**IN THE KNARESBOROUGH COUNTY COURT CASE NO: TBC**

**B E T W E E N:**

**MRS DAVINA FICTITIOUS**

**Claimant**

**AND**

**A RANDOM UNNAMED COUNTY COUNCIL**

**Defendant**

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**PARTICULARS OF CLAIM**

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1. The Defendant is the highway authority responsible for the maintenance of Wetherby Road, Toy Town (‘the Highway’), pursuant to the Highways Act 1980.
2. The Claimant was walking on the Highway, at approximately 9.30am – 10.00am on 24 November 2016, when her right foot struck a section of metal pole, which had been left protruding above street-level, at the location that a metal street sign had been not been fully removed from a path.
3. The Defect:
4. Is illustrated in the attached photograph;
5. Constituted a nuisance.
6. The Claimant’s accident was caused by the breach of statutory duty and/or negligence of the Defendant, their servants or agents.
7. The Defendant admitted liability for the accident in open correspondence dated 2 May 2017. The Claimant will rely on the admission and therefore will not plead further in relation to liability at this stage. In the event that the Defendant seeks to deny liability in their Defence, then the Claimant will rely upon the said admission to its full meaning and effect.

PARTICULARS OF STATUTORY DUTY

1. The Defendant acted in breach of its statutory duty in that it:
2. Failed to maintain the Highway contrary to section 41 of the Highways Act 1981.

PARTICULARS OF NEGLIGENCE

1. Further or in the alternative the Defendant was negligent in that it:
2. Failed to institute and/or enforce any or any adequate system of inspection and/or maintenance whereby the Defect on the Highway might have been detected and remedied prior to the Claimant’s accident;
3. Failed to repair the Defect;
4. Failed to prevent the Claimant coming into contact with the Defect (by way of signs, barriers, or other means);
5. Caused or permitted the Highway to be and/or to become and/or to remain in a dangerous or defective condition;
6. Failed to take any or any adequate care for the safety of the Claimant;
7. Exposed the Claimant to a foreseeable risk of injury.
8. By reason of the Defendant’s negligence and/or breach of statutory duty the Claimant has suffered personal injury, loss and damage.

PARTICULARS OF LOSS AND DAMAGE

1. As a result of the accident the Claimant has suffered injuries to her right foot and to both hands.
2. The Claimant relies on medical reports prepared by Mr Fictitious, Consultant Orthopaedic Surgeon, dated 1 October 2016 and 22 April 2017 served with these proceedings.
3. The Claimant further sustained loss and damage arising as a result of her injuries, full details of which are set out in the attached Schedule of Loss.
4. The Claimant further claims interest upon such general damages and special damages as may be awarded pursuant to section 69 of the County Courts Act 1984 at such rate and for such period as the court shall deem fit.

AND the Claimant claims:

1. Damages for pain, suffering and loss of amenity.
2. Damages for past, ongoing and future losses as set out in Claimant’s Schedule of Loss
3. Interest; and
4. Costs.

Statement of Truth

I believe that the facts stated in these Particulars of Claim are true.

Signed ...............................................

Name …………………………………………….

Dated ..............................................