

Notes for completing a small claims track allocation questionnaire

- If the claim is not settled, a judge must allocate it to an appropriate case management track and if necessary give directions for the conduct of the case. The most just and cost-effective track for this claim appears to be the small claims track and you must now complete the attached questionnaire to help the judge decide.
- If you fail to return the allocation questionnaire by the date given, the judge may make an order that leads to your claim or defence being 'struck out' (Rule 3.4): this means you could not proceed with it. Alternatively the judge may order an allocation hearing at which the judge can order any party who has not filed their questionnaire to pay, immediately, the costs of that hearing.
- The letters below refer to the corresponding sections of the questionnaire and tell you what information is needed, including where appropriate other guidance and references to court rules (Civil Procedure Rules).

A Settlement

Even at this stage, you should still think about whether you and the other party can settle your dispute without going to court. You may seek to settle the claim either by direct discussion or negotiation with the other party or by mediation. Mediation is a way of resolving disputes without needing to go to a court hearing, where parties are assisted in achieving mutually beneficial resolutions with the help of an impartial mediator. You may use any mediation provider, but if you would like to try the free Her Majesty's Courts Service small claims mediation service, or find out more about how mediation could help, you should tick 'Yes' to this question. The court will then refer your case to the small claims mediator and provide you with a contact telephone number. Experience has shown that it is often possible for the mediator to help resolve disputes over the telephone without either party having to attend court. However, since mediation is a voluntary process, it will only take place if the parties agree.

You can find out more about the various settlement options in the Legal Services Commission leaflet 'Alternatives to Court' which is free from any county court or the LSC leaflet line on 0845 3000 343.

B Location

Automatic transfer to a defendant's local court applies to certain claims (Rule 26.2). This claim will be heard at the court to which you have been asked to return this questionnaire but the court will consider an application for it to be transferred to another court **if there is a good reason to do so**.

C 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 (Rules 26.6 - 26.8). Leaflet EX307 - The Small claims track, explains this in greater detail.

D Witnesses

Enter the number of witnesses you intend to call to give evidence **not** including yourself or any expert witness.

E Experts

You should **not** obtain an expert's report until you receive the court's direction. If you have already obtained a report, please attach it to your completed questionnaire.

F Hearing

Dates to avoid: You should only enter those dates where you, your expert or an essential witness will not be able to attend court because of a holiday or other commitments.

Interpreters: In some circumstances the court will arrange for, and meet the cost of, an interpreter. If you require an interpreter, you should contact the court immediately. For further details visit our website www.hmcourts-service.gov.uk under 'Information about'

G Other information

Give details of any other information that you consider will help the judge to manage the claim, referring as necessary to any documents you have attached. Bear in mind however that at this stage you need not attach all other documents which you wish the court to consider at the hearing. This is something you will later be asked to provide.

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 Signature

This questionnaire must be signed by only the party to the claim or litigation friend or legal representative.