

PRACTICE DIRECTION – PILOT SCHEME FOR SMALL CLAIMS

THIS PRACTICE DIRECTION SUPPLEMENTS CPR PART 27

General

- 1.1 This practice direction is made under rule 51.2. It provides for a pilot scheme ('the Small Claims Pilot Scheme') to operate from 8 July 2002 to 7 October 2002. The purpose of the Small Claims Pilot Scheme is to provide for allocation to the small claims track without the need for the court to serve allocation questionnaires or to make an order dispensing with them.
- 1.2 The Small Claims Pilot Scheme will operate in the county courts at –
 - (1) Lincoln;
 - (2) Wandsworth; and
 - (3) Wigan.
- 1.3 The Small Claims Pilot Scheme will apply to any claim –
 - (1) for which the normal track is the small claims track in accordance with rule 26.6; and
 - (2) where a defence is filed during the period of its operation.
- 1.4 Any claim subject to automatic transfer under rule 26.2 is not included in the Small Claims Pilot Scheme.

Application of Part 27

- 2.1 Part 27 and the practice direction which supplements it apply to claims operated under the Small Claims Pilot Scheme except where this practice direction provides otherwise.

Dispensing with the allocation questionnaire

- 3.1 When a defendant files a defence to a claim, rules 26.3, 26.4 and 26.5 shall not apply to the proceedings.

Allocation

- 4.1 When a defence has been filed the court will –
 - (1) allocate the claim to the small claims track; and
 - (2) serve notice of allocation on every party.
- 4.2 Where there are two or more defendants and at least one of them files a defence, the court will not allocate the claim under paragraph 4.1 until –

- (1) all the defendants have filed a defence; or
 - (2) when the period for the filing of the last defence has expired,
- whichever is the sooner.

4.3 When allocating a claim the court will –

- (1) give any necessary further directions including, if it is appropriate, a stay for settlement;
- (2) consider whether expert evidence is necessary and, if so, give permission for it to be given; and
- (3) consider whether any party should be required to give additional information or clarify any matter which is in dispute in the proceedings and, if so, make such order as it thinks just specifying the time within which such information or clarification is to be provided.

Request for re-allocation

- 5.1 Any party may, within 7 days of receiving notice under paragraph 4.1(2), apply to the court to re-allocate the claim to a different track.
- 5.2 An application under paragraph 5.1 must include the reasons which justify re-allocation.
- 5.3 Where an application is made under paragraph 5.1 the court will consider whether the allocation should be set aside –
 - (1) without a hearing; or
 - (2) at a hearing, if the court considers a hearing is appropriate.

Application for summary judgment

- 6.1 If a party has applied to the court for summary judgment the claim will not be allocated until after that application has been determined.