

# AUTOMATIC ORDERS PILOT SCHEME

## This Practice Direction supplements CPR Part 26 and 28

### General

- 1.1** This Practice Direction is made under rule 51.2. It provides for a pilot scheme ('the Automatic Orders Pilot Scheme') to operate in two stages.
- 1.1A** The first stage will –
- (1) operate from 1st October 2008 to 30th September 2009 in the county courts at Chelmsford, Newcastle, Teesside, Watford and York; and
  - (2) apply to claims started on or after 1st October 2008.
- 1.1B** The second stage will –
- (1) operate for a further period from 1st October 2009 to 31st March 2011 in all county courts and the High Court; and
  - (2) apply to all claims started on or after 1st October 2009.
- 1.2** The Automatic Orders Pilot Scheme will apply to claims where –
- (1) all parties request a stay of proceedings for one month;
  - (2) any party fails to file an allocation questionnaire; or
  - (3) in cases with only one claimant and one defendant and which are allocated to the fast track, a party fails to file a pre-trial checklist.

### Amendments to Part 26 and Part 28

- 2** During the operation of the Automatic Orders Pilot Scheme –

#### Stay of proceedings for one month

- (1) Rule 26.4 is modified by substituting for paragraph (2) the following –
- ‘(2)
- (a) Where all parties request a stay under paragraph (1), the proceedings will be stayed for one month and the court will notify the parties to that effect.
  - (b) Any request for a further stay will be considered under rule 26.4(3).
  - (c) Where the court, of its own initiative, considers that such a stay would be appropriate, the court will direct that the proceedings, either in whole or in part, be stayed for one month, or for such specified period as the court considers appropriate.’

#### Failure by a party to file an allocation questionnaire

- (2) Practice Direction 26 is modified by substituting for paragraph 2.5 the following –
- ‘2.5 (1) Where a party does not file an allocation questionnaire within the time specified by Form N152, the court will serve a notice on that party requiring the allocation questionnaire to be filed within 7 days from service of the notice.’

2.5 (2) Where a party does not file the allocation questionnaire within the period specified in the notice served pursuant to paragraph (1) then that party's claim, defence or counterclaim (as appropriate) will automatically be struck out without further order of the court.'

**Failure to file a pre-trial checklist in a case allocated to the fast track**

- (3) Where there is only one claimant and one defendant and the case is allocated to the fast track then rule 28.5 is modified by substituting for paragraphs (3) and (4) the following –
- ‘(3) Where a party does not file a pre-trial checklist the court will serve a notice on that party requiring the pre-trial checklist to be filed within 7 days from service of the notice.
- (4) Where that party does not file the pre-trial checklist within the period specified in the notice served pursuant to paragraph (3) then that party's claim, defence or counterclaim (as appropriate) will automatically be struck out without further order of the court.
- (5) If –
- (a) a party has failed to give all the information requested by the pre-trial checklist; or
- (b) 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.’
- (4) Where there is only one claimant and one defendant and the case is allocated to the fast track then Practice Direction 28 is modified by –
- (a) substituting for paragraph 6.1(3) the following –
- ‘(3) When all the pre-trial checklists have been filed the court file will be placed before a judge for directions.’; and
- (b) disapplying paragraphs 6.4 and 6.5.