

HM 65/002  
65/004  
65/008

County Councils ) in England which are the  
Metropolitan County Councils ) Secretary of State's agents for trunk roads  
Greater London Council  
London Boroughs

### **CLAIMS FOR DAMAGES ON TRUNK ROADS, INCLUDING MOTORWAYS**

1. Since Local Government reorganisation came into effect in April 1974 a significant drop in the number of claims for damage reported to this Department has been observed, especially claims for damage to Crown Property on Trunk Roads and Motorways.
2. Bearing in mind the personnel changes in many authorities since reorganisation it may be appropriate to remind your Council of the following requirements of Circular No 630 (6 May 1949) as modified by Circulars Roads Nos 2/73 and 13/73. The Secretary of State would be grateful if your Council would ensure that these procedures are strictly adhered to, pending the comprehensive revision of Circular No 630 which is in hand. District Councils should submit papers to the Department through the appropriate County or Metropolitan County Council.

### **DAMAGE TO CROWN PROPERTY**

3. In simple cases (eg damage to a traffic sign or refuge) where the cost of repair is estimated not to exceed £100, the agent authority should repair the damage and take the steps they would normally have taken, had the damage occurred on a road for which they are the highway authority, to recover the costs from the person causing the damage. The amount recovered should be credited to the appropriate maintenance account for trunk roads/motorways. If an admission of liability has not been obtained within six weeks or if recovery of the amount has not been effected within six months from the date when application was first made to the person causing the damage, the case should be referred to the Department (HLL 3, 2 Marsham Street), with all particulars necessary to enable them to pursue the claim.
4. Where the sum involved is estimated to exceed £100 or where the claim is complex the case should, within 14 days of the damage occurring, be referred to the Department with sufficient information to enable them to pursue it. A copy of a police report should be sent where available.
5. Although it is recognised that full information about road accidents is not always available to agent authorities, it would be appreciated if, with damage reports, information about fatalities and serious injuries could be forwarded, together with such details as are known of all vehicles involved. It would also be helpful if councils would indicate whether police and coroner's reports, if appropriate, have been requested.
6. In cases where vehicle registration numbers are known and information as to the identity of the owner is sought from Local Taxation Offices the Council should make it clear that it is applying as our agent authority on behalf of the Department and should claim exemption from the fee normally charged for such information.

### **CLAIMS FOR DAMAGES BY THIRD PARTIES**

7. When an agent authority receive a claim in relation to a trunk road they are requested to send to the claimant, or his solicitor or insurance company, as appropriate, an immediate acknowledgement of receipt, with an intimation that, as the road in question is a trunk road, the matter is being referred to the Department

of the Environment. Councils will appreciate the importance of making no admission of liability on their own behalf or on behalf of the Secretary of State.

8. The original of the claim should be submitted immediately after receipt to the Department, together with form TR 137, on which should be given such information as may be procurable by the Council to enable the Department to deal with it. As the Secretary of State attaches considerable importance to having before him the views of responsible local officials, and as a precedent may be created in relation to a similar claim on a non-trunk road, he asks Councils to give their observations and express an opinion on the question of liability in answer to Question 12. If it is not possible to complete the form within seven days it should be sent with an intimation that further information will follow as soon as possible. The provisions of Circular Roads No 57/72 - Accidents arising from alleged defects in the Highway - should be borne in mind where appropriate. Circulars 2/73 and 13/73 are cancelled.

<p>9. Enquiries in connection with this Circular should be addressed to the Department of the Environment, HLL 3, Room P3/009, 2 Marsham Street, London SW1P 3EB (Telephone 01 212 8351/2) Distribution enquiries 01-212 4944.</p>
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G COCKERHAM

14 February 1975

Copies of this Circular are included for the information of the Surveyors/Engineer and the Treasurer of your Council

The Chief Executive/Secretary to the Council