

Directions questionnaire (Small Claims Track)

In the	Claim No.
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To be completed by, or on behalf of,

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

You should note the date by which this questionnaire 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.

A Settlement/Mediation

Under the Civil Procedure Rules parties should make every effort to settle their case. At this stage you should still think about whether you and the other party(ies) can settle your dispute without going to a hearing.

You may seek to settle the claim either by direct discussion or negotiation with the other party or by mediation. If settlement is reached parties may enter into a binding agreement which can be enforced if the terms of the agreement were to be breached.

Mediation is a way of resolving disputes without a court hearing, where the parties are assisted in resolving their dispute with the help of an impartial mediator. If the claim is settled at this stage the parties can avoid further court fees, costs and time involved in preparing and attending a hearing.

You may use any mediation provider. However, HMCTS provide a **free confidential** Small Claims Mediation Service which is available to parties in most small claims cases which are for less than £10,000.

Mediation is usually carried out by telephone in one hour time limited appointments convenient to the parties and is quicker than waiting for a court hearing before a judge. There is no obligation to use the Small Claims Mediation Service nor are you required to settle if you do. If you are unable to reach agreement with the other party at mediation, the claim will proceed to a small claims hearing.

You can get more information about mediation from www.gov.uk

If all parties agree, this case will be referred to the Small Claims Mediation Service. In any event the court may order the service to contact you to explore mediation.

A1 Do you agree to this case being referred to the Small Claims Mediation Service? ☐ Yes ☐ No

Please give your contact details below – If all parties agree to mediation your details will be passed to the small claims mediation team who will contact you to arrange an appointment.

You must complete the remainder of the form regardless of your answer to A1

B Your contact details

Your full name

Address for Service

Telephone number

Mobile

Email

Notes

It is essential that you provide this information, particularly if you have requested mediation. Staff will contact you within office hours (9am – 5pm).

C Track

- C1** Do you agree that the small claims track is the appropriate track for this case? ☐ Yes ☐ No

If No, say why not and state the track to which you believe it should be allocated

Notes

Track

The small claims track – generally for lower value and less complex claims with a value under £10,000. You can get more information by reading leaflet **EX306 'The small claims track in civil courts'**. You can get this leaflet online from hmctsformfinder.justice.gov.uk

D Suitability for determination without a hearing

- D1** Do you consider that this claim is suitable for determination without a hearing, i.e. by a judge reading and considering the case papers, witness statements and other documents filed by the parties, making a decision, and giving a note of reasons for that decision? ☐ Yes ☐ No

If No, please state why not.

Notes

The court can determine this claim without a hearing: (a) if both parties agree; or (b) where the 'Small Claims Paper Determination Pilot' applies, even if the parties do not agree. For more information on the courts participating in the pilot and the cases to which the pilot may and may not apply, please see Practice Direction 51ZC to CPR 51.

Relevant reasons include that there are factual disputes which will need the judge to hear from witnesses directly (in which case please specify the factual dispute and the relevant witnesses) or that the issues are so complex they need to be argued orally.

E About the hearing

Hearing venue

E1 At which County Court hearing centre would you prefer the small claims hearing to take place and why?

Expert evidence

E2 Are you asking for the court's permission to use the written evidence of an expert? ☐ Yes ☐ No

If Yes, state why and give the name of the expert (if known) and the area of expertise and the likely cost if appointed.

Witnesses

E3 How many witnesses, including yourself, will give evidence on your behalf at the hearing?

Hearing

E4 Are there any days within the next six 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? ☐ Yes ☐ No

If Yes, please specify the type of interpreter

E5 Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider? ☐ Yes ☐ No

If Yes, please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

Notes

Location

If your claim is a designated money claim the case will usually be transferred to the claimants preferred court or the defendants home court as appropriate. However, there is no guarantee of transfer to this court. For further information see CPR Parts 3, 12, 13, 14 and 26.

Expert evidence

The court must grant you permission to use an expert witness. Your notice of allocation will tell you if permission has been granted. Please note the upper limit for experts' fees that can be recovered is £750. You can get more information by reading leaflet **EX306 'The small claims track in civil courts'**. You can get this leaflet online from hmctsformfinder.justice.gov.uk

Witnesses

Witnesses may be asked to give evidence by either party. The court needs to have notice that you intend to call a witness. Witness expenses for travel accommodation and loss of earning should be met by the party requesting their attendance. You can get more information by reading **EX342 'Coming to a court hearing'**. You can get this leaflet online from hmctsformfinder.justice.gov.uk

Hearing

Dates to avoid: You should 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. Further details visit our website www.justice.gov.uk under 'guidance'.

F Other information

Notes

- F1** Have you been advised of your right to give evidence in either Welsh or English? ☐ Yes ☐ No
- F2** Will you and your witness(es) wish to speak Welsh or English at court or will both languages be used? ☐ Welsh
☐ English
☐ Both
- F3** Will documents produced to the court during the case be in Welsh or English or some in Welsh and some in English? ☐ Welsh
☐ English
☐ Both

Signature

You must sign this form

[Legal representative for the][1st][2nd][3rd][
[Claimant][Defendant][Part 20 claimant]

Once you have completed this form, please return it to the court at the address shown on the form N149A - Notice of proposed allocation to Small Claims Track.

You must also send a copy of this form (N180 Directions questionnaire) to each of the other parties in this case.