

Notes for completing an allocation questionnaire

- If the claim is not settled, a judge must allocate it to an appropriate case management track. To help the judge choose the most just and cost-effective track, you must now complete the attached questionnaire.
- If you fail to return the allocation questionnaire by the date given, the judge may make an order which leads to your claim or defence being struck out, or hold an allocation hearing. If there is an allocation hearing the judge may order any party who has not filed their questionnaire to pay, immediately, the costs of that hearing.
- Use a separate sheet if you need more space for your answers marking clearly which section the information refers to. You should write the claim number on it, and on any other documents you send with your allocation questionnaire. Please ensure they are firmly attached to it.
- The letters below refer to the sections of the questionnaire and tell you what information is needed.

A Settlement

Under the Civil Procedure Rules parties should make every effort to settle their case before the hearing. This could be by discussion or negotiation (such as a roundtable meeting or settlement conference) or by a more formal process such as mediation. The court will want to know what steps have been taken. If you think that it would be worthwhile you and the other party trying to negotiate a settlement at this stage you should tick the 'Yes' box. The court may order a stay, whether or not all the other parties to the claim agree. Even if you are requesting a stay, you should still complete the rest of the questionnaire.

More information about settlement options is available in the Legal Services Commission leaflet 'Alternatives to Court' free from any county court or the LSC leaflet line on 0845 3000 343. If you would like to find out more about mediation, and the fees charged, contact the National Mediation Helpline on 0845 60 30 809 or go to www.nationalmediationhelpline.com. Although you may appoint a mediator of your choice, if you would like the court to arrange a mediation for you please tick 'Yes'. By ticking this box you are consenting to your contact details being passed via the Helpline to an accredited external mediation provider.

B Location of trial

High Court cases are usually heard at the Royal Courts of Justice or certain Civil Trial Centres. Fast or multi-track trials may be dealt with at a Civil Trial Centre or at the court where the claim is proceeding.

C Pre-action protocols

Before any claim is started, the court expects you to have complied with the relevant pre-action protocol, and to have exchanged information and documents relevant to the claim to assist in settling it. To find out which protocol is relevant to your claim see: http://www.justice.gov.uk/civil/procrules_fin/menus/protocol.htm

D Case management information

Applications

It is important for the court to know if you have already made any applications in the claim, what they are for and when they will be heard. The outcome of the applications may affect the case management directions the court gives.

Witnesses

Remember to include yourself as a witness of fact, if you will be giving evidence.

Experts

Oral or written expert evidence will only be allowed at the trial or final hearing with the court's permission. The judge will decide what permission it seems appropriate to give when the claim is allocated to track. Permission in small claims track cases will only be given exceptionally.

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. Leaflet EX305 - The Fast Track and the Multi-track, explains this in greater detail.

E Trial or final hearing

You should enter only those dates when you, your expert(s) or essential witness(es) will not be able to attend court because of holiday or other commitments.

F Proposed directions

Attach the list of directions, if any, you believe will be appropriate to be given for the management of the claim. Agreed directions on fast and multi-track cases should be based on the forms of standard directions set out in the practice direction to CPR Part 28 and form PF52.

G Costs

Only complete this section if you are a solicitor and have suggested the claim is suitable for allocation to the fast or multi-track.

H Fee

For more information about court fees please go our website www.hmcourts-service.gov.uk or pick up a fees leaflet EX50 from any county court. If you cannot afford the fee, you may be eligible for remission of the fee. More details can be found in the leaflet EX160A, which can be downloaded from our website or you can pick up a copy from any county court.

I Other Information

Answer the questions in this section. Decide if there is any other information you consider will help the judge to manage the claim. Give details in the space provided referring to any documents you have attached to support what you are saying.