

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 read and complete this form and return to the address given.

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, and signed.

Acceptance of the completed form should not be taken as an admission of our liability. Its purpose is to gather information to assist in the handling of your claim. Be aware that there is no automatic right to compensation.

Section 1: Personal Details			
Full Name			
Address			
Postcode		Telephone	
Date of Birth		N.I. Number	

Section 2: Accident Details	
Date of accident	
Time of accident	
Please state below where precisely the accident occurred, with reference to house number, shop names or other notable landmarks.	
In the space below, please provide us with a sketch plan of the area, indicating the location of the defect. If possible please enclose photographs showing where the incident took place.	

Please describe below exactly what happened.	
Were you aware of the defect prior to the accident?	YES / NO <i>(delete as appropriate)</i>
Please state the size and depth of the object or surface over which you tripped	
Have you enclosed any photographs?	YES / NO <i>(delete as appropriate)</i>
Please provide below, the names and address of any witnesses to the incident.	

Section 3: Loss & Injury
Please provide below, a brief description of any injuries sustained
Please provide below, details of any losses sustained

Statement of truth

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

Signed Dated

Completed forms together with any photographs should be returned to:

Highway Claims
Highways and Engineering Division
3rd Floor Paderborn House
Howell Croft
Bolton BL1 1UA

Please ensure that you affix the correct postage when sending your claim to us. We will not collect any mail from the postal sorting office sent without the correct postage.

Understanding Highway Claims



Introduction

As the local highway authority, Bolton Council is responsible for the reasonable maintenance of over 1000km of highway (roads and pavements) across the borough.

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

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, remember 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 (as 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.

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.

It is our duty to protect the public funds we handle. The cost of processing unsuccessful or fraudulent claims diverts these funds from valuable front line services.

Fraud

Unfortunately as with many other councils, we do receive a number of suspected fraudulent claims and therefore we fully investigate each and every claim in order to protect public funds. When appropriate 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 who handle public funds.

If you wish to make a claim

Vehicle damage

You will need to complete the attached claim form and 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, you will need to provide 2 independent estimates for the repair, unless repair was required immediately, e.g. broken windscreen or immediate tyre replacement. All receipts must be submitted with the claim

Personal injury

Please complete the relevant claim form fully.

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 21 days.

Thoroughly investigate the particulars of claim.

With regards to a personal injury claim or property damage claims we will either, produce sufficient evidence to refute your claim, or accept your claim within 90 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 endeavor to advise you of this as soon as is reasonably practicable.

Contact Details

Should you wish to contact us regarding your claim:

Telephone: 01204 336677

Email: hedhighwayclaims@bolton.gov.uk

To report a problem or concern on the highway:

Telephone: 01204 336600

Web: www.bolton.gov.uk/highways

Email: streetcare@bolton.gov.uk