

Notes for completing an allocation questionnaire

- If the case 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 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.
- If you wish to make an application, for example, for special directions, or for permission to add another party to the claim, you should send it and any required fee with the completed allocation questionnaire. If a hearing is fixed for your application, it may also be used as an allocation hearing.
- Any other documents you wish the judge to take into account should be filed with the questionnaire. But you must confirm that the documents have been sent to the other party, or parties, saying when they would have received them and whether they agreed their contents.
- Use a separate sheet if you need more space for your answers marking clearly which section the information refers to. Write the case number on it, sign and date it and attach it securely to the questionnaire.
- 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 Track

The basic guide by which cases are normally allocated to a track depends on the money value of the claim, 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.

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 Applications

If you intend to make an application, for example for special directions, you should, if you have not already filed an application, file it with your completed allocation questionnaire.

E Witnesses of fact

Remember to include yourself, if you will be giving evidence; but not experts, who should be included in section F.

F Experts' evidence

Oral or written expert evidence will only be allowed at the trial with the court's permission. The judge will decide what permission it seems appropriate to give when the case is allocated to track.

G Location of trial

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 Representation and estimate of trial time

If the case is allocated to the fast track, no more than one day will be allowed for the trial of the whole case.

I Costs

Estimates should be given using Form 1 which can be found in the Schedule of Costs Forms set out in the Civil Procedure Rules. The form should be attached to and returned with your completed questionnaire.

J Fee

For more information about court fees please go our website www.hmccourts-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 download from our website or you can pick up a copy from any county court.