

# PART 28

## THE FAST TRACK

### CONTENTS OF THIS PART

Scope of this Part	Rule 28.1
General provisions	Rule 28.2
Directions	Rule 28.3
Variation of case management timetable	Rule 28.4
Pre-trial check list (listing questionnaire)	Rule 28.5
Fixing or confirming the trial date and giving directions	Rule 28.6
Conduct of trial	Rule 28.7

### SCOPE OF THIS PART

- 28.1 This Part contains general provisions about management of cases allocated to the fast track and applies only to cases allocated to that track.
- (Part 27 sets out the procedure for claims allocated to the small claims track)
- (Part 29 sets out the procedure for claims allocated to the multi-track)

### GENERAL PROVISIONS

- 28.2
- (1) When it allocates a case to the fast track, the court will give directions for the management of the case and set a timetable for the steps to be taken between the giving of the directions and the trial.
  - (2) When it gives directions, the court will –
    - (a) fix the trial date; or
    - (b) fix a period, not exceeding 3 weeks, within which the trial is to take place.
  - (3) The trial date or trial period will be specified in the notice of allocation.
  - (4) The standard period between the giving of directions and the trial will be not more than 30 weeks.
  - (5) The court's power to award trial costs is limited in accordance with Part 46.

## DIRECTIONS

- 28.3
- (1) The matters to be dealt with by directions under rule 28.2(1) include –
    - (a) disclosure of documents;
    - (b) service of witness statements; and
    - (c) expert evidence.
  - (2) If the court decides not to direct standard disclosure, it may –
    - (a) direct that no disclosure take place; or
    - (b) specify the documents or the classes of documents which the parties must disclose.
- (Rule 31.6 explains what is meant by standard disclosure)
- (Rule 26.6(5) deals with limitations in relation to expert evidence and the likely length of trial in fast track cases)

## VARIATION OF CASE MANAGEMENT TIMETABLE

- 28.4
- (1) A party must apply to the court if he wishes to vary the date which the court has fixed for –
    - (a) the return of a pre-trial check list under rule 28.5;
    - (b) the trial; or
    - (c) the trial period.
  - (2) Any date set by the court or these Rules for doing any act may not be varied by the parties if the variation would make it necessary to vary any of the dates mentioned in paragraph (1).
- (Rule 2.11 allows the parties to vary a date by written agreement except where the rules provide otherwise or the court orders otherwise)

## PRE-TRIAL CHECK LIST (LISTING QUESTIONNAIRE)

- 28.5
- (1) The court will send the parties a pre-trial check list (listing questionnaire) for completion and return by the date specified in the notice of allocation unless it considers that the claim can proceed to trial without the need for a pre-trial check list.
  - (2) The date specified for filing a pre-trial check list will not be more than 8 weeks before the trial date or the beginning of the trial period.
  - (3) If –
    - (a) a party fails to file the completed pre-trial check list by the date specified;
    - (b) a party has failed to give all the information requested by the pre-trial check list; or

- (c) the court considers that a hearing is necessary to enable it to decide what directions to give in order to complete preparation of the case for trial,

the court may give such directions as it thinks appropriate.

## FIXING OR CONFIRMING THE TRIAL DATE AND GIVING DIRECTIONS

- 28.6
- (1) As soon as practicable after the date specified for filing a completed pre-trial check list the court will –
    - (a) fix the date for the trial (or, if it has already done so, confirm that date);
    - (b) give any directions for the trial, including a trial timetable, which it considers appropriate; and
    - (c) specify any further steps that need to be taken before trial.
  - (2) The court will give the parties at least 3 weeks' notice of the date of the trial unless, in exceptional circumstances, the court directs that shorter notice will be given.

## CONDUCT OF TRIAL

- 28.7
- Unless the trial judge otherwise directs, the trial will be conducted in accordance with any order previously made.