

## Notes for completing a small claims track allocation questionnaire

- If the claim is not settled, a judge must allocate it to an appropriate case management track and if necessary give directions for the conduct of the case. The most just and cost-effective track for this claim appears to be the small claims track and you must now complete the attached questionnaire to help the judge decide.
- If you fail to return the allocation questionnaire by the date given, the judge may make an order that leads to your claim or defence being 'struck out' (Rule 3.4): this means you could not proceed with it. Alternatively the judge may order an allocation hearing at which the judge can order any party who has not filed their questionnaire to pay, immediately, the costs of that hearing.
- The letters below refer to the corresponding sections of the questionnaire and tell you what information is needed, including where appropriate other guidance and references to court rules.

### A. Settlement

Even at this stage, you should still think about whether you and the other party can settle your dispute without going to court. If you wish no further action to be taken on the claim for a month (called a 'stay') and tick 'yes' to this question, the court may allow a stay whether or not all the parties to the claim agree. Where a stay is granted, it will be for an initial period of one month (Rule 26.4). You may seek to settle the claim either by informal discussion with the other party or by alternative dispute resolution (ADR). ADR covers a range of different processes which can help settle disputes. More information is available in the Legal Services Commission leaflet 'Alternatives to Court' free from any county court or from the LSC leaflet line 0845 3000 343

### B. Location

Automatic transfer to a defendant's local court applies to certain claims (Rule 26.2). This claim will be heard at the court to which you have been asked to return this questionnaire but the court will consider an application for it to be transferred to another court if there is a good reason to do so.

### C. Track

The basic guide by which claims are normally allocated to a track is the amount in dispute, although other factors such as the complexity of the case will also be considered (Rules 26.6 - 26.8). A leaflet available from the court office explains the limits in greater detail.

Small Claims track	Disputes valued at not more than £5,000 except <ul style="list-style-type: none"> <li>• those including a claim for personal injuries worth over £1,000 and</li> <li>• those for housing disrepair where either the cost of repairs or other work exceeds £1,000 or any other claim for damages exceeds £1,000</li> </ul>
Fast track	Disputes valued at more than £5,000 but not more than £15,000
Multi-track	Disputes over £15,000

### D. Witnesses

Enter the number of witnesses you intend to call to give evidence **not** including yourself or any expert witness.

### E. Experts

You should **not** obtain an expert's report until you receive the court's direction. If you have already obtained a report, please attach it to your completed questionnaire.

### F. Hearing

*Dates to avoid:* You should only enter those dates where you, your expert or an essential witness will not be able to attend court because of a holiday or other commitments.

*Interpreters:* In some circumstances the court will arrange for, and meet the cost of, an interpreter. If you require an interpreter, you should contact the court immediately. For further details visit the HMCS website [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk) under "Information about"

### G. Other information

Give details of any other information that you consider will help the judge to manage the claim, referring as necessary to any documents you have attached. Bear in mind however that at this stage you need not attach all other documents which you wish the court to consider at the hearing. This is something you will later be asked to provide.

### H. Fee

*You should note that if you do not pay this fee it might lead to your claim being struck out (Rule 3.7).* If you are the claimant, depending on the value of your claim, you may have to pay a court fee. If you have not applied for fee exemption or remission, the fee must be sent to the court at the same time as your completed questionnaire. Further details can be obtained from the Fees leaflet EX50 available free from any county court or from Her Majesty's Courts Service website [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

### I. Signature

This questionnaire must be signed by only the party to the claim or litigation friend or legal representative.