

# Allocation questionnaire (Small claims track)

Completed by, or on behalf of, (print name)

who is the [Claimant][Defendant] in this claim.

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

**Please read the notes on pages 4 before completing the questionnaire.**

You must complete **all** sections of this questionnaire. It will be used to assist the court in the management of the claim.

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 proceedings were issued. This information is shown on the Form N152 which came with this questionnaire.

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

## A Settlement

Would you like to use the free small claims mediation service provided by HM Courts & Tribunals Service, to help you settle your claim with the other party?

Yes  No

**If you tick Yes, you must still complete the rest of this form.**

## B Location of hearing

Is there any reason why the case needs to be heard at a particular court?

Yes  No

If Yes, say which court and why

## C Track

Do you agree that the small claims track is the most suitable track for this claim?

Yes  No

If No, please say why

## D Witnesses

So far as you know at this stage, how many witnesses (other than yourself) do you intend to call to give evidence at the hearing?

## E Experts

Do you want permission to use an expert's report at the hearing? (*see notes*)

Yes  No

If Yes, what will the expert's evidence deal with?

Have you already obtained an expert's report?

Yes  No

If Yes, have you given a copy of that report to the other party?

Yes  No

In addition to using an expert's report do you want your expert to attend the hearing and give evidence?

Yes  No

If Yes, give the reasons why you think their attendance is necessary:

The court may order the appointment of a single expert who can be instructed by both parties. If you think this would not be appropriate, please say why.

## F Hearing

Are there any days within the next four months when you, an expert or a witness will not be able to attend court for the hearing?

Yes  No

If Yes, please give details

	Dates not available
Yourself	
Expert	
Other essential witness	

Will you be using an interpreter at the hearing either for yourself or for a witness? (*see notes*)

Yes  No

If Yes, please specify the type of interpreter

## G Other information

In the space below, set out any other information you consider will help the judge to manage or clarify the claim, including any other information you consider should be supplied by the other party.

## 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 Signature *(see notes)*

Signed  Date

Print full name

If a solicitor is acting for you please enter the firm's name, reference number and full postal address including (if appropriate) details of fax number, e-mail address, Document Exchange (DX) number. Otherwise, please enter your details as appropriate. This will assist the court in contacting you, if necessary at short notice.

	Ref. no.	
	Telephone no.	
	Mobile no.	
	Fax no.	
	e-mail address	
	DX no.	

## 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' (Civil Procedure Rules (CPR) 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.

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### 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 HM Courts & Tribunals 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.

Even if you tick 'Yes' in Section A, you should still complete the rest of the form before returning it to the court centre.

### B Location

Automatic transfer to a more appropriate court applies to certain claims (CPR 26). This claim may be heard in a different court from which you have been asked to return the form. When transferring to a different court the court that you indicate and your reasons will be taken into consideration.

### 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 (CPR 26). Leaflet EX306 - The Small claims track in civil courts, 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.justice.gov.uk](http://www.justice.gov.uk) under 'guidance'.

### 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 to the website [hmctsformfinder.justice.gov.uk](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 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.