



The Fast Track and the Multi-Track in the civil courts

This leaflet will apply to you if your case has reached the stage where the judge must decide how the case should be managed. This leaflet tells you about some of the routes that cases follow.

Remember that this, and other leaflets, can only give you a general idea of what is likely to happen. They cannot explain everything about court rules, costs and procedures that may affect different types of claims in different ways.

The route that the case follows is decided by the judge and is based on the value of the claim and how complicated the case is. It affects everything from how a case should be prepared, to the length of the hearing and even the type of judge.

There are three routes called tracks (small-claims track, fast track, and multi-track).

Small-claims track – This is generally for lower value and less complicated claims with a value of up to £10,000 although there are some exceptions. You can get more information in the EX306 leaflet **The small-claims track in the civil courts**.

Fast track – This is for claims with a value of between £10,000 and £25,000.

Multi-track – This is for very complicated claims with a value of £25,000 or more.

Do I have to get legal help?

If the amount of the claim suggests that it may be allocated to the fast or multi-track, you may want to get legal help from a solicitor, law centre or an advice agency. Neither of the procedures for these tracks is straightforward and both may lead to a formal trial.

Even if you feel able to present your own case to a judge in court, you may consider using professional help with the work needed before the trial. When getting professional help you should ask whether you are entitled to receive a solicitor's help for free or by paying a small contribution. Some solicitors may also help you on the basis that they will only charge for their services if you win your case. If you lose your case, you may have to pay the costs of the other side.

Where can I find legal help?

You can find more information about the court process on the government website - www.gov.uk

The directions questionnaire

Filling in the directions questionnaire

When a claim is defended, court staff will send you a 'notice of provisional allocation to track' based on the value of the claim. The notice will tell you which directions questionnaire you must fill in. The directions questionnaire will help a judge decide whether the track the claim is provisionally allocated to is correct. A judge will decide what route a claim should follow. Because of this, it is important that you fill in the form very carefully. Please read the notes for guidance on the form very carefully before you start to fill it in.

Both sides of the dispute should contact each other to discuss the information that they will provide in the form before returning the form to the court.

Always make sure that the claim number is on the top of the form. Please fill in the personal information section fully and include all your contact details, such as mobile phone number and email address. This will allow the court office to contact you quickly if they need to.

Sending the questionnaire back to the court

You must return the form to the court by the date shown on the notice or the judge may impose a penalty. Even if one side will not co-operate, you should not let this delay you filling in the questionnaire and returning it to the court.

Do I have to discuss the form with the other side?

The judge will expect both you and the other side or your and their solicitors, to co-operate with each other when filling in the form. Both sides should make sure that they have contacted each other to discuss filling in the questionnaire.

The court might expect you to have discussed, and where possible agreed, the following.

- Whether the case can be settled, and if not:
 - which is the most appropriate track for the claim;
 - how long you think the trial will last;
 - how long you think you will need to prepare your case for trial and the arrangements for exchanging evidence; and
 - if you want to use some expert evidence, the type of expert, and whether you can use the same one, as the court will usually expect this.

Can we settle the case and avoid a hearing?

If your claim has been provisionally allocated to the fast or multi-track, the directions questionnaire asks you whether you are trying to settle your dispute before the court hearing, and if so whether you would like the judge to allow the court case to be put on hold for one month while you try to settle it.

If the judge agrees, the court will send you and the other side an order stating that the claim has been put on hold. This is usually called staying the claim for settlement. The order will also explain what should be done when the stay comes to an end, for example:

- telling the court that the case has been settled;
- asking for a further stay of one month; or
- telling the court that no settlement has been reached.

If no settlement is reached during this time and both you and the other side think that more time is needed, the judge can give another month. If you ask for more time, you must explain why you need it and who is helping you to settle. A fee is payable to the court when you apply for a further extension. The judge will usually only give the parties a further stay of one month and no more. If you cannot settle, the case will continue towards a hearing.

Using mediation to settle the case

Mediation is a way of sorting out disputes to the satisfaction of everyone involved without the need to go to court. In a mediation, which is voluntary, both sides are helped by an impartial mediator to reach an agreement that is acceptable to everyone involved.

You and the other side, rather than the mediator, make the decisions about settlement and if you can't agree during mediation, you can still have a court hearing.

If you decide to mediate, you can use a mediator of your choice. You can get more information about mediation and a directory of approved mediation providers online from www.civilmediation.justice.gov.uk. Because mediation is a voluntary process, it can only take place if both sides agree.

The cost of the mediation from the providers on the civil mediation online directory will depend on the value of the dispute, as follows.

Amount claimed	Fees for each side	Length of session	Extra hours for each side
£5,000 to £15,000	£300 + VAT	Three hours	£100 + VAT an hour
£15,000 to £50,000	£425 + VAT	Four hours	£106 + VAT an hour

If the claim is more than £50,000, the fees will need to be agreed with the organisation which is providing the mediation. If you cannot afford to pay for mediation, the LawWorks charity can provide a free mediation service. You can find more information online at www.lawworks.org.uk/lw_mediation

What happens when the court receives the directions questionnaires?

When the court receives the filled-in directions questionnaires, the judge will look at the information provided by both sides. The judge will then decide how the case should move forward by considering which route it should follow. The judge will take account of what you have said in the directions questionnaire and will look at the amount in dispute and the timetable and evidence needed. All these things will allow the judge to decide whether the case should be on the small-claims, fast or the multi-track. This is called 'allocation to track'.

What if the judge wants more information?

Sometimes, before the judge decides on the allocation to track, they may ask for more information. Both sides may receive a court order asking for more information to be sent to the court in writing, or a request that both sides go to a hearing to tell the judge in person. This is often called an allocation hearing. In many cases the judge will be able to decide the route the case will follow based just on the information provided in the directions questionnaire.

If the judge needs more information in writing, they will send a special form called an **Order for further Information (allocation)** explaining what extra information the judge needs. The form will also tell you the deadline for sending the information to the court.

If the judge decides to hold an allocation hearing, both sides will be sent a notice of hearing, which will set out the time, date and place of the hearing.

How will I know which track the claim has been allocated?

Once the judge has decided, the court will send both sides a notice of allocation. These notices set out which track the claim has been allocated to and what the court expects you to do next. The steps you both need to take are known as directions.

In addition you must pay to the court the hearing fee or file an application for Help with Fees by the date given in the order.

Failure to pay the fee or make the appropriate application for Help with Fees will result in the claim/counterclaim being struck out with immediate effect without further order and the hearing removed from the list

If your claim has been struck out, it will no longer exist. A new claim must be filed together with the appropriate fee or application for help with fees.

The hearing will be vacated, unless a counterclaim survives the claim being struck out.

The hearing fee is non refundable. If parties settle before the hearing fee is due, the hearing fee will not be payable.

The fast-track process and hearing

What is the fast track?

The fast track is usually chosen for those cases that have a financial value of between £10,000 and £25,000 where there are more complicated issues to be decided. Generally, fast-track trials will take no more than one day.

What are the usual fast-track directions?

Of course, it is up to the judge to decide what directions are relevant for each claim, and these may change from case to case. However, the standard directions and a typical timetable for a fast-track case might be as follows.

Disclosure (followed by inspection)	four weeks after allocation
Exchanging witness statements	10 weeks after allocation
Exchanging expert reports (where experts allowed)	14 weeks after allocation
Court to send out pre-trial checklists	20 weeks after allocation
Deadline for returning pre-trial checklists	22 weeks after allocation
Final hearing (trial)	about 30 weeks after allocation

The dates for carrying out the timetable set by the court will be given as time and calendar dates, for example, by 4pm on 1 June. The sides may agree in writing to extend the times for exchanging the documents needed but they should tell the court the timetable that they have agreed. Any extension **must not** affect the date for returning the pre-trial checklists or the date of the trial.

What is disclosure?

Disclosure means telling the other side about any relevant documents to the case that you have, or have had, in your possession, or which the court says you must disclose.

The documents you should disclose are those which:

- support your case;
- undermine or oppose your case; and
- those which support the other side's case.

The court will expect you to make a reasonable search for these documents. What is reasonable depends on, for example:

- the number of documents involved, and the nature and complexity of your case;
- the difficulty or expense involved in retrieving the documents; and
- the relevance of the documents to the overall case.

How do I disclose the documents?

The court office can give you a form called **List of documents: standard disclosure**. It is also available online at hmctsformfinder.justice.gov.uk, and it contains notes for guidance and it is important that you fill in the form properly by setting out the documents you have as follows.

- Documents you have and will let the defendant inspect.
- Documents you have but do not want the defendant to inspect.
- Documents you no longer have.

If you object to the other side inspecting any document, you will have to explain why. Once you have filled in the disclosure form, you should send a copy to the other side by the date given by the judge in the directions. The other side must also prepare a list and send it to you within the same timescale.

What is inspection?

Inspection is when a request is made to look at the documents included in the disclosure list. This lets you know more about the other party's case. A written request must be made to inspect any documents in the list. You must be allowed to inspect the documents no more than seven days after your request is received. You are allowed to ask for copies of the document, but you will have to pay any costs involved in this.

If you have not disclosed or allowed inspection of a document, you may not be allowed to use it to support your case, unless the court decides otherwise.

More information and guidance

If you do not understand what the court has sent you, the court may be able to explain the procedure **but** court staff cannot comment on the specific legal issues of the case. You can get more information on the court process from the government website www.gov.uk

If you need legal advice, you may want to contact a local advice or law centre, or a local solicitor. You can find out about legal advice in your area online at www.gov.uk/legal-aid

The pre-trial checklist

The fast-track and the multi-track directions ask you to fill in a pre-trial checklist. The court office will send the form to each of the sides at the appropriate time. The court will also tell you the date by which you must return the pre-trial checklist.

This document will help the judge to decide if any further directions are needed before the trial and it will ask you to confirm that you have done all that the court has already ordered. As with the directions questionnaire, both sides should co-operate with each other in filling in the form. If one party refuses to co-operate, you must not let this delay you in filling in your form and returning it to the court.

You must return the form, no later than the date ordered by the court. If not, the court may impose a penalty, such as rejecting or 'striking out' your statement of case. A statement of case is the claim form or defence or counterclaim. A counterclaim is a claim that the defendant may make against the claimant in the case.

What happens after the pre-trial checklists are sent back to the court?

Once all of the pre-trial checklists are received, the court will refer them to the judge. The judge may:

- confirm that all the previous directions have been followed;
- decide whether or not any further directions are needed before the trial;
- decide whether or not to give permission, if you have already been allowed to use expert evidence, for your expert to give spoken evidence at the trial;
- confirm how long is needed for the trial;
- set a timetable for the trial itself; and
- give directions about filing any trial bundle with the court.

(A bundle is a pack of information and evidence which is provided for the court.)

The directions may be to do with the documents the bundle contains, the order and manner in which they should be presented, and how they should be numbered and in what order.

Trial date

If your case is allocated to the fast track, the court will send you notice of the trial date no later than 36 days before the trial is due to start.

You should read the notice of trial date carefully, as the trial may be taking place at a different court. A move to another court hearing centre may be necessary to make sure that your case is dealt with within the timetable ordered by the judge.

When you receive your notice of the trial date, you and any of your witnesses can find more information about being a witness in a leaflet called *EX341 – I have been asked to be a witness – what do I do?* You can download this from hmctsformfinder.justice.gov.uk. Or, you can get more information on the court process on www.gov.uk

Remember you must pay to the court the hearing fee by the date given on the order.

The fast-track trial

The hearing may take place in either a courtroom or in the judge's room. In the fast track, a circuit judge or a district judge may hear the trial. The court list, which will be close to the waiting area at the court, should tell you whether your case is being dealt with by a circuit or a district judge and his or her name.

What should I do when I arrive at court?

Arrive in good time for your hearing. The court building will be open a short time before the first hearing of the day, which usually takes place at 10am. Your hearing will not start before the time you have been given. While every effort is made to keep to that time, this is not always possible and you may have to wait.

When you arrive, report to the receptionist or the court usher. A note will be made that you have arrived and you will be shown where to wait. The court usher will usually tell you when your hearing is to begin. Listen carefully for your name being called.

If you need to leave the waiting area, tell the usher where you will be.

What do I call the judge?

A circuit judge is called 'your honour'.

A district judge is called 'sir' or 'madam'.

What happens at the hearing?

The judge will normally want to hear first from the claimant and then the defendant.

You and any witnesses will normally be asked to swear an oath or affirm that you are telling the truth when you give your evidence. If you are not sure what to do about this, please ask the usher. It is always helpful if you let the usher know whether you want to affirm (which has no link to any religion) or swear an oath and on which holy book, before the hearing.

When you are giving evidence, you may only refer to notes you have made if the judge has given you permission to do so. Each person, or their solicitor, will be given the opportunity to speak and ask the other person, and any witnesses, questions. This is called 'cross-examination'. The judge may also ask some questions.

Sometimes a barrister rather than a solicitor will ask questions. In court a barrister wears court robes over their normal clothes.

If you do ask questions, remember to ask only one question at a time. Never interrupt the judge or a witness.

When will the judge make a decision?

The judge will normally tell you what decision has been reached when all the evidence has been given. A court order, which sets out the decision in writing, will be sent to you after the hearing. The order will not usually set out the reasons for the decision. The judge may tell you to do something, such as pay money to the other party, but you do not have to wait for a copy of the order to carry out the judge's instructions.

If the judge needs more time to make a decision, you may be told at the trial or by a notice from the court telling you the time, date and place when the decision will be given. This is called 'reserving the judgment'.

Can I object to the judge's order?

If you disagree with the judge's decision, you may be able to appeal against it. This means that a more senior judge will look at your case and decide if the original decision was right.

If you want to appeal, **you must act quickly. Do not take this step without getting some advice from a solicitor or an advice agency.** If you lose your appeal, you will probably have to pay the other side's costs.

You can get more information on the process online from leaflet *EX340 – I want to appeal – what should I do?* See hmctsformfinder.justice.gov.uk

Multi-track process and hearing

The multi-track usually deals with very complicated cases with a value of £25,000 or more, but it also gives the court the ability to deal with cases in the most suitable way according to the needs of that case. This means that unlike the other tracks, there is no standard procedure for multi-track cases.

To keep the case moving forward parties must try to agree directions and file the proposed directions (whether or not agreed) with the directions questionnaire. Any directions should be based on the standard paragraphs available at: www.justice.gov.uk/courts/procedure-rules/civil/standard-directions/general/list-of-cases-of-common-occurrence

What is a case-management conference?

A case-management conference is an informal meeting of everyone involved in the case and the judge to review the progress of a case. If the judge decides to hold a case-management conference, you will be told when and where to go. A case-management conference may deal with some of the following issues.

- Reviewing the steps which both sides have taken to prepare the case.
- Making sure that both sides have followed, or are following, any directions given by the judge.
- Giving any other directions to make sure you understand each other's case.
- Noting any agreement between the sides on any part of the case.
- Setting a timetable for any other steps which the judge considers necessary.
- Monitoring costs.

What is a pre-trial review?

A pre-trial review may take place after the judge has looked at the pre-trial checklists. The purpose of the pre-trial review is to decide:

- a timetable for the trial itself;
- who will give evidence at the trial and in what order;
- the content of the trial bundle (all the papers needed for the trial) and the date by which it has to be delivered at the court; and
- the time estimate for the trial.

Trial date

If your case is allocated to the multi-track, the court will send you notice of the trial date shortly after any pre-trial review.

You should read the notice of trial date carefully, as the trial may be taking place at a different court. A move to another court may be necessary to make sure that your case is dealt with within the timetable ordered by the judge.

When you receive your notice of the trial date, you and any of your witnesses can find more information about being a witness in a leaflet called *EX341 – I have been asked to be a witness – what do I do?* You can download this at hmctsformfinder.justice.gov.uk. Or, you can find more information on the court process on www.gov.uk.

Remember you must pay to the court the hearing fee by the date given on the order.

What happens at the trial?

In the multi-track the trial usually takes place in a courtroom before a circuit judge, who you would address as 'your honour'. Hearings for multi-track process are similar to fast-track hearings – please see this information in this section above.

What do I do if I can't pay court fees?

You will find a list of court fees in the leaflet *EX50 Civil and family court fees* available online at hmctsformfinder.justice.gov.uk.

You can apply for help with court and tribunal fees online at www.gov.uk/help-with-court-fees or through the 'EX160 Apply for help with fees' form and 'EX160A – How to apply for help with fees' guidance.

You will have to make a separate application each time you have to pay a fee.

What extra help is available if I have a disability?

If you need this leaflet in another format, for example in large print, please contact your local court for help. You can find contact details for all our courts online at courtribunalfinder.service.gov.uk

If you have a disability that makes going to court or communicating difficult, please contact the court concerned and they will be able to help you. You can find contact details for all our courts online courtribunalfinder.service.gov.uk