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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 26**

**CASE MANAGEMENT—PRELIMINARY STAGE**

**Contents of this Part**

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Scope of this Part	Rule 26.1
[ <sup>F1</sup> Automatic transfer [ <sup>F2</sup> in the High Court] – generally]	Rule 26.2
[ <sup>F3</sup> Transfer of money claims within the County Court]	[ <sup>F4</sup> Rule 26.2]
[ <sup>F5</sup> Directions] questionnaire	Rule 26.3
Stay to allow for settlement of the case	Rule 26.4
[ <sup>F6</sup> Referral to the Mediation Service	Rule 26.4A]
Allocation	Rule 26.5
Scope of each track	Rule 26.6
[ <sup>F7</sup> Road traffic accident related personal injury claims	Rule 26.6A
Children and protected parties	Rule 26.6B]
General rule for allocation	Rule 26.7
Matters relevant to allocation to a track	Rule 26.8
Notice of allocation	Rule 26.9
Re-allocation	Rule 26.10

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**Scope of this Part**

**26.1.**—(1) This Part provides for—

- (a) the automatic transfer of some defended cases [<sup>F8</sup>in the High Court;]
  - [<sup>F9</sup>(a1) the circumstances in which defended cases may be sent from one County Court hearing centre or court office to another; and]
  - (b) the allocation of defended cases to case management tracks.
- (2) There are three tracks—
- (a) the small claims track;

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The Civil Procedure Rules 1998, PART 26. (See end of Document for details)*

- (b) the fast track; and
- (c) the multi-track.

(Rule 26.6 sets out the normal scope of each track. Part 27 makes provision for the small claims track. Part 28 makes provision for the fast track. Part 29 makes provision for the multi-track)

#### Textual Amendments

- F8** Words in rule 26.1(1)(a) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **14(b)(i)(aa)**; S.I. 2014/954, art. 2(a)
- F9** Rule 26.1(1)(a1) inserted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **14(b)(i)(bb)**; S.I. 2014/954, art. 2(a)

#### Commencement Information

- I1** [Rule 26.1](#) in force at 26.4.1999, see [Signature](#)

### Automatic transfer [<sup>F10</sup>in the High Court]

**26.2.—**(1) <sup>F11</sup>... This rule applies to proceedings [<sup>F12</sup>in the High Court] where—

- (a) the claim is for a specified amount of money;
- (b) the claim was commenced in a court which is not the defendant’s home court;
- (c) the claim has not been transferred to another defendant’s home court <sup>F13</sup>...; and
- (d) the defendant is an individual.

(2) This rule does not apply where the claim was commenced in a specialist list<sup>(GL)</sup>.

(3) Where this rule applies, the court will transfer the proceedings to the defendant’s home court when a defence is filed, unless paragraph (4) applies.

(Rule 2.3 defines “defendant’s home court”)

(4) Where the claimant notifies the court under rule 15.10 or rule 14.5 that he wishes the proceedings to continue, the court will transfer the proceedings to the defendant’s home court when it receives that notification from the claimant.

(Rule 15.10 deals with a claimant’s notice where the defence is that money claimed has been paid)

(Rule 14.5 sets out the procedure where the defendant admits part of a claim for a specified amount of money)

(5) Where—

- (a) the claim is against two or more defendants with different home courts; and
- (b) the defendant whose defence is filed first is an individual,

proceedings are to be transferred under this rule to the home court of that defendant.

(6) The time when a claim is automatically transferred under this rule may be varied by a practice direction in respect of claims issued by the Production Centre.

(Rule 7.10 makes provision for the Production Centre)

#### Textual Amendments

- F10** Words in rule 26.2 heading substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **14(c)(i)**; S.I. 2014/954, art. 2(a)

- F11** Words in rule 26.2 omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **14(c)(ii)**; S.I. 2014/954, art. 2(a)
- F12** Words in rule 26.2(1) inserted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **14(c)(iii)**; S.I. 2014/954, art. 2(a)
- F13** Words in rule 26.2(1)(c) omitted (19.3.2012) by virtue of [The Civil Procedure \(Amendment No.4\) Rules 2011 \(S.I. 2011/3103\)](#), rules 1, **9(b)(ii)(bb)**

#### Commencement Information

- I2** [Rule 26.2](#) in force at 26.4.1999, see [Signature](#)

### <sup>F14</sup><sup>F15</sup>Transfer of money claims within the County Court

**26.2A.**—(1) This rule applies where the claim is <sup>F16</sup>for an amount of money in the County Court, specified or unspecified].

(2) If at any time <sup>F17</sup>... a <sup>F18</sup>court] officer considers that the claim should be referred to a judge for directions, the <sup>F18</sup>court] officer may <sup>F19</sup>send] the proceedings to <sup>F20</sup>the defendant's home court or the preferred hearing centre or other County Court hearing centre]<sup>F21</sup>as may be appropriate].

<sup>F22</sup>(3) <sup>F23</sup>Subject to paragraphs (5) and (5A)], if the defendant is an individual <sup>F24</sup>and the claim is for a specified sum of money], at the relevant time the claim <sup>F25</sup>must] be sent to the defendant's home court (save that where there are two or more defendants, one or more of whom are individuals, the claim <sup>F25</sup>must] be sent to the home court of the defendant who first files their defence).]

(4) <sup>F26</sup>Subject to paragraphs (5) and (5A)], in any other claim to which this rule applies, the court <sup>F27</sup>must], at the relevant time, <sup>F28</sup>send] the claim to the <sup>F29</sup>preferred hearing centre].

<sup>F30</sup>(5) <sup>F31</sup>Subject to paragraph (5A), if, on their directions questionnaire]—

- (a) a defendant under paragraph (3) has specified a hearing centre other than the defendant's home court; or
- (b) a claimant under paragraph (4) has specified a hearing centre other than the preferred hearing centre,

the claim must be sent to that other hearing centre.]

<sup>F32</sup>(5A) At the relevant time, the claim must be sent to the County Court at Central London if—

- (a) the claim is started at the County Court Business Centre or the County Court Money Claims Centre;
- (b) a court officer provisionally decides, pursuant to rule 26.3, that the track which appears to be most suitable for the claim is the multi-track; and
- (c) either—
  - (i) in respect of a defendant under paragraphs (3) and (5)(a), the home court (or the home court of the defendant who first files their defence) or the hearing centre specified on the directions questionnaire; or
  - (ii) in respect of a claimant under paragraphs (4) and (5)(b), the preferred hearing centre or the hearing centre specified on the directions questionnaire,

is one of the hearing centres listed in Practice Direction 26 at paragraph 10.4.]

<sup>F33</sup>(6) The relevant time for the purposes of this rule is when—

- (a) all parties have filed their directions questionnaires;

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The Civil Procedure Rules 1998, PART 26. (See end of Document for details)*

- (b) any stay ordered by the court or period to attempt settlement through mediation has expired; or
- (c) if the claim falls within Practice Direction 7D—
- (i) the defence is filed; or
  - (ii) enforcement of a default judgment other than by a warrant of <sup>F34</sup>control] is requested,
- whichever occurs first.]]

### Textual Amendments

- F14** Rule 26.2A inserted (19.3.2012) by The Civil Procedure (Amendment No.4) Rules 2011 (S.I. 2011/3103), rules 1, **9(c)**
- F15** Words in rule 26.2A heading substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(d)(i)**; S.I. 2014/954, art. 2(a)
- F16** Words in rule 26.2A(1) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(d)(ii)**; S.I. 2014/954, art. 2(a)
- F17** Words in rule 26.2A(2) omitted (1.4.2013) by virtue of The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(b)(i)(aa)** (with rule 22)
- F18** Words in rule 26.2A(2) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(d)(iii)(aa)**; S.I. 2014/954, art. 2(a)
- F19** Word in rule 26.2A(2) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(d)(iii)(bb)**; S.I. 2014/954, art. 2(a)
- F20** Words in rule 26.2A(2) substituted (3.12.2015) by The Civil Procedure (Amendment No. 5) Rules 2015 (S.I. 2015/1881), rules 2, **4(a)**
- F21** Words in rule 26.2A(2) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(d)(iii)(cc)**; S.I. 2014/954, art. 2(a)
- F22** Rule 26.2A(3) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(d)(iv)**; S.I. 2014/954, art. 2(a)
- F23** Words in rule 26.2A(3) substituted (3.10.2016) by The Civil Procedure (Amendment No. 3) Rules 2016 (S.I. 2016/788), rules 2, **6(a)**
- F24** Words in rule 26.2A(3) inserted (3.12.2015) by The Civil Procedure (Amendment No. 5) Rules 2015 (S.I. 2015/1881), rules 2, **4(b)(i)**
- F25** Word in rule 26.2A(3) substituted (3.12.2015) by The Civil Procedure (Amendment No. 5) Rules 2015 (S.I. 2015/1881), rules 2, **4(b)(ii)**
- F26** Words in rule 26.2A(4) substituted (3.10.2016) by The Civil Procedure (Amendment No. 3) Rules 2016 (S.I. 2016/788), rules 2, **6(b)**
- F27** Word in rule 26.2A(4) substituted (3.12.2015) by The Civil Procedure (Amendment No. 5) Rules 2015 (S.I. 2015/1881), rules 2, **4(c)(i)**
- F28** Word in rule 26.2A(4) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(d)(v)**; S.I. 2014/954, art. 2(a)
- F29** Words in rule 26.2A(4) substituted (3.12.2015) by The Civil Procedure (Amendment No. 5) Rules 2015 (S.I. 2015/1881), rules 2, **4(c)(ii)**
- F30** Rule 26.2A(5) substituted (3.12.2015) by The Civil Procedure (Amendment No. 5) Rules 2015 (S.I. 2015/1881), rules 2, **4(d)**
- F31** Words in rule 26.2A(5) substituted (3.10.2016) by The Civil Procedure (Amendment No. 3) Rules 2016 (S.I. 2016/788), rules 2, **6(c)**
- F32** Rule 26.2A(5A) inserted (3.10.2016) by The Civil Procedure (Amendment No. 3) Rules 2016 (S.I. 2016/788), rules 2, **6(d)**
- F33** Rule 26.2A(6) substituted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(b)(iii)** (with rule 22)

**F34** Word in rule 26.2A(6)(c)(ii) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, 7 (with rule 25)

**[F35 Directions] questionnaire**

**26.3.**—[F36(1) [F37 Subject to rule 26.5A, if a defendant] files a defence—

- (a) a court officer will—
  - (i) provisionally decide the track which appears to be most suitable for the claim; and
  - (ii) serve on each party a notice of proposed allocation; and
- (b) the notice of proposed allocation will—
  - (i) specify any matter to be complied with by the date specified in the notice;
  - (ii) require the parties to file a completed directions questionnaire and serve copies on all other parties;
  - (iii) state the address of the court or the court office to which the directions questionnaire must be returned;
  - (iv) inform the parties how to obtain the directions questionnaire; and
  - (v) if a case appears suitable for allocation to the fast track or multi-track, require the parties to file proposed directions by the date specified in the notice.]

**F38[F39(1A)** .....

(1B) The court will always serve on any unrepresented party the appropriate [F40 directions] questionnaire.]

(2) Where there are two or more defendants and at least one of them files a defence, the court will serve the [F41 a notice under paragraph [F42(1)]] —

- (a) when all the defendants have filed a defence; or
- (b) when the period for the filing of the last defence has expired,

whichever is the sooner.

(Rule 15.4 specifies the period for filing a defence)

[F43(3) If proceedings are automatically transferred under rule 26.2 or rule 26.2A the court in which the proceedings have been commenced—

- (a) will serve the notice of proposed allocation before the proceedings are transferred; and
- (b) will not transfer the proceedings until all parties have complied with the notice or the time for doing so has expired.]

[F44(4) If rule 15.10 or rule 14.5 applies, the court will not serve a notice under rule 26.3(1) until the claimant has filed a notice requiring the proceedings to continue.]

**F45(5)** .....

[F46(6) If a notice is served under rule 26.3(1)—

- (a) each party must file <sup>F47</sup>..., and serve on all other parties, the documents required by the notice by no later than the date specified in it; and
- (b) the date specified will be—
  - (i) if the notice relates to the small claims track, at least 14 days; or
  - (ii) if the notice relates to the fast track or multi-track, at least 28 days, after the date when it is deemed to be served on the party in question.]

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[<sup>F48</sup>(6A) The date for complying with a notice served under rule 26.3(1) may not be varied by agreement between the parties.]

(7) The time when the court serves [<sup>F49</sup>a directions] questionnaire under this rule may be varied by a practice direction in respect of claims issued by the Production Centre.

[<sup>F50</sup>(7A) If a claim is a [<sup>F51</sup>claim to which rule 26.2A applies] and a party does not comply with the notice served under rule 26.3(1) by the date specified—

- (a) the court will serve a further notice on that party, requiring them to comply within 7 days; and
- (b) if that party fails to comply with the notice served under subparagraph (a), the party's statement of case will be struck out without further order of the court.]

[<sup>F52</sup>(8) [<sup>F53</sup>If a claim is [<sup>F54</sup>a claim to which rule 26.2 applies] and a party does not comply with the notice served under rule 26.3(1) by the date specified], the court will make such order as it considers appropriate, including—

- (a) an order for directions;
- (b) an order striking out the claim;
- (c) an order striking out the defence and entering judgment; or
- (d) listing the case for a case management conference.

[<sup>F55</sup>(9) .....

(10) Where [<sup>F56</sup>a case has been struck out] under rule [<sup>F57</sup>26.3(7A)(b) or [<sup>F58</sup>an order has been made under] 26.3(8)], a party who was in default will not normally be entitled to an order for the costs of any application to set aside or vary that order nor of attending any case management conference and will, unless the court thinks it unjust to do so, be ordered to pay the costs that the default caused to [<sup>F59</sup>any other party].]

(Rule 7.10 makes provision for the Production Centre)

([<sup>F60</sup>Rules 6.14 and 6.26 specify] when a document is deemed to be served)

**Textual Amendments**

- F35** Word in rule 26.3 heading substituted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(i)** (with rule 22)
- F36** Rule 26.3(1) substituted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(ii)** (with rule 22)
- F37** Words in rule 26.3(1) substituted (31.5.2021) by The Civil Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/196), rules 1(1), **5(2)**
- F38** Rule 26.3(1A) omitted (1.4.2013) by virtue of The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(iii)** (with rule 22)
- F39** Rule 26.3(1A)(1B) inserted (19.3.2012) by The Civil Procedure (Amendment No.4) Rules 2011 (S.I. 2011/3103), rules 1, **9(d)(ii)**
- F40** Word in rule 26.3(1B) substituted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(iv)** (with rule 22)
- F41** Words in rule 26.3(2) substituted (19.3.2012) by The Civil Procedure (Amendment No.4) Rules 2011 (S.I. 2011/3103), rules 1, **9(d)(iii)**
- F42** Word in rule 26.3(2) substituted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(v)** (with rule 22)
- F43** Rule 26.3(3) substituted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(vi)** (with rule 22)

- F44** Rule 26.3(4) substituted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(vii)** (with rule 22)
- F45** Rule 26.3(5) omitted (1.4.2013) by virtue of The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(viii)** (with rule 22)
- F46** Rule 26.3(6) substituted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(ix)** (with rule 22)
- F47** Words in rule 26.3(6)(a) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(e)(i)**; S.I. 2014/954, art. 2(a)
- F48** Rule 26.3(6A) substituted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(x)** (with rule 22)
- F49** Words in rule 26.3(7) substituted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(xi)** (with rule 22)
- F50** Rule 26.3(7A) inserted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(xii)** (with rule 22)
- F51** Words in rule 26.3(7A) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(e)(ii)**; S.I. 2014/954, art. 2(a)
- F52** Rules 26.3(8)-(10) inserted (1.10.2012) by The Civil Procedure (Amendment No.2) Rules 2012 (S.I. 2012/2208), rules 1, **3**
- F53** Words in rule 26.3(8) inserted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(xiii)** (with rule 22)
- F54** Words in rule 26.3(8) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(e)(iii)**; S.I. 2014/954, art. 2(a)
- F55** Rule 26.3(9) omitted (1.4.2013) by virtue of The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(xiv)** (with rule 22)
- F56** Words in rule 26.3(10) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(e)(iv)(aa)**; S.I. 2014/954, art. 2(a)
- F57** Words in rule 26.3(10) substituted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(xv)(aa)** (with rule 22)
- F58** Words in rule 26.3(10) inserted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(e)(iv)(bb)**; S.I. 2014/954, art. 2(a)
- F59** Words in rule 26.3(10) substituted (1.4.2013) by The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **8(c)(xv)(bb)** (with rule 22)
- F60** Words in rule 26.3 substituted (1.10.2008) by The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **16**

#### Commencement Information

- I3** Rule 26.3 in force at 26.4.1999, see [Signature](#)

### Stay to allow for settlement of the case

**26.4.—(1)** A party may, when filing the completed [<sup>F61</sup>directions] questionnaire, make a written request for the proceedings to be stayed<sup>(GL)</sup> while the parties try to settle the case by alternative dispute resolution<sup>(GL)</sup> or other means.

[<sup>F62</sup>(2) If all parties request a stay the proceedings will be stayed for one month and the court will notify the parties accordingly.]

(2A) If the court otherwise considers that such a stay would be appropriate, the court will direct that the proceedings, either in whole or in part, be stayed for one month, or for such other period as it considers appropriate.]

(3) The court may extend the stay<sup>(GL)</sup> until such date or for such specified period as it considers appropriate.



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*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 26. (See end of Document for details)*

(4) Where the court stays<sup>(GL)</sup> the proceedings under this rule, the claimant must tell the court if a settlement is reached.

(5) If the claimant does not tell the court by the end of the period of the stay<sup>(GL)</sup> that a settlement has been reached, the court will give such directions as to the management of the case as it considers appropriate.

#### Textual Amendments

**F61** Word in rule 26.4(1) substituted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **8(d)(i)** (with rule 22)

**F62** Rule 26.4(2)(2A) substituted for rule 26.4(2) (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **8(d)(ii)** (with rule 22)

#### Commencement Information

**I4** [Rule 26.4](#) in force at 26.4.1999, see [Signature](#)

### [<sup>F63</sup>Referral to the Mediation Service

**26.4A.**—(1) This rule applies to claims started in the County Court which would normally be allocated to the small claims track pursuant to rule 26.6.

(2) This rule does not apply to—

- (a) road traffic accident, personal injury or housing disrepair claims; or
- (b) any claim in which any party to the proceedings does not agree to referral to the Mediation Service.

(3) In this rule, “the Mediation Service” means the Small Claims Mediation Service operated by Her Majesty’s Courts and Tribunals Service.

(4) Where all parties indicate on their directions questionnaire that they agree to mediation, the claim will be referred to the Mediation Service.

(5) If a claim to which this rule applies is settled, the proceedings will automatically be stayed with permission to apply for—

- (a) judgment for the unpaid balance of the outstanding sum of the settlement agreement; or
- (b) the claim to be restored for hearing of the full amount claimed,

unless the parties have agreed that the claim is to be discontinued or dismissed.]

#### Textual Amendments

**F63** [Rule 26.4A](#) inserted (1.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(2), **14(f)** (with rule 41(6)(7))

### Allocation

**26.5.**—[<sup>F64</sup>(1) [<sup>F65</sup>Subject to rule 26.5A, the court] will allocate the claim to a track—

- (a) when all parties have filed their directions questionnaires; or
- (b) when giving directions pursuant to rule 26.3(8),

unless it has stayed the proceedings under rule 26.4.]



(Rules 12.7 and 14.8 provide for the court to allocate a claim to a track where the claimant obtains default judgment on request or judgment on admission for an amount to be decided by the court)

(2) If the court has stayed<sup>(GL)</sup> the proceedings under rule 26.4, it will allocate the claim to a track at the end of the period of the stay.

[<sup>F66</sup>(2A) If—

- (a) a claim is referred to the Mediation Service pursuant to rule 26.4A; and
- (b) the court has not been notified in writing that a settlement has been agreed,

the claim will be allocated to a track in accordance with this rule no later than four weeks from the date on which the last directions questionnaire is filed.]

(3) Before deciding the track to which to allocate proceedings or deciding whether to give directions for an allocation hearing to be fixed, the court may order a party to provide further information about his case.

(4) The court may hold an allocation hearing if it thinks it is necessary.

<sup>F67</sup>(5) .....

#### Textual Amendments

- F64** Rule 26.5(1) substituted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **8(e)(i)** (with rule 22)
- F65** Words in rule 26.5(1) substituted (31.5.2021) by [The Civil Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/196\)](#), rules 1(1), **5(3)**
- F66** Rule 26.5(2A) inserted (1.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(2), **14(g)** (with rule 41(6)(7))
- F67** Rule 26.5(5) omitted (1.4.2013) by virtue of [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **8(e)(ii)** (with rule 22)

#### Commencement Information

- I5** Rule 26.5 in force at 26.4.1999, see [Signature](#)

[<sup>F68</sup>**26.5A.**—(1) This rule applies where—

- (a) the parties have followed the Pre-Action Protocol for Personal Injury Claims Below the Small Claims Limit in Road Traffic Accidents; and
- (b) proceedings have been started under Practice Direction 27B.

(2) Subject to paragraph (3), where this rule applies, the claim shall be treated as allocated to the small claims track when it is issued and rules 26.3, 26.4 and 26.5 will not apply.

(3) Where in any claim started or continued under Practice Direction 27B—

- (a) the appropriate court form states that—
  - (i) the amount claimed is more than £10,000; or
  - (ii) the claim for personal injury damages is more than £5,000; or
- (b) rule 26.6A applies,

a court officer must refer the claim to a judge for allocation to a track and to give directions.]

*Status: Point in time view as at 31/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, PART 26. (See end of Document for details)*

### Textual Amendments

**F68** Rule 26.5A inserted (31.5.2021) by [The Civil Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/196\)](#), rules 1(1), 5(4)

### Scope of each track

**26.6.**—(1) The small claims track is the normal track for—

- (a) any claim for personal injuries where—
  - (i) the <sup>F69</sup>... value of the claim is not more than [<sup>F70</sup>£10,000]; and
  - [<sup>F71</sup>(ii) the value of any claim for damages for personal injuries is not more than—
    - (aa) £5,000 in a claim for personal injuries arising from a road traffic accident, except as provided in sub-paragraph (bb);
    - (bb) £1,000 in a claim for personal injuries arising from a road traffic accident, in any of the circumstances specified in rule 26.6A; or
    - (cc) £1,000 in any other claim for personal injuries;]
- (b) any claim which includes a claim by a tenant of residential premises against [<sup>F72</sup>a landlord] where—
  - (i) the tenant is seeking an order requiring the landlord to carry out repairs or other work to the premises (whether or not the tenant is also seeking some other remedy);
  - (ii) the cost of the repairs or other work to the premises is estimated to be not more than £1,000; and
  - (iii) the <sup>F73</sup>... value of any other claim for damages is not more than £1,000.

(Rule 2.3 defines “claim for personal injuries” as proceedings in which there is a claim for damages in respect of personal injuries to the claimant or any other person or in respect of a person’s death)

(2) For the purposes of paragraph (1) “damages for personal injuries” means damages claimed as compensation for pain, suffering and loss of amenity and does not include any other damages which are claimed.

[<sup>F74</sup>(2A) ‘Road traffic accident’ means an accident resulting in a bodily injury to any person caused by, or arising out of, the use of a motor vehicle on a road or other public place in England and Wales unless the injury was caused wholly or in part by a breach by the defendant of one or more of the relevant statutory provisions as defined by section 53 of the Health and Safety at Work etc. Act 1974.]

(3) Subject to paragraph (1), the small claims track is the normal track for any claim which has a <sup>F75</sup>... value of not more than [<sup>F76</sup>£10,000].

(Rule 26.7(4) provides that the court will not allocate to the small claims track certain claims in respect of harassment or unlawful eviction)

- [<sup>F77</sup>(4) Subject to paragraph (5), the fast track is the normal track for any claim—
- (a) for which the small claims track is not the normal track; and
  - (b) which has a value—
    - (i) for proceedings issued on or after 6th April 2009, of not more than £25,000; and
    - (ii) for proceedings issued before 6th April 2009, of not more than £15,000.]

(5) The fast track is the normal track for the claims referred to in paragraph (4) only if the court considers that—

- (a) the trial is likely to last for no longer than one day; and
- (b) oral expert evidence at trial will be limited to—
  - (i) one expert per party in relation to any expert field; and
  - (ii) expert evidence in two expert fields.

(6) The multi-track is the normal track for any claim for which the small claims track or the fast track is not the normal track.

#### Textual Amendments

- F69** Word in rule 26.6(1)(a)(i) omitted (6.4.2009) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, [7\(a\)\(i\)](#)
- F70** Sum in rule 26.6(1)(a)(i) substituted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, [8\(f\)\(i\)](#) (with rule 22)
- F71** Rule 26.6(1)(a)(ii) substituted (31.5.2021) by [The Civil Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/196\)](#), rules 1(1), [5\(5\)\(a\)](#)
- F72** Words in rule 26.6(1)(b) substituted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, [7\(a\)\(iii\)](#)
- F73** Word in rule 26.6(1)(b)(iii) omitted (6.4.2009) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, [7\(a\)\(iv\)](#)
- F74** Rule 26.6(2A) inserted (31.5.2021) by [The Civil Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/196\)](#), rules 1(1), [5\(5\)\(b\)](#)
- F75** Word in rule 26.6(3) omitted (6.4.2009) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, [7\(b\)](#)
- F76** Sum in rule 26.6(3) substituted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, [8\(f\)\(ii\)](#) (with rule 22)
- F77** Rule 26.6(4) substituted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, [7\(c\)](#)

#### Commencement Information

- I6** Rule 26.6 in force at 26.4.1999, see [Signature](#)

### <sup>F78</sup>Road traffic accident related personal injury claims

**26.6A.** The circumstances referred to in rule 26(1)(a)(ii)(bb) are—

- (a) the accident occurred before 31st May 2021;
- (b) unless rule 26.6B applies, on the date that proceedings are started, the claimant is—
  - (i) a child; or
  - (ii) a protected party;
- (c) when the accident occurred, the claimant was—
  - (i) using a motor cycle;
  - (ii) a pillion passenger on, or a passenger in a sidecar attached to, a motor cycle;
  - (iii) using a wheelchair, a powered wheelchair or a mobility scooter;
  - (iv) using a bicycle or other pedal cycle;
  - (v) riding a horse; or
  - (vi) a pedestrian;

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Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 26. (See end of Document for details)

- (d) unless rule 26.6B applies, on the date that proceedings are started—
  - (i) the claimant is an undischarged bankrupt; or
  - (ii) the claimant or defendant acts as a personal representative of a deceased person; or
- (e) unless rule 26.6B applies, on the date of the accident, the defendant’s vehicle was registered outside the United Kingdom.

**Textual Amendments**  
**F78** Rules 26.6A, 26.6B inserted (31.5.2021) by The Civil Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/196), rules 1(1), 5(5)(c)

**Children and protected parties**

- 26.6B.**—(1) The fast track is the normal track where a claim—
- (a) is for personal injuries arising from a road traffic accident which occurs on or after 31st May 2021;
  - (b) is made by—
    - (i) a child or a protected party; or
    - (ii) a person who, on the date the claim was first presented via the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents, was a child; and
  - (c) consists of, or includes, a claim for a whiplash injury.
- (2) Where this rule applies, the claim must not be allocated to the small claims track.
- (3) ‘Whiplash injury’ has the meaning ascribed to it by paragraph 1.2(38) of the Pre-Action Protocol for Personal Injury Claims Below the Small Claims Limit in Road Traffic Accidents.]

**Textual Amendments**  
**F78** Rules 26.6A, 26.6B inserted (31.5.2021) by The Civil Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/196), rules 1(1), 5(5)(c)

**General rule for allocation**

- 26.7.**—(1) In considering whether to allocate a claim to the normal track for that claim [<sup>F79</sup>under rules 26.6, 26.6A or 26.6B], the court will have regard to the matters mentioned in rule 26.8(1).
- (2) The court will allocate a claim which has no financial value to the track which it considers most suitable having regard to the matters mentioned in rule 26.8(1).
- <sup>F80</sup>(3) .....
- (4) The court will not allocate a claim to the small claims track, if it includes a claim by a tenant of residential premises against his landlord for a remedy in respect of harassment or unlawful eviction.

**Textual Amendments**  
**F79** Words in rule 26.7 substituted (31.5.2021) by The Civil Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/196), rules 1(1), 5(6)  
**F80** Rule 26.7(3) omitted (1.4.2013) by virtue of The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, 8(g) (with rule 22)

**Commencement Information**

**I7** Rule 26.7 in force at 26.4.1999, see [Signature](#)

**Matters relevant to allocation to a track**

**26.8.**—(1) When deciding the track for a claim, the matters to which the court shall have regard include—

- (a) the financial value, if any, of the claim;
- (b) the nature of the remedy sought;
- (c) the likely complexity of the facts, law or evidence;
- (d) the number of parties or likely parties;
- (e) the value of any counterclaim or other Part 20 claim and the complexity of any matters relating to it;
- (f) the amount of oral evidence which may be required;
- (g) the importance of the claim to persons who are not parties to the proceedings;
- (h) the views expressed by the parties; and
- (i) the circumstances of the parties.

(2) It is for the court to assess the financial value of a claim and in doing so it will disregard—

- (a) any amount not in dispute;
- (b) any claim for interest;
- (c) costs; and
- (d) any contributory negligence.

(3) Where—

- (a) two or more claimants have started a claim against the same defendant using the same claim form; and
- (b) each claimant has a claim against the defendant separate from the other claimants,

the court will consider the claim of each claimant separately when it assesses financial value under paragraph (1).

**Commencement Information**

**I8** Rule 26.8 in force at 26.4.1999, see [Signature](#)

**Notice of allocation**

**26.9.**—(1) When it has allocated a claim to a track, the court will serve notice of allocation on every party.

<sup>F81</sup>(2) .....

(Rule 26.5 provides that the court may, before allocating proceedings, order a party to provide further information about [<sup>F82</sup>their] case)

*Status: Point in time view as at 31/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, PART 26. (See end of Document for details)*

#### Textual Amendments

- F81** Rule 26.9(2) omitted (1.4.2013) by virtue of [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **8(h)(i)** (with rule 22)
- F82** Word in rule 26.9 substituted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **8(h)(ii)** (with rule 22)

#### Commencement Information

- I9** Rule 26.9 in force at 26.4.1999, see [Signature](#)

### Re-allocation

**26.10** The court may subsequently re-allocate a claim to a different track.

#### Commencement Information

- I10** Rule 26.10 in force at 26.4.1999, see [Signature](#)

### [<sup>F83</sup>Trial with a jury

**26.11.**—(1) An application for a claim, other than a claim for libel and slander, to be tried with a jury must be made within 28 days of service of the defence.

(2) A claim for libel or slander must be tried by Judge alone, unless at the first case management conference a party applies for trial with a jury and the court makes an order to that effect.]

#### Textual Amendments

- F83** Rule 26.11 substituted (1.1.2014) by [The Civil Procedure \(Amendment No.8\) Rules 2013 \(S.I. 2013/3112\)](#), rules 1, 2

**Status:**

Point in time view as at 31/05/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 26.