DRAKENSTEIN
MUNISIPALITEIT • MUNICIPALITY • UMASIPALA
Paarl | Wellington | Gouda | Saron | Simondium

+27 21 807 4500 +27 21 872 8054
www.drakenstein.gov.za
records@drakenstein.gov.za
Civic Centre, Berg River Boulevard, Paarl 7646

CLAIMS AGAINST DRAKENSTEIN MUNICIPALITY

The procedure for submitting claims is governed by the provisions of ***the Institution of Legal Proceedings against certain Organs of State, Act No 40 of 2002***. In accordance with the Act, a claim against the municipality must be submitted:

- ~ **In writing,**
- ~ By hand, by certified mail, by e-mail or by fax, addressed to the City Manager,
- ~ Setting out the **facts and circumstances surrounding the claim,**
- ~ including the **reasons why the municipality should be held liable as a** result of negligence,
- ~ Within **six (6) months of the original date of the incident or occurrence**.

Should a member of the public wish to submit a claim against the municipality, the below mentioned steps must be followed:

Step 1

To obtain information regarding the submission of a claim against the municipality, contact the Insurance Section of the municipality at:

Physical address	**E-mail**	**Telephone number**
Drakenstein Municipality Civic Centre Berg River Boulevard Paarl 7622	Mr Keaton Engledoe Keaton.engledoe@drakenstein.gov.za **or** Ms J Brandt Junay.brandt@drakenstein.gov.za **or** Insurance@drakenstein.gov.za	Mr K Engledoe 021-807 6439 **or** Ms J Brandt 021-807 6359 **or** S Gqabantshi 021-807-4838

Step 2

All claims are required to be lodged to the municipality in writing (delivered by hand, or sent by certified mail, by electronic mail, by fax, or submit via the municipal customer request system) and will be considered on a "without prejudice" basis. **Provide a letter** and reasons why Drakenstein Municipality should be held liable, i.e. **fully motivate in writing** why, in your opinion, the municipality was negligent.

For a claim against the municipality for loss or damage suffered from **driving through a pothole**, a *Pothole claim form* must also be completed.

Step 3

To assist the municipality in assessing and investigating a claim, certain documentation and evidence to support the claim will be required. The acceptance of the written claim and supporting documentation by the municipality in no way infers negligence on the part of the municipality or binds the municipality to provide compensation. In addition to the **motivation letter**, **the below information** and any other information or documentation to support the claim, should be provided:

a) full name, address and contact details of the claimant,
b) date, time and location of scene of incident / accident,
c) description of the circumstances and the loss / damage / injury,
d) provide proof of any injury or damages in the form of medical reports or photographs, otherwise damaged items should be retained for inspection, if possible (if applicable, you will be requested to have vehicle damage assessed and/or confirmed at the municipal workshop),
e) provide proof of fair and reasonable costs for repairs if repairable, or for replacement if not repairable (at least 2 quotations) or invoices, if already paid,
f) if you have insurance and have elected not to claim from your own policy, you are required to provide a letter from your insurer confirming that you will not be claiming for the incident on your policy, or if you do not have insurance you are required to provide a sworn affidavit declaring that you do not have personal insurance,
g) a certified copy of identity document or valid driver's licence (if applicable),
h) any other additional information that might be necessary depending on the circumstances of a claim.

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Step 4

The Insurance Section will ***acknowledge receipt*** of the letter of motivation and any additional documentation, and ***progress of the claim*** will be communicated as part of the due process of the investigation.

Once we receive all the required documentation the claim will be processed as follows:

1. All claims submitted are investigated, either by internal investigation, or by the municipality's insurers, depending on the amount claimed.
   - ~ A full technical investigation report is completed in respect of the circumstances that led to the incident. The findings of the investigation will reveal facts surrounding the incident and serve as the basis to determine whether there has been negligence on the part of the municipality.
   - ~ It could take up to eight weeks to finalise an investigation depending on the complexity of the incident.
   - ~ If the findings show there has been such negligence, subject to specific conditions, the municipality will have to compensate those who suffered losses or damages.
   - ~ In the absence of evidence of negligence, regrettably no financial compensation would be paid. The reasons for not paying a claim will always be communicated in writing to a claimant.
2. Claims exceeding the excess amount to be paid by the municipality are handled by the municipality's official ***insurers***, while claims not exceeding this amount are submitted to the municipality's ***committee*** responsible for considering such claims.
   - ~ For claims above the excess amount: the municipality's **official Insurers** will correspond directly with the claimant, informing him/her whether the claim has been successful and of any further requirements or procedures in this regard.
   - ~ For claims below the excess amount: the municipality's **Insurance Section** will correspond with the claimant, informing him/her whether the claim has been successful and of any further requirements or procedures in this regard.

Step 5

An appeal can be lodged **within 21 days** (of the date of notification of the decision) **if a claimant is unhappy with a decision.** The appeal must be in writing, marked for the attention of the person who sent the claim rejection letter. The appeal content must spell out areas of concern and reasons a claimant believes the municipality came to an unfair conclusion. The claim will be reviewed, re-investigated and the decision of the appeal communicated to the claimant.