

Vehicle Damage – Claim Form

In order that we may comply with the pre-accident protocol for property damage 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.

You will need to prove that the damage sustained was due to a Highway defect at a specific location at a particular time.

You may be asked to supply original documents relating to the vehicle's registration, MOT certificate, any advisories, service history and the current insurance certificate.

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 precisely the accident occurred with reference to house number, shop names or other notable landmarks.	

If you are unable to enclose photographs which indicate where the incident took place, please provide us with a sketch plan below of the area, indicating the location of the defect.

--

Section two – accident details (continued)

Please describe exactly what happened

--

Were you aware of the defect prior to the accident?

YES/NO (delete as appropriate)

--	--

Please estimate the size and depth of the object or surface in which the damage occurred

--	--

What were the weather conditions at the time of the incident?

--	--

Have you enclosed any photographs of the defect and damage to the vehicle?

YES/NO (delete as appropriate)

--	--

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

--

Section three – loss (receipts must be provided)

Please provide a detailed description of any losses sustained

Note, two estimates must be provided for any claim to be considered.
However we do appreciate that you may have had to carry out emergency repairs and in this situation please simply provide copies of any receipts for our consideration.

Section Four – Vehicle Details
Vehicle Registration number
Are you the legal owner of the vehicle?
Current MOT Certificate Reference Number (if applicable)
Please confirm when the vehicle was last serviced What advisories if any were indicated?
Who is your current vehicle insurer? (We will not advise your insurer of your claim unless you give us permission to do so)
If a damaged tyre(s) forms part of your claim, please provide approximate mileage of tyre(s)
If a damaged part (for example a coil spring) forms part of your claim, please provide the approximate age?

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 that you affix the correct postage on your envelope when posting your claim to us.
 We do not offer a collection service for any mail without the sufficient postage from any local postal sorting office.**

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**