

Pothole County Council
County Hall

Make sure you inset the date – so you know when the time starts running from – 23 days after this letter (allowing 2 days for postal service) the Council must acknowledge your letter and it then has a further 3 calendar to admit liability, or deny it and in denying it provide you with the details you have requested in the letter. If it does not provide you with the details you can rely on this letter and ask the Court to order production of the documents requested in a process called pre action disclosure but I would just crack on and sue if your claim is worth less than £5000

Dear Sirs,

Re: Dangerous Road B12345
Location: 3 miles east of Anytown
Accident date

I was unseated from my motorcycle at the above location due to a dangerous highway. I enclose photos (and ideally a map reference/OS grid reference)

You have 21 days from the date above to acknowledge this claim letter. You then have a further 3 months to either concede or deny responsibility, following which I am free to issue proceedings.

I was not seriously injured and I do not bring a personal injury claim/I sustained minor injuries of for which I am seeking compensation of £ (If you have had a few weeks of bumps and bruises a realistic figure is £500).

The Police (did/did not) attend and I have /have not got a copy of the police report. I am willing to provide you with a copy.

My name	
My address	
Type and make of my bike	
Registration number	
Type of cover	
Brief description of the circumstances of accident/allegations of	

negligence (Without Prejudice)	
My brief description of injuries	

I request the following documents under the pre-action protocol for the 12 month period prior to the date of the accident, namely :

1. Records of inspection for the relevant stretch of highway including the full day's inspection work carried out by the Inspector for any inspection days upon which you rely. Please also state the method of inspection and how the Inspector travelled (whether by foot, or by car, whether he was driven, or drove himself).
2. Maintenance records including records of independent contractors working in the relevant area.
3. Records of any complaints about the state of the highway. Unless you are going to have particular difficulty providing those aged over 12 months I would like to see all complaints that you have records of for this stretch of road. I of course recognize that our request needs to be tempered by the realities of local authority resources, so if it is too difficult or too time consuming please say so with a brief explanation.

Material Not Specifically Noted in the Highway Tripping Claims Part of the Protocol

As you are aware this is not a highway tripping case, but the tripping protocol is the most applicable. There is of course however the additional element that this claim involved a vulnerable road user on the highway.

I therefore request disclosure of your intervention criteria as well as the training records of the inspection upon those reports you may rely upon. The intervention criteria should be readily available to you, whilst I accept that the finding of the training records might be more difficult. If you cannot find the training records without a disproportionate amount of effort, then please tell me along with a brief explanation as to your difficulties.

I am of course aware that you as the local authority do have restrictions on the amount of work you do, and I am also aware that you will probably receive large numbers of this type of request so I will be understanding about any logistical or man power difficulties you might have in providing this information.

Yours faithfully,

White Dalton Motorcycle Solicitors

00001-1-0/JMF



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