Allocation questionnaire

To be completed by, or on behalf of,

who is [1st][2nd][3rd][ ][Claimant][Defendant] [Part 20 claimant] in this claim

Name of court	
Claim No.	
Last date for filing with court office	

Please read the notes on page six before completing the questionnaire.

You should note the date by which it must be returned and the name of the court it should be returned to since this may be different from the court where the proceedings were issued.

If you have settled this claim (or if you settle it on a future date) and do not need to have it heard or tried, you must let the court know immediately.

Have you sent a copy of this completed form to the other party(ies)? ☐ Yes ☐ No

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. Settling the case early can save costs, including court hearing fees.

For legal representatives only

I confirm that I have explained to my client the need to try to settle; the options available; and the possibility of costs sanctions if they refuse to try to settle. ☐

For all

Your answers to these questions may be considered by the court when it deals with the questions of costs: see Civil Procedure Rules Part 44.3 (4).

1. Given that the rules require you to try to settle the claim before the hearing, do you want to attempt to settle at this stage? ☐ Yes ☐ No
2. If Yes, do you want a one month stay? ☐ Yes ☐ No
3. Would you like the court to arrange a mediation appointment? ☐ Yes ☐ No
   (A fee will be payable to the mediation provider appointed by the National Mediation Helpline.)
4. If you answered 'No' to question 1, please state below the reasons why you consider it inappropriate to try to settle the claim at this stage.

Reasons:

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B Location of trial

Is there any reason why your claim needs to be heard at a particular court? ☐ Yes ☐ No

If Yes, say which court and why?

C Pre-action protocols

You are expected to comply with the relevant pre-action protocol.

Have you done so? ☐ Yes ☐ No

If No, explain why?

D Case management information

What amount of the claim is in dispute? £

Applications

Have you made any application(s) in this claim? ☐ Yes ☐ No

If Yes, what for? (e.g. summary judgment, add another party) For hearing on

Witnesses

So far as you know at this stage, what witnesses of fact do you intend to call at the trial or final hearing including, if appropriate, yourself?

Witness name	Witness to which facts

Experts

Do you wish to use expert evidence at the trial or final hearing? ☐ Yes ☐ No

Have you already copied any experts' report(s) to the other party(ies)? ☐ None yet obtained ☐ Yes ☐ No

Do you consider the case suitable for a single joint expert in any field? ☐ Yes ☐ No

Please list any single joint experts you propose to use and any other experts you wish to rely on. Identify single joint experts with the initials 'SJ' after their name(s).

Expert's name	Field of expertise (eg. orthopaedic surgeon, surveyor, engineer)

Do you want your expert(s) to give evidence orally at the trial or final hearing? ☐ Yes ☐ No

If Yes, give the reasons why you think oral evidence is necessary:

Track

Which track do you consider is most suitable for your claim? Tick one box

☐ small claims track
☐ fast track
☐ multi-track

If you have indicated a track which would not be the normal track for the claim, please give brief reasons for your choice

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Disclosure of electronic documents

If you are proposing that the claim be allocated to the multi-track:

1. Have you reached agreement, either using the Electronic Documents Questionnaire in PD31B or otherwise, about the scope and extent of disclosure of electronic documents on each side? ☐ Yes ☐ No
2. If No, is such an agreement likely? ☐ Yes ☐ No
3. If there is no agreement and no agreement is likely, what are the issues about disclosure of electronic documents which the court needs to address, and should they be dealt with at the Case Managment Conference or at a separate hearing?

E Trial or final hearing

How long do you estimate the trial or final hearing will take?

days	hours	minutes

Are there any days when you, an expert or an essential witness will not be able to attend court for the trial or final hearing? ☐ Yes ☐ No

If Yes, please give details

Name	Dates not available

F Proposed directions *(Parties should agree directions wherever possible)*

Have you attached a list of the directions you think appropriate for the management of the claim? ☐ Yes ☐ No

If Yes, have they been agreed with the other party(ies)? ☐ Yes ☐ No

G Costs

*Do **not** complete this section if you have suggested your case is suitable for the small claims track **or** you have suggested one of the other tracks and you do not have a solicitor acting for you.*

What is your estimate of your costs incurred to date? £

What do you estimate your overall costs are likely to be? £

In multi-track cases these questions should be answered in compliance with CPR Part 43.

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H Fee

Have you attached the fee for filing this allocation questionnaire? ☐ Yes ☐ No

An allocation fee is payable if your claim or counterclaim exceeds £1,500.

Additional fees will be payable at further stages of the court process.

I Other information

Have you attached documents to this questionnaire? ☐ Yes ☐ No

Have you sent these documents to the other party(ies)? ☐ Yes ☐ No

If Yes, when did they receive them?

Do you intend to make any applications in the immediate future? ☐ Yes ☐ No

If Yes, what for?

In the space below, set out any other information you consider will help the judge to manage the claim.

Signed

Date

[Counsel] [Solicitor] [for the][1st][2nd][3rd][ ]
[Claimant] [Defendant] [Part 20 claimant]

Please enter your name, reference number and full postal address including (if appropriate) details of telephone, DX, fax or e-mail

	If applicable	
	Telephone no.	
	Fax no.	
	DX no.	
Postcode	Your ref.	

E-mail	

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 registered 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.

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