Allocation questionnaire
(amount to be decided by the court)

In the	
Claim No.	
Last date for filing with court office	

To

SEAL

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

Please 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 proceedings were issued.

If you have settled this case (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.

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. 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 Track

Which track do you consider is most suitable for your case? *(Tick one box)*

☐ small claims ☐ fast track ☐ multi-track

If you think your case is suitable for a specialist list, say which:

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

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 Applications

If you have not already issued a claim in the case against someone not yet a party, do you intend to apply for the court's permission to do so? ☐ Yes ☐ No

Do you intend to make any other applications eg. for special directions? ☐ Yes ☐ No

In either case, if Yes, please give details:

E Witnesses of fact

So far as you know at this stage, what witnesses of fact do you intend to call at the hearing?

Witness name	Witness to which facts

F Experts' evidence

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

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

Please list the experts whose evidence you think you will use:

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

Will you and the other party use the same expert(s)? ☐ Yes ☐ No

If No, please explain why not:

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

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

G Location of trial

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

If Yes, give reasons
(eg. particular facilities required, convenience of witnesses, etc.)

and specify the court:

H Representation and estimate of trial time

Do you expect to be represented by a solicitor or counsel at the trial? ☐ No ☐ Solicitor ☐ Counsel

How long do you estimate it will take to put your case to the court at the trial?

days	hours	minutes

If there are days when you, your representative, expert or an essential witness will not be able to attend court, give details:

Name	Dates not available

I Costs (only relates to costs incurred by legal representatives)

What is your estimate of costs incurred to date? £

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

J 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.

K Other information

Have you attached documents you wish the judge to take into account when allocating the case? ☐ Yes ☐ No

Have they been served on the other parties? ☐ Yes ☐ No

If Yes, say when

Have the other parties agreed their content? ☐ Yes ☐ No

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

Are they agreed with the other parties? ☐ Yes ☐ No

Are there any other facts which might affect the timetable the court will set?
If so, please state

Signed

Date

[Counsel][Solicitor][for the][Claimant][Defendant]

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 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. More information about mediation, the fees charged and a directory of mediation providers is available online from www.civilmediation.justice.gov.uk This service provides members of the public and businesses with contact details for national civil and commercial mediation providers, all of whom are accredited by the Civil Mediation Council.

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: www.justice.gov.uk/guidance/courts-and-tribunals/courts/procedure-rules/civil/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 to http://hmctsformfinder.justice.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.