy Type B SFA.

**ALLOCATION OF SFA TO RG PERSONNEL**

**To be issued**

## **ALLOCATION OF SFA TO UK BASED CIVILIANS (UKBC) AND UK BASED TEACHERS (UKBT)**

### References:

- A. JSP 464 – Tri-Service Accommodation Regulations Part 2 (Overseas)
- B. MOD Statement of Civilian Personnel Policy – Accommodation and Utilities Overseas, version 1.0-2007 dated 19 Feb 07
- C. DIN 2007DIN02-186: PI 76/07: Overseas Service – Staff recruited specifically for employment overseas

### **GENERAL**

1. UKBCs and UKBTs are to be allocated SFA in accordance with their Equivalent Military Rank (EMR). SFA is not to be allocated to Locally Employed Civilians (LECs).
2. **Administration of the SFA Application Form.** On receipt of a properly completed application form (MOD F1132) the Families Housing Manager is to pass a copy of the application to HQ BF (J1) in order to verify eligibility and entitlement. Where necessary, J1 staffs will consult with Civ Pers staffs. On confirmation of eligibility and entitlement, Families Housing staffs will provide applicants with a provisional address within 15 working days of receipt of the original application – where it is submitted up to 4 months ahead of the assignment date. Families Housing staffs are to confirm the address of the offered SFA 28 days prior to the applicant's required date. Applicants are required to accept or turn down the offer in writing within 14 days of its receipt.
3. **Allocation Policy.** As the currently entitled population of UKBCs and UKBTs in Gibraltar all hold officer EMRs, the same procedures as for military officers are to be followed. SFA is to be allocated in accordance with EMR, tempered by family size<sup>2</sup>. Other factors such as personal choice may influence the final allocation.
4. **Single/Unaccompanied Personnel.** Single/unaccompanied UKBCs and UKBTs are to be allocated single living accommodation (SLA) in accordance with JSP 464 Part 3. Where suitable SLA is not available, eligible personnel will be offered surplus SFA.
5. **Entitlement to SFA by Type.** A summary of SFA Entitlements by Type is at Appendix 1.

### **ALLOCATION OF SFA TO CIVILIANS RECRUITED SPECIFICALLY FOR EMPLOYMENT OVERSEAS**

6. Civilians contracted specifically to work overseas include UK Based Teachers (UKBT) and contracted personnel such as medical specialists. In many cases the MOD is contractually obliged to offer these personnel SFA of an appropriate size according to family need. However, given the professional employment status of many contracted civilians, it is appropriate that they be allocated Type V SFA as a minimum. Accommodation and utilities

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<sup>2</sup> JSP 464 Part 2, Chapter 1, Section III, Para 0109

are provided free of charge, subject to the 5-year rule as defined at Reference C. Single/unaccompanied UKBTs and entitled civilian contractors are to be allocated single living accommodation in accordance with JSP 464 Part 3.

Appendix:

1. SFA – Types and Entitlements – UKBCs and UKBTs.

**SERVICE FAMILIES ACCOMMODATION – TYPES AND ENTITLEMENTS – UKBCs AND UKBTs**

**Officers**

<b>SFA Type</b>	<b>Grade</b>	<b>Notes</b>
III - 6 person Bedrooms: 2 double 2 single	B1, B2, C1	SFA is to be allocated in accordance with EMR, tempered by family size <sup>3</sup> .
IV - 6 person Bedrooms: 2 double 2 single	C2	
V - 5 person Bedrooms: 2 double 1 single	D	

<sup>3</sup> JSP 464 Part 2, Chapter 1, Section III, Para 0109

## ALLOCATION OF SFA TO PERSONNEL FROM WELFARE AND SUPPORTING AGENCIES

Reference:

A. JSP 464 – Tri-Service Accommodation Regulations Part 2 (Overseas)

### GENERAL

1. Employees of recognised welfare and supporting agencies are entitled to SFA for the duration of their tour in Gibraltar when accompanied by their dependant family. The Type of SFA to be allocated and charges for rent and utilities, if applicable, will be in accordance with the Service Level Agreement (SLA) drawn up between the MOD and the supporting organisation. Currently the following agencies are eligible to SFA in Gibraltar:

SSAFA Forces Help  
NPFS  
Met Office  
NAAFI  
BFBS

2. **Administration of the SFA Application Form.** On receipt of a properly completed application form (MOD F1132) the Families Housing Manager is to pass a copy of the application to HQ BF (J1) in order to verify eligibility and entitlement. Where necessary, J1 staffs will consult with the relevant agency headquarters in UK. On confirmation of eligibility and entitlement, Families Housing staffs will provide applicants with a provisional address within 15 working days of receipt of the original application – where it is submitted up to 4 months ahead of the assignment date. Families Housing staffs are to confirm the address of the offered SFA 28 days prior to the applicant's required date. Applicants are required to accept or turn down the offer in writing within 14 days of its receipt.

2. **Allocation Policy.** Allocation is determined by the availability of SFA and subject to the applicant's eligibility and family make-up, though personal choice may influence the final allocation.

- a. **SSAFA FH AND NPFS.** Personnel employed by SSAFA FH and NPFS are to be allocated a Type V (officers') SFA, free of rent and utilities charges.
- b. **NAAFI.** The SLA between MOD and NAAFI makes provision for the following:
  - i. NAAFI Country Manager to be allocated a Type V (officers') SFA free of rent and utilities charges.
  - ii. Ultrabowl Manager to be allocated a Type B (other ranks') SFA free of rent and utilities charges.
- c. **BFBS.** The SLA between MOD and SSVC/BFBS makes provision for BFBS staff to be allocated Type V (officers') SFA. Rent is to be charged at the non entitled

rate (local market rate determined by Defence Estates). Electricity consumption is to be charged on repayment terms following the procedures for military personnel.

Where family make-up or individual circumstances necessitate a larger SFA, the same principles for upgrade as those for military personnel will be applied in each case. Exceptions may only be made on the authority of ACOS Spt.

## ENTITLEMENT TO SFA BY APPOINTMENT

Reference:

A. JSP 464 – Tri-Service Accommodation Regulations Part 2 (Overseas)

### GENERAL

1. In accordance with Reference A personnel in certain appointments are entitled to be allocated Tied/Ex-officio SFA. Additionally some single/unaccompanied personnel are entitled to SFA in recognition of aspects of their duties. In Gibraltar the following guidelines are to be applied:

a. **Tied SFA.** Tied SFA refers to specific properties designated for occupation by entitled incumbents of particular posts for the duration of their appointments. The appointments concerned are to be confirmed by CBF, thereby enabling particular properties to be 'tied' to respective appointments. In Gibraltar the following appointments are linked to Tied SFA:

- (1) CBF - Rooke House
- (2) COS - North Front House, Four Corners
- (3) Cmd Sec - 2 Western Beach, Four Corners

b. **Ex-officio SFA.** Ex-officio SFA is any number of properties which have been earmarked for occupation by personnel fulfilling a number of designated appointments. Priority for the allocation of ex-officio SFA is to be given to incumbents of the designated posts for the duration of their appointments. In Gibraltar the following guidelines are to be applied in the allocation of SFA to personnel whose duties require them to be accommodated in close proximity to the airfield:

(1) Slatter House, Four Corners ( 6 X Type C SFA. Up to 4 of these SFA are to be earmarked for RAF SNCOs/WOs filling the following posts:

WO Eng  
WO Movs  
SNCO EOD  
SNCO Ground Radio

(2) RAF Gibraltar Officers. The following RAF Gibraltar officers are to be accommodated in Four Corners in SFA appropriate to their entitlement:

Stn Cdr  
OC Ops  
OC Eng

c. **Single/Unaccompanied Personnel.** In recognition of certain aspects of their duties, which make living in SLA unacceptable, the following appointments attract an entitlement to SLA regardless of PStatCat or accompanied/unaccompanied status:

(1) Officers of OF3 rank and above, serving in appointments designated by the MOD as In Command. In Gibraltar, the appointments listed below are designated as In Command. No other officer or unit commander is to be considered In Command for the purposes of allocating SFA.

CBF  
COS  
CO RG

(2) RAF Officers holding OF4 Station Executive appointments. Stn Cdr RAF Gibraltar is designated as holding an OF4 Station Executive appointment.

(3) Regimental Sergeant Majors (RSM) of regular Army units. In Gibraltar only the following posts are entitled to SFA under this rule:

Cmd WO  
RSM 1RG

(4) Service Chaplains undertaking a pastoral responsibility at Unit level are entitled to SFA. In Gibraltar only the Cmd Chaplain qualifies under this rule.

Note: With the exception of CBF and COS, all other senior appointments that might attract the allocation of SFA regardless of PStatCat or accompanied/unaccompanied status will not be guaranteed allocation of SFA strictly to their entitlement. Such cases will be considered on a case by case basis against predicted SFA stock availability.

## TAKEOVER AND MOVE INTO SFA

1. **Timescale.** Personnel are to take over and move into the accepted SFA within 14 days of their stated required date. SFA charges will commence from the date of occupation by the family or the 15th day if occupation has not occurred.
2. **Takeover of SFA.** There are 3 categories of individual who may take over the accepted SFA as follows:
  - a. The entitled person to whom the SFA is allocated.
  - b. A Service/UKBC proxy appointed by the entitled person as long as written authority (Proxy Certificate) has been given by the entitled person to the proxy to take over the property and to sign the inventory.
  - c. The entitled person's spouse/civil partner in circumstances where the entitled person cannot attend move in for Service reasons. Written authority (Proxy Certificate) must be given by the entitled person to the spouse/civil partner to take over the property and to sign the inventory on the entitled person's behalf.
3. **0205. Service Licence to Occupy SFA.** The Service Licence to Occupy SFA is to be signed by all entitled and eligible Service personnel who occupy SFA. In BF(G) this Licence to Occupy is also to be signed by members of the supporting civilian component, including contracted personnel. See Annex A.

## SERVICE LICENCE

4. **Issue of Service Licence.** Housing staffs are responsible for issuing each Service or entitled civilian occupant of SFA or a hiring with a Service Licence to Occupy SFA (Example at Appendix 1) which is to be countersigned by the Housing staffs on move in. If the Head of Household is unable for Service reasons to attend move in, the signed Licence is to be handed to the proxy or spouse/civil partner and will be extant from the date of move in. Where SFA is taken over by a unit representative on behalf of the licensee, the licensee has 14 days after moving in to notify the Housing staffs of any defects or deficiencies. Housing staffs will ensure that the conditions of the Licence are adhered to and will initiate any action required to remedy any breach of conditions.
5. **Single service personnel.** Single Service personnel (entitled or eligible) occupying SFA are to sign the Service Licence including the additional caveats relating to single occupancy on the back page of the Licence.
6. **Business/commercial activity.** The use of SFA for a minor business or commercial activity eg Internet and home working; mail order catalogue; cosmetic representative; kitchenware sale; registered child minding etc is not generally prohibited but prior permission must be sought, through the Head of Household's command chain, from ACOS Spt. This is particularly relevant if the SFA is behind the wire where there are security and access considerations. Such activities must not be prejudicial to the good order of the SFA estate and the general interest of other occupants. Business/commercial undertakings requiring installation of industrial machinery, storage of heavy, large, toxic or explosive materials, car

repairs or constant visits to the SFA by members of the public (eg surgery/advice services) are not permitted in SFA and the unauthorised use of a SFA for such an activity could lead to compulsory vacation.

7. **Satellite dishes & other encroachments.** Provided written permission is sought in advance from housing staffs, occupants will generally be permitted to carry out minor encroachments either on the outside or to the outside of their homes eg. erecting a greenhouse, garden shed, TV aerial, satellite dish or CB Aerial, house alarms and security lights. Encroachments will be inspected prior to move out and where it is considered that the encroachment does not provide added value to the property, the occupant will be required to remove and make good. All costs incurred in the removal will be responsibility of the occupant.

8. **Parking and garages.** Parking facilities for occupants and their visitors exist on most estates. Some estates have garages, parking bays and carports within the boundaries of the property, others have communal bays and remote garage sites. Communal parking bays do not have designated parking rights for specific occupants, although exceptions to this rule may be made if occupants or their family members have disabilities. The parking of caravans, boats and trailers is not generally permitted however, occupants who wish to park caravans, boats and trailers must obtain prior permission from the local Housing staffs and this may be granted where suitable spaces are available. All occupants allocated a garage will be required to sign the garage licence at annex A.

9. **Temporary absence from SFA.** Occupants and their families who are expecting to be temporarily absent from home for more than 3 weeks are advised to inform the local Housing staffs and the Gibraltar Defence Police who regularly undertake patrols of Service housing areas.

Appendix:

1. Service Licence to Occupy SFA.

**BRITISH FORCES GIBRALTAR**

**LICENCE TO OCCUPY SERVICE FAMILY ACCOMMODATION**

TO BE SIGNED BEFORE MOVING IN.  
PLEASE READ THE CONDITIONS CAREFULLY BEFORE SIGNING.

The SECRETARY OF STATE FOR DEFENCE for and on behalf of Her Majesty the Queen grants

(Number Rank Name  
or other title as applicable): "the Licensee"

a licence to occupy (address): "the Property"

on the following terms and conditions:

1. This Licence is personal to the Licensee and subject to continuing entitlement/eligibility to occupy Service Family Accommodation (SFA) as defined in Tri-Service Accommodation Regulations - JSP 464. This Licence is particular to the occupation of the property shown above and will terminate on either cessation of the Licensee's employment with the Crown or his/her loss of entitlement/eligibility to occupy that property, whichever occurs first.
2. This Licence is to be interpreted in accordance with the provisions in Tri-Service Accommodation Regulations - JSP 464.
3. The Licensee is responsible for ensuring that any members of his/her household and visitors observe the appropriate Service Regulations and comply with all security and other instructions issued by and in the name of Her Majesty's authorities.
4. Either party may terminate this Licence by giving 93 days notice to vacate the SFA in writing. In exceptional circumstances occasioned by Service reasons, the Licensee may give less than 93 days notice to vacate. The following additional conditions apply:
  - a. Eligible occupants of temporarily surplus SFA are liable to 28 days notice to vacate.
5. The address for serving any notice on the Secretary of State for Defence is that of the local Housing Staffs as shown at the end of the Licence.
6. The Licensee agrees to:
  - a. Occupy the property alone or with his or her spouse/civil partner and/or immediate dependent children (as defined in current Service regulations), and to obtain the prior written consent of the local Housing Staffs before allowing any other occupants, such as non-dependent adult children, aged parents and nannies, to move into the property.

Note: The granting of permission for other occupants to take up residence does not entitle the Licensee to the allocation of a larger SFA.

- b. Pay all charges for the accommodation in respect of his or her period of occupation thereof, including any charges for furnishings, fuel, light, water, sewage and contributions in lieu of Council Tax.

- c. Keep the inside of the property clean and the garden tidy and free from weeds with lawns cut and hedges trimmed.
- d. Obtain the prior written consent of the local Housing Staffs before acquiring a pet/bringing a pet into the SFA. At the end of your licence, you will be required to leave the property to move out standard and provide evidence that the floor coverings and/or soft furnishings (in the case of cats and dogs) have had an appropriate pesticide and/or deodorising treatment applied prior to moving out.
- e. Promptly notify the local Housing Staffs of any defect or disrepair, take reasonable steps to limit the effects of any damage that may occur and appropriate precautions to prevent damage to water installations during cold weather.
- f. Allow representatives, agents and contractors of the Crown access to the property at reasonable times on receiving at least 48 hours advance notice or immediately in an emergency.
- g. Make good, or pay any cost incurred by the local Housing Staffs in making good, any damage and loss caused to the Property, and any fixtures and fittings, by their proven negligence, or by the proven negligence of members of their family and visitors under those circumstances where the Licensee might have taken reasonable steps to prevent the occurrence, and damage caused by pets (see back page of the Licence for a summary of the Licensee's liabilities)
- h. Vacate the property at the end of any period of notice to vacate and on vacating to leave the property and any furnishings in good repair, fair wear and tear, acts of God or unavoidable accidents excepted, and in a hygienically clean condition, and if failing to do so to be liable for:
  - (1) Any losses or damage as assessed by the local Housing Staffs or their appointed agents, and
  - (2) Any costs in respect of cleaning, disinfestation or refuse removal as assessed by the local Housing Staffs or their appointed agents, and
  - (3) Payment of damages for trespass until the property is vacated, and
  - (4) Any legal costs incurred by the local Housing Staffs in recovering vacant possession or outstanding monies.
- i. If the Personal Status category of the Licensee changes to other than PStatCat 1 or 2:
  - (1) Immediately vacate the property in favour of his or her spouse/civil partner (where the spouse/civil partner is to remain in occupation).
  - (2) Pay for any damage, dilapidations or losses as assessed by the local Housing Staffs or their appointed agents at the date of vacation.
  - (3) Continue to pay the appropriate SFA Charge for the property until the period of notice expires or until the property is vacated if sooner.

[Note: In cases of marital/civil partnership breakdown, once the Licensee has vacated the SFA, the local Housing Staffs will serve 93 days notice on the spouse/civil partner remaining in occupation, who will be liable to pay:

- (1) Damages for trespass from the 94th day until the property is vacated, and

(2) Any damage, dilapidations or losses from the date the Licensee vacates until the property is vacated, and

(3) Any legal costs incurred by the local Housing Staffs in recovering vacant possession or outstanding monies.]

7. The Licensee also agrees not to:

- a. Assign, re-assign or share the property.
- b. Erect a TV, satellite or other communications aerial or shed or structure on the property or make any other alteration or addition to the property or the fixtures or fittings without the prior written consent of the local Housing Staffs.
- c. Carry out or allow members of his or her household to carry out any business, trade, club or similar activity in the property without the prior written consent of the local Housing Staffs. [Note: Permission is also to be obtained from the local Service Commander.]
- d. Cause nuisance or annoyance or allow members of his or her household, invited guests or pets to cause nuisance or annoyance to neighbours, housing staffs or agents or contractors.
- e. Make or allow members of his or her household, invited guests or pets to make any noise that causes a nuisance to neighbours or can be heard outside the property between 11pm and 8am (or in accordance with local regulations where these are more stringent)
- f. Indulge in racial or sexual harassment or do anything which interferes with the peace, safety or convenience of the people living or carrying out their duties in the area.

**You should read the following notes and additional conditions of occupation before signing the Licence.**

#### **LIABILITIES OF THE LICENSEE**

8. The Ministry of Defence (the Landlord) bears its own financial risks in respect of the insurance of the Property and the fixtures and fittings. The Ministry of Defence accepts no responsibility for the insurance of the household contents and personal property for which the Licensee is responsible.

9. The Service Licensee is liable under the Service Acts for damage and loss caused to the Property and any fixtures and fittings, by their proven personal negligence, or by the proven negligence of members of their family and visitors under those circumstances where the Licensee might have taken reasonable steps to prevent the occurrence, and damage caused by pets. Service Regulations may set a limit on the Licensee's financial liability for such damage (for further advice you should consult your UPO/RAO/PMS).

10. The Service Licensee is advised to effect insurance cover for the following:

- a. Liability for damage to the Property and any fixtures or fittings, caused through the negligence of the Licensee, or any member of the Licensee's household including any invited visitors, and damage caused by pets. Service Regulations may set a limit on the Licensee's financial limit on liability.
- b. Household contents damage and loss including personal property.
- c. Legal liability for injury to third parties or damage to their properties.

## **DEDUCTION FROM PAY**

11. I agree that all charges for occupation, furnishings and Contributions in Lieu of Council Tax arising from my occupation of the Service Family Accommodation may be deducted from my pay.

## **OCCUPATION OF SFA BY SINGLE AND UNACCOMPANIED SERVICE PERSONNEL**

12. In the case of single (and unaccompanied) personnel occupying SFA, the following additional caveats apply:

- a. Single personnel (whether entitled or eligible) are not permitted to co-habit in SFA.
- b. Entitled unaccompanied personnel occupying SFA (by nature of their appointment) may have guest/family visits for no more than 28 days (aggregated or continuous) in any 61 day period.
- c. Eligible unaccompanied personnel occupying temporarily surplus SFA may have guest/family visits for no more than 28 days (aggregated or continuous) in any 61 day period.
- d. Allocation of surplus SFA to eligible single (and unaccompanied) personnel is made on a temporary basis and vacation will be required if an entitled occupant requires the SFA, if the SFA is liable to disposal or upgrade, or if the local Service Commander's authority is withdrawn. A minimum of 28 days notice to vacate should be provided whenever possible.
- e. Eligible single (and unaccompanied) personnel are required to vacate the surplus SFA if periods of absence exceed 56 days. However, a case may be made to the local Service Commander to retain the SFA during extended periods of absence beyond 56 days on the condition that the surplus SFA is not required by an entitled occupant, is not liable for disposal or upgrade and accommodation charges continue to be paid.

## **DECLARATION**

I have read and understood the conditions of the Licence. I understand I have three months from date of occupation to challenge the grading of the property.

Signed by the Licensee:

Full name (in block capitals):

Date:

Signed for and on behalf of the Secretary of  
State for Defence [local Housing Staffs]:

Full name (in block capitals):

Date:

Copies to:  
Licensee  
Local Housing Staffs

## MOVE OUT OF SFA

Reference:

- A. JSP 464 – Tri-Service Accommodation Regulations Part 2 (Overseas)

## GENERAL

1. **Move out by entitled personnel.** Entitled personnel who have been allocated SFA (including above entitlement SFA) and either they, or their family or household have taken up occupation, will not normally be required to move out unless circumstances arise which make the continued occupation of the accommodation inappropriate or impossible.

## NOTICE TO VACATE

2. **Notice to vacate by local housing staffs.** The Licence to Occupy SFA may be terminated by housing staffs, in consultation with Local Service Commanders /Civil Secretariat, at any time on giving the required notice of a minimum of 93 days. The following are examples of circumstances when it may be necessary to terminate the Licence:

a. **On assignment away from Gibraltar.** It is the responsibility of entitled occupants to notify Housing Staffs of an impending move within 14 days of receipt of official notification of assignment. Where possible, the local Service Commander is to notify housing staffs of all forthcoming moves out of station for all Service personnel in SFA (both Unit and individual assignments) on a monthly basis. In addition, housing staffs are to be informed of any particularly sensitive changes in entitlement, especially the death of a Service Licensee or a member of their family.

b. **Resignation, retirement, or discharge.** When an occupant of SFA is due to leave the Armed Forces or Civil Service, the JAO (Civ HR Dept for UKBCs) is to inform the housing staffs immediately. The following periods of notice to vacate SFA will be issued by housing staffs:

(1) **Normal resignation, retirement or discharge.** On normal resignation, retirement or discharge, including Premature Voluntary Release (PVR), the housing staffs will issue 93 days notice to vacate timed to expire on the last day of service.

(2) **Short notice resignation, retirement or discharge.** In cases of short notice resignation, retirement or discharge, 93 days notice to vacate SFA will normally be given even if this goes past the release date. However, in cases of release on disciplinary grounds or misconduct a minimum of 28 days notice only must be given.

(3) **Medical discharge.** For Service personnel compulsorily discharged on medical grounds, 93 days 'continued use and occupancy' of the SFA will be permitted after the date of discharge, at entitled SFA charges. Thereafter, extensions of up to 93 days at a time may be granted on compassionate

grounds by the Local Service Commander in consultation with the housing staffs at non-entitled SFA charges.

c. **Absence without leave over 21 days.** When a Service person has been formally declared Absent Without Leave (AWOL) (i.e. after 21 days), 93 days notice to vacate the SFA is served on the spouse/civil partner. During this period, accommodation charges will continue to be debited to the Service person's account. JAO is required to notify the housing staffs at the 21 day AWOL point.

d. **Marital/civil partnership breakdown/estrangement.** Marital/civil partnership breakdown occurs when a husband and wife/civil partner agree to live apart on a permanent basis, or when one party deserts the other. Whilst it is accepted that each case of marital/civil partnership breakdown may warrant special attention at the local level, the overarching regulatory position in handling cases of marital/civil partnership breakdown is as follows:

(1) **'Cooling Off' Period.** Every effort is to be made to help effect a reconciliation before the entitled occupant changes personal category status. If it is considered that a 'Cooling Off' period would assist in reconciliation ACOS Spt may authorise a period of up to a maximum of 3 months. Under these circumstances it is usual that the entitled occupant will move into SLA. The 'Cooling Off' period commences when this move takes place. Service personnel will pay reduced food charges while continuing to pay SFA charges.

(2) **After 'Cooling Off' period.** After the 'Cooling Off' period or as soon as it becomes apparent that there will not be a reconciliation, steps may be taken by the unit to repatriate families of British nationality to UK (where they would have an entitlement to occupy SFA in an area of their choice for a period of 93 days). At this point the entitled occupant will change PStatCat. OC JAO is to formally notify the housing staff of the change of PStatCat by the fastest available means. On receipt of the change, Housing staff will arrange for issue of a 93 day notice to vacate to the Licensee (and the estranged family if they have not already been repatriated to UK). In cases where the Licensee remains in occupation of the SFA (following desertion by his/her spouse/civil partner), the unit is also responsible for notifying the housing staffs of any known circumstances which may impact on the Licensee's availability during the period of the notice to vacate (such as imminent deployment on operations, training commitments and detachments).

(3) **93 day notice to vacate period.** During this period Service personnel continue to pay the SFA charge in accordance with single Service regulations and pay standard food charges in SLA.

(4) **On expiry of the 93 day notice.** Once the 93 days has expired, SFA charges are no longer raised against Service personnel and they begin to pay full SLA charges. At this point, if the spouse/civil partner and family do not move out of the SFA, they become Irregular Occupants (IO)(See Annex M).

e. **Move Out for Service/Housing purposes.** When an SFA is required for disposal, or for longterm maintenance which cannot be carried out with the occupants in situ, move out is obligatory and a notice to vacate will be issued. A minimum of 93 days notice will be given. Alternative accommodation will be offered and the family

will be relocated at public expense, and attract the appropriate level of Disturbance Allowance.

f. **Other Reasons.** There may be other reasons to issue a notice to vacate SFA, including the following:

- (1) Breach of the Licence Agreement.
- (2) Misconduct or misbehaviour by the Licensee, or any member of that person's family or any other person living in or using the SFA.
- (3) For Service reasons.

3. **Notice to vacate SFA by the occupant.** If, after an initial 3 months period, an entitled Licensee wishes to terminate occupancy for any reason, 93 days notice of termination should normally be given to the Housing Staffs and Unit Welfare Officers. However, it is accepted that in certain circumstances, such as short notice Assignments where the occupant is obliged to give shorter notice, 93 days notice may not be possible.

4. **Deferred passage on return to UK.** Families returning to the UK normally accompany the entitled person on Assignment and the SFA is to be vacated on or before they leave Gibraltar. When a deferred passage has been authorised a family may, at the discretion of ACOS Spt, remain in occupation of SFA after departure of the entitled person.

## GRADING OF SFA AND CHARGES

References:

- A. JSP 315 – Services Accommodation Code.
- B. JSP 464 – Tri-Service Accommodation Regulations Part 4 – MOD’s 4 Tier Grading for Charge Regulations for SFA, SLA and the Substitute Equivalents.

### GENERAL

1. **Concept.** The 4-Tier Grading (4TG) system provides a consistent means of determining accommodation charges for differing standards of Service Family Accommodation (SFA). The 4TG system assesses a number of criteria relating to accommodation scaling (drawn from the SFA scales in Reference A), accommodation condition, provision of key local amenities and environmental factors (e.g. noise).

### 4 TIER GRADING BOARDS

2. **Composition of Board of Officers.** HQ BF (J1) is responsible for convening Boards of Officers to conduct 4TG Boards. The composition of the Board of Officers is as below:

President	Lt Cdr/Maj/Sqn Ldr (Appointed by Cmd Gp)
Members	Families Housing Manager Command Environmental Health Technician
In Attendance	Estate Manager J4 Infra Representative

3. **Frequency of re-grading SFA.** In accordance with Reference B, SFA is to be subject to a rolling audit, where all SFA is to be reviewed at least once every 4 years. Re-grading outside the rolling audit may be required; whilst it is not possible to detail all occasions when this will be required, common examples are re-appropriation, upgrade or refurbishment of SFA. It is acceptable for Boards to inspect in-depth only a proportion of like properties within the same estate where similar conditions apply.

4. **Advance notice to occupants.** Where HQ BF convenes a 4TG Board in accordance with the rolling 4 yearly programme or when there has been upgrade or refurbishment of accommodation outside the rolling programme, the Families Housing Manager is to notify occupants at least one month in advance of the date of the Board, thereby ensuring that occupants have advance notice that their charges may be affected and also so that they have an opportunity to request that their accommodation is included in the Board. Occupants of each SFA are to receive written notification.

### 4 TIER GRADING – REPORTING

5. **Reporting timetable.** The results of the Grading Board are to be staffed within 2 months of the date of the Board as specified in the 4TG Board Convening Order. Occupants of accommodation subjected to a 4TG Board are to be notified of the outcome of the Board within 3 months of the date of the Grading Board.

6. **Staffing of the Board's proceedings.** Following a 4TG Board, the Board President is to submit a copy of the Proceedings to HQ BF (J1), together with any supporting information from the Board members where appropriate. If for any reason this supporting information is unobtainable, a certificate signed by the Board President is to be included detailing the points and explaining why it is not available. HQ BF (J1) is to staff the Proceedings to PJHQ (CEstO) who is responsible for approving the findings of the Board and notifying their approval back down the chain of command. Once staffed, the final copy is to be retained by HQ BF (J1).

7. **Families Housing Office Action.** Families Housing Manager is responsible for notifying occupants of accommodation in writing of the findings of a Grading Board within 3 months of the date of the Board. A copy of the Grading Points Summary Sheet is to be sent to each occupant so that they are aware of the points awarded and the Grade of the accommodation. Where a Grading change is approved by PJHQ (CEstO), occupants of the affected accommodation are to be notified in advance of any deduction from pay of any changes to the accommodation charge. Families Housing Staff are then to raise the JPA input or appropriate forms (as applicable) to amend administrative records to ensure that correct charges are raised. Changes in charges are to take effect in accordance with the direction at para 8 and 9 below.

## **EFFECTIVE DATE FOR CHANGE OF ACCOMMODATION CHARGES**

8. **Formally convened 4TG Boards in accordance with the 4 yearly rolling programme.** Changes in charges (both up and down) arising from 4TG Boards which have been formally convened by HQ BF in accordance with the 4 yearly rolling programme, or when there has been upgrade or refurbishment of accommodation outside the rolling programme, should take effect 3 months after the date of the Board's visit as specified in the 4TG Board Convening Order and notified in the Record of Proceedings.

9. **4TG Boards convened as a result of grading challenges on first occupancy.** Changes in charges arising from a challenge of the grading on first occupancy should take effect from the date of first written complaint.

## **GRADING CHALLENGES AND ERRORS**

10. **Challenge of grade on new occupancy.** On moving in to SFA, the Families Housing Office is responsible for informing occupants of the current Grade of their accommodation; that they have 3 months, from the date of their occupation, in which to challenge the grade in writing; and that any change in accommodation charges arising from a successful challenge will be backdated to the date of first written complaint. In order to avoid long-term retrospective claims, challenges of grade on first occupancy must initially be examined promptly by HQ BF (J1) and the Families Housing Office within 1 month of receipt of the challenge. Depending on the outcome of the initial visit HQ BF J1 is to determine whether there is a requirement for a full Grading Board to take place. If there is a requirement, the full Grading Board's site visit must take place within 3 months of receipt of the challenge.

11. **Grading errors and challenges after a Grading Board.** Following a Grading Board, should the SFA occupant suspect that there is an error in the Grading Points Summary Sheet or wish to challenge the findings of the Board, they should immediately inform the Families Housing Manager in writing. The findings of the Board may then be reviewed.

12. **Refunds of charges where a grading error or challenge is upheld.** Where an error or challenge is upheld, the over-charged portion of accommodation charges may be refunded back to the date of first written complaint.

### **TEMPORARY DOWNGRADING**

13. **Temporary deficiencies or reductions in amenities lasting for 7 days or more.** Deficiencies or reductions in amenities, lasting for 7 days or less, will not generate any deficiency points score. Where there is a significant deficiency or reduction in amenities, including a permanent or intermittent failure of utilities covered by the accommodation charge (meaning water and sewerage to SFA) which is likely to last for between 7 days and 3 months, HQ BF (J1) may authorise temporary downgrading of accommodation. Where the temporary deficiency is likely to last for more than 3 months the case is to be referred to PJHQ (CEstO). An environmental health survey is not essential providing there is sufficient evidence to justify the temporary downgrading. If after 6 months, the conditions giving rise to the temporary downgrading still prevail, action to downgrade should be taken in accordance with the Instructions in this Annex.

## MISAPPROPRIATION OF SFA

### References:

- A. JSP 464 – Tri-Service Accommodation Regulations Part 2 (Overseas).
- B. JSP 464 – Tri Service Accommodation Regulations Part 4 MoD's 4 Tier Grading for Charge Regulations for SFA, SLA and the Substitute Equivalents.

## GENERAL

1. From time to time there may be a requirement to misappropriate SFA for use as Single Living Accommodation (SLA) or for other non-accommodation purposes. Any decision as to whether SFA may be misappropriated rests with ACOS Spt.

## LONG-TERM MISAPPROPRIATIONS

2. **Misappropriation of SFA as SLA.** Owing to the current shortfall in suitably appointed officers' SLA, it has become necessary to misappropriate several SFA as SLA.

3. **Misappropriation of SFA for Other Purposes.** The following property has been exceptionally misappropriated for use other than SFA or SLA:

4 Pelham House - Victim Support Facility (Administed by JPSU)

4. On those occasions when it is deemed necessary to misappropriate SFA, the Families Housing organisation will hand the SFA over to an appropriate administering unit which would take full responsibility for ensuring that:

- a. The building is properly maintained internally and externally.
- b. The move-in and move-out of occupants is properly co-ordinated.
- c. Rent and/or utility bills are raised and hastened as required.

5. SFA misappropriated as SLA, or vice-versa, is to be graded by a Board of Officers in accordance with Reference B.

## IRREGULAR OCCUPANCY

Reference:

- A. JSP 464 – Tri-Service Accommodation Regulations Part 2 (Overseas)

## GENERAL

1. This Annex contains the procedures for action once notice to vacate expires and occupancy becomes irregular. See Annex J for initial action following loss of entitlement.

## ADMINISTRATIVE PROCEDURES

2. If on expiry of the 93 days notice the family are still living in the SFA, the Families Housing Manager is to assess Damages for Trespass in consultation with the Defence Lands Agent.
3. The Families Housing Manager is to serve a *Notice of Unlawful Occupation* on the occupant. Dependent upon the reason for the loss of entitlement/eligibility, the Notice is served as follows:
- a. **Resignation, Retirement or Discharge.** In all cases, notice is to be served on the Licensee.
  - b. **Marital/Civil Partnership Breakdown/Estrangement.** If reconciliation has not taken place on expiry of the 93 days notice, the Licence to Occupy SFA is terminated and notice is served on the estranged spouse/civil partner.
4. After serving *Notice of Unlawful Occupation* on the Licensee or estranged spouse/civil partner, the Families Housing Manager is to inform HQ BF (SO2 J1) of the details of irregular occupancy. SO2 J1 is to request the appointed Solicitors to initiate legal action in order to regain repossession of the SFA.

## CHARGES

5. The Families Housing Manager is to raise charges for Damages for Trespass and Electricity. Bills are to be presented to occupants on a monthly basis.

## **FURNITURE AND EQUIPMENT**

Reference:

- A. JSP 464 – Tri-Service Accommodation Regulations Part 2 (Overseas)

## **GENERAL**

1. All SFA in Gibraltar is allocated fully furnished in accordance with JSP 308. Vacuum cleaners and ironing boards are also provided. Cots, playpens, high chairs and stair-gates may be issued on request from the Families Housing Office.

### **The Wharf Scheme**

2. 'WHARF' is an acronym derived from the expression 'Warehousing and Refurbishing'. It is used to describe the system whereby Defence Accommodation Stores (DAS) provisioned items of furniture and other items are withdrawn from SFA at the request of the occupant. Due to a lack of storage space in Gibraltar it is not practical to operate this scheme here. All SFA will remain fully scaled in accordance with JSP 308. Unfurnished or Part Furnished SFA charges are not applicable in Gibraltar.

### **Arrival and Departure**

3. New arrivals in SFA, as well as those in their final weeks before departure, may request temporary issue of a "Get-you-In" Pack while their personal effects are in transit. The pack contains crockery, cutlery, cookware and bedding.