



# **TAKING A SMALL CLAIMS ACTION IN THE COUNTY COURT**

## **THE ALLOCATION QUESTIONNAIRE**



# Welcome to this guide

The buttons on each page will allow you to choose to look at the parts of the guide that you are interested in. Alternatively you can scroll through each page.

 This symbol means that you will be taken from the document you are viewing to another document within the guide - clicking the  button in the new document will then **not** return you to the last page that you viewed – you will need to return to the guide’s home page to select the part of the guide that you were last viewing.



## Allocation Questionnaire

The Questionnaire must be returned to the Court within **14 days**.

**If the claim is between £1,500 and £10,000 a further fee of £40 is payable - make sure you include this**

The court might expect you to have discussed, and where possible agreed with the other party:

- if the case can be settled or not
- which is the most appropriate track for the claim
- how long you think the hearing will last, and
- if possible, how long you think you will need to prepare your case and the arrangements for exchanging evidence.

**If the other party will not co-operate do not delay returning your form to the Court.**

When the court receives the completed Allocation Questionnaires from both parties, the judge will decide if the claim should be allocated to the small claims track, the fast track or the multi-track. The judge will take account of what has been said in the Claim, Defence and Allocation Questionnaires and will look specifically at the amount in dispute, the timetable and the evidence needed.

**This guidance only relates to the Small Claims Track**

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## Completing the questionnaire

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, 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. Make sure they are firmly attached to it.



## 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

[The Claim no.](#)

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## 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

[Witnesses](#)

[Experts](#)

[Dates](#)



**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.

[Other information](#)

**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.	

[Contact details](#)



## The Claim no.

The Claim no. and your name must be on the form





## Mediation

Mediation is a way of resolving disputes without a court hearing if both parties agree to it. The Courts & Tribunal Service is provided by the court free of charge. During mediation, you and the other party involved in the dispute make the decisions about settlement, and if you can't agree then you can still have a court hearing.



## Location

If you and the defendant live in the same area, this will not be relevant. If the case is being handled by your local Court, there is no need to complete this section. If not, and you want the hearing at a different court, explain why e.g. 'Warrington County Court is my nearest Court office and is most convenient because ..... '

or

'St Helens County Court is a Court conveniently situated midway between the Claimant and Defendant, thereby requiring each party to travel an equal distance'



## Track

Unless the matter is very complex or the claim is over £10000, tick 'yes'

**This guide only relates to claims in the Small Claims Track**



## Witnesses

Do not include yourself or any expert witnesses.



## Experts

You should not obtain an expert's report once you have issued the claim until you have received the Court's direction. If you have already got a report attach it to the questionnaire.

State here

- a) the field in which expert evidence is required; and
- b) where practicable, the name of the proposed expert.

If permission is granted it shall be in relation only to the expert named or the field you have identified.



## Dates

Only enter dates for which you, an expert or an essential witness is not available.



## Other information

Provide information that will help the court to decide which track the claim should be heard in and attach documents that support the information you provide. You do not need to attach all documents that you will rely on at the hearing – you will be asked to supply them later.



## Contact details

Provide as many contact details as possible so that the Court can contact you urgently if necessary





## After you have returned the Allocation Questionnaire

The Court will contact you to advise which of the following will happen next



[To 'Allocation Questionnaire'](#)

## **Order for Further Information (allocation)**

Sometimes the judge may ask for more information before they can reach a decision. You may receive a court order asking you to complete a form providing further information. The form will explain what additional information is needed and tell you the deadline for providing the information.



## Allocation Hearing

You may be asked to attend a hearing to tell the judge more in person. If the judge decides to hold an allocation hearing, you and the other party involved will be sent a Notice of Hearing, which will set out the time, date and place of the hearing. In many cases the judge will be able to decide the route the case will follow based on the information provided by the parties in the Claim, Defence and Allocation Questionnaires, so there will be no need for an allocation hearing.



## Notice of Allocation

The Court will send you and the other party a Notice of Allocation, which sets out which track the claim has been allocated to and what the court expects you to do next.

### **This guidance only relates to the Small Claims Track.**

The steps you are both required to take by the court are known as 'directions'. Directions may include:

- Instructions to send a supporting document to the court and to the other parties involved in the claim, and when you need to do this by.
- Permission to use an expert at the hearing.
- Information about mediation if either you or the other party has asked for mediation, or the judge thinks the case is suitable for mediation.
- Information about the date and place of the hearing and how long the judge thinks it will take.

If you are the person making a claim, the Notice of Allocation will also tell you the date by which you should pay your [hearing fee](#). If you do not pay the hearing fee by the due date, the court may not hold the hearing.

[Hearing but you don't want to attend](#)

[Hearing but you are unable to attend](#)

[Preliminary Hearing](#)

[Notice of Allocation to the small claims track \(no hearing\)](#)



## There's to be a Hearing but you don't want to attend

If there is to be a hearing and you don't want to attend, you can ask the court to deal with the claim in your absence. You must write a letter to the court, stating your claim number, the date of the hearing and the reason why you will not be attending.

You should also ask the court to make a decision on the case in your absence using any written evidence you have provided to them.

The letter must arrive at court no later than **seven days** before the hearing date. You should also send a copy of the letter to the other party in the dispute.



## **There's to be a Hearing but you are unable to attend**

If you want to attend the hearing but the date is inconvenient, you can apply to the court for a later date to be set. You may have to pay a fee to apply to change the date.



## There's to be a Preliminary Hearing

In some situations the judge might decide to hold a preliminary hearing. This usually only happens if:

- The case requires special or unusual steps to be taken that the judge wants to explain to you personally.
- The judge feels that either party has no real prospect of winning the case and wants to close the case as quickly as possible to save everyone time and money.
- The person who has made the claim does not show any reasonable grounds for bringing the claim, or the defendant's defence does not show any reasonable grounds for defending it.

Your Notice of Allocation or Listing Hearing will tell you if you need to attend a preliminary hearing.



## **Notice of Allocation to the small claims track (no hearing).**

The judge may decide to deal with your case without a hearing. If so, you will be sent a notice that will tell you that the judge thinks that your case can be dealt with without a hearing, using only written evidence. The notice will ask you to tell the court if you object, and will give you a date by which you must reply. If you or the other party objects, your case may be dealt with at a hearing. If you do not reply by the date given, the judge may treat your lack of reply as consent.





# Hearing Fee

## Hearing fee

Does not exceed £300	£25
Exceeds £300 but does not exceed £500	£55
Exceeds £500 but does not exceed £1000	£80
Exceeds £1000 but does not exceed £1500	£110
Exceeds £1500 but does not exceed £3000	£165
Exceeds £3000	£325

