Appendix A : FAST TRACK STANDARD DIRECTIONS OTHER THAN NOISE INDUCED HEARING LOSS CASES

Further statements of case

The                        must file a                        and serve a copy on                        no later than                        .

Requests for further information

Any request for clarification or further information based on another party’s statement of case shall be served no later than

[Any such request shall be dealt with no later than ].

Disclosure of documents

[No disclosure of documents is required]

[[Each party] [The                        ]

shall give [to the                        ]

[to every other party] standard disclosure of documents

[relating to                        ]

by serving copies together with a disclosure statement no

later than                        ]

[Disclosure shall take place as follows:

[Each party shall give standard discovery to every other party by list]

[Disclosure is limited to [standard] [disclosure by the

to the                        ] [of documents relating to damage]

[the following documents                        ]

[The latest date for delivery of the lists is                        ]

[The latest date for service of any request to inspect or for a copy

of a document is                        ]]

Witnesses of fact

Each party shall serve on every other party the witness statements of all witnesses of fact on whom he intends to rely.

There shall be simultaneous exchange of such statements no later than

Expert evidence

[No expert evidence being necessary, no party has permission to call or rely on expert evidence].

[On it appearing to the court that expert evidence is necessary on the issue of

[                        ]

and that that evidence should be given by the report of a single expert instructed jointly by the parties, the                                        shall no later than                        inform the court whether or not such an expert has been instructed].

[The expert evidence on the issue of                        shall be                    limited to a single expert                    jointly instructed by the parties.

If the parties cannot agree by                    who that expert is to be and about the payment of his fees either party may apply for further directions.

Unless the parties agree in writing or the court orders otherwise, the fees and expenses of such an expert shall be paid to ~~him~~ them [by the parties equally] [                        ] and be limited to £      .

[The report of the expert shall be filed at the court no later than                        ].

[No party shall be entitled to recover by way of costs from any other party more than £      for the fees or                        expenses of an expert].

The parties shall exchange reports setting out the substance of any expert evidence on which they intend to rely.

[The exchange shall take place simultaneously no later than                        ].

[The                                        shall serve ~~his~~ their report(s) no later than the                        and the                        shall serve ~~his~~ their reports no later than the                        ].

[The exchange of reports relating to [causation] [                        ] shall take place simultaneously no later than                        .

The                        shall serve ~~his~~ their report(s) relating to [damage] [                        ] no later than and the                        shall serve ~~his~~ their reports relating to it no later than                        ].

Reports shall be agreed if possible no later than [      days after service] [       ].

[If the reports are not agreed within that time there shall be a without prejudice discussion between the relevant experts no later than                        to identify the                        issues between them and to reach agreement if possible.

The experts shall prepare for the court a statement of the issues on which they agree and on which they disagree with a summary of their reasons, and that statement shall be filed with the court [no later than                        ] [with] [no later than the date for filing] [the pre-trial check list].

[Each party has permission to use [                        ] as expert witness(es) to give [oral] evidence [in the form of a                        report] at the trial in the field of                        provided that the substance of the evidence to be given has been disclosed as above and has not been agreed].

[Each party has permission to use in evidence                        experts’ report(s) [and the court will consider when the claim is listed for trial whether expert oral evidence will be allowed].]

(see paragraphs 6, 7 and 9 of Practice Direction 35)

Questions to experts

The time for service on another party of any question addressed to an expert instructed by that party is not later than          days after service of that expert’s report.

Any such question shall be answered within          days of service.

Requests for information etc.

Each party shall serve any request for clarification or further information based on any document disclosed or statement served by another party no later than          days after disclosure or service.

Any such request shall be dealt with within          days of service.

Documents to be filed with pre-trial check lists

The parties must file with their listing questionnaires copies of [their experts’ reports] [witness statements] [replies to requests for further information]

Dates for filing pre-trial check lists and the trial

Each party must file a completed pre-trial check list no later than                                        .

The trial of this case will take place [on                    ] [on a date to be fixed between                    and                    ].

Directions following filing of pre-trial check list

Expert evidence

The parties have permission to rely at the trial on expert evidence as follows:

|  |  |
| --- | --- |
| The claimant: | Oral evidence – |
|  | Written evidence – |
| The defendant: | Oral evidence – |
|  | Written evidence – |

Trial timetable

The time allowed for the trial is

[The timetable for the trial may be agreed by the parties, subject to the approval of the trial judge].

[The timetable for the trial (subject to the approval of the trial judge) will be that                        ].

[The evidence in chief for each party will be contained in witness statements and reports, the time allowed for cross-examination by the defendant is limited to                        and the time allowed for cross-examination by the claimant is limited to                        ].

[The time allowed for the claimant’s evidence is                        . The time allowed for the defendant’s evidence is                        ].

The time allowed for the submissions on behalf of each party is                        .

The remainder of the time allowed for the trial (being                        ) is reserved for the judge to consider and give the judgment and to deal with costs].

Trial bundle etc.

The claimant shall lodge an indexed bundle of documents contained in a ring binder and with each page clearly numbered at the court not more than 7 days and not less than 3 days before the start of the trial.

[A case summary (which should not exceed 250 words) outlining the matters still in issue, and referring where appropriate to the relevant documents shall be included in the bundle for the assistance of the judge in reading the papers before the trial].

[The parties shall seek to agree the contents of the trial bundle and the case summary].

Settlement

**Each party must inform the court immediately if the claim is settled whether or not it is then possible to file a draft consent order to give effect to their agreement.**