

Personal Injury – Claim Form

In order that we may comply with the pre-accident protocol for personal injury claims as set out in the Civil Procedures Rules 1999 and to enable us to investigate your claim fully, please print this form, complete it and return to the address at the foot of the form.

NB – In order to comply with legal requirements and follow legal protocol, claims for compensation are unable to be accepted via electronic communication (the internet or email). This form must be printed, completed, signed and returned to the address at the foot of the page.

This form should not be taken as an admission of liability. It is intended to provide information to assist in the handling of your claim.

Please be aware that there is no automatic right to compensation.

Section one – personal details	
Full Name	
Address	
Date of Birth	
N.I Number	
Email address	
Contact Tel no.	

Section two – accident details	
Date of Accident	
Time of Accident	
Please state where the accident occurred with reference to house number, shop names or other notable landmarks.	

Please provide a sketch plan of the area in the space provided below

Section two – accident details (continued)

Please describe exactly what happened

Were you aware of the defect prior to the accident?
If so, for how long?

YES/NO (delete as appropriate)

Please state the size and depth of the object or surface over which you tripped

Have you enclosed any photographs in order to locate the defect?

YES/NO (delete as appropriate)

Please provide the names and address of any witnesses to the incident

Section three – loss and injury	
Please provide a brief description of any injuries sustained	
Please let us have details of any losses sustained	

Statement of truth – The above information is true to the best of my knowledge and belief

Signed..... Dated.....

The completed form should be returned to
 Highway Claims
 Highways and Engineering Delivery
 3rd Floor Paderborn House
 Bolton
 BL1 1UA

Please ensure you affix the correct postage on your envelope when you post it to us.

Bolton Council

Your route to understanding Highway Claims



Introduction

As the highway authority, Bolton Council is responsible for the reasonable maintenance of over 1000km across the borough.

To identify the level of maintenance required a pre-planned programme of inspection is carried out.

The frequency of inspection is dependent upon the classification of the road or footway.

When a defect is identified from an inspection or otherwise reported, any necessary repairs will be carried out or the area made safe.

How you can help us

Although our inspection process is robust and meets national standards, we also rely on the awareness of members of the public to report areas of concern so that the appropriate action can be taken.

We will ensure all reported concerns are followed up and receive the appropriate response or action.

If you are involved in an incident

If you are involved in an incident that you consider to have been caused by Bolton Council you may be able to claim compensation, however there are no automatic rights to compensation. Any such compensation paid will not include any amounts for 'inconvenience'.

It is important to understand the circumstances in which Bolton Council can be held responsible and a little of how the civil claim process operates.

The law and you

Bolton Council, as a highway authority, has a duty to 'maintain' the highway. (set out in section 41 of the Highways Act 1980). The law sets out what is meant by maintenance, and some things are excluded, for example, it does not include keeping a road free of mud.

If you think that the council has in some way failed to maintain the highway, then you will have to prove this.

You will have to show that the highway in question has not been maintained appropriately with regard to its importance and use and was therefore dangerous. If this can be proved, you then have to show that this was the cause of the accident and that you have suffered a loss as a direct result.

Even if you prove these things, the law gives a defence to the highway authority and it will not have to compensate you if it can demonstrate that it took all reasonable steps in all the circumstances to ensure the highway was safe. You may wish to refer to section 58 of the Highways Act 1980 for further details of this. This means that all inspections and repairs have been carried out as planned or reported.

Our current code of practice in respect on how we carry out our highway inspection regime can be found via the council's website at **www.bolton.gov.uk**

Unfortunately incidents do occur, however very few are actually attributable to negligence on the part of the Highway Authority.

The majority of claims brought against Bolton Council are defended.

Note:

If your claim involves a defect on the highway that results in subsequent repair, this does not imply an acceptance of liability by Bolton Council for the claim.

Should I claim?

Please do think carefully before making a claim.

We must protect the public funds we handle.

The cost of processing unsuccessful or fraudulent claims diverts these funds from valuable front line services.

Fraud

We fully investigate each and every claim in order to protect public funds. If fraud is detected we will liaise with the police which could lead to prosecution. We may use the information supplied within your claim to prevent and detect fraud. We may also share this information, for the same purposes, with other organisations that handle public funds.

If you wish to make a claim

Vehicle damage

You will need to complete the attached claim form and you will need to provide full details of your claim together with either a sketch or photographs indicating the precise accident location.

With regards to a damaged vehicle we will not consider claims of a wear and tear nature or gradual deterioration to your vehicle.

If liability is accepted any offer of settlement will **only reflect the damaged items** and not any additional costs as a consequence of the incident, for example, inconvenience or any losses incurred in substantiating your loss.

Should you wish to pursue a vehicle damage claim, then you will need to provide 2 independent estimates for the repair, unless repair was required immediately, e.g. broken windscreen or immediate tyre replacement.

Personal injury

Should your claim include an element of personal injury please complete the relevant claim form fully. This can either be requested to us on the telephone number stated below or the form can be located via the council's website at **www.bolton.gov.uk**

With personal injury claims the council will seek permission from you to access your medical records.

When your claim is received

We will:

Acknowledge receipt of claim within 7 days.

Thoroughly investigate the particulars of claim.

With regards to a personal injury claim or property damage claims we either, produce sufficient evidence to refute your claim or accept your claim within 40 days of our acknowledgement via the council's external claim handler.

Vehicle damage claims with a modest value are usually dealt with internally by the council and we do aim to provide you with a decision on liability within 14 days whenever possible.

There may be cases when Bolton Council are not responsible for the location or types of works being undertaken for example, utility operations like gas, electric, water, private roads etc.

In these circumstances we will endeavour to advise you of this as soon as is reasonably practicable.

Contact Details

To report a problem or concern on the highway:

Should you wish to contact us regarding your insurance claim or tell us about defects or potential hazards please contact our Streetcare hotline number on (01204) 336600.

Alternatively e-mail **streetcare@bolton.gov.uk**

You may also wish to access the council's website **www.bolton.gov.uk**