
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 27

THE SMALL CLAIMS TRACK

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Scope of this Part

27.1.—(1) This Part—

- (a) sets out the special procedure for dealing with claims which have been allocated to the small claims track under Part 26; and
- (b) limits the amount of costs that can be recovered in respect of a claim which has been allocated to the small claims track.

(Rule 27.14 deals with costs on the small claims track)

- (2) A claim being dealt with under this Part is called a small claim.

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Changes to legislation: There are currently no known outstanding effects for the Civil Procedure Rules 1998, PART 27. (See end of Document for details)

(Rule [F126.9] provides for the scope of the small claims track. A claim for a remedy for harassment or unlawful eviction relating, in either case, to residential premises [F2or to a dwelling where the claim is under the Renting Homes (Wales) Act 2016] shall not be allocated to the small claims track whatever the financial value of the claim.

Otherwise, the small claims track will be the normal track for—

- any claim which has a financial value of not more than [F3£10,000] subject to the special provisions about claims for personal injuries and housing disrepair claims;
- any claim for personal injuries which has a financial value of not more than [F3£10,000] where the claim for damages for personal injuries is not more than [F4the relevant value specified in rule [F126.9] (1)(a)(ii)(aa), (bb) or (cc), being £5,000, £1,000 or £1,500, respectively]; and
- any claim which includes a claim by a tenant of residential premises against his landlord for repairs or other work to the premises where the estimated cost of the repairs or other work is not more than £1,000 and the financial value of any claim for damages in respect of those repairs or other work is not more than £1,000) [F5;
- any claim which includes a claim under the Renting Home (Wales) Act 2016 by a contract-holder of a dwelling against their landlord for repairs or other work to the dwelling where the estimated cost of the repairs or other work is not more than £1,000 and the financial value of any other claim for damages is not more than £1,000).]

Textual Amendments

- F1** Word in rule 27.1(2) substituted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/572\)](#), rules 1(1), **9(1)** (with rule 2)
- F2** Words in rule 27.1 inserted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **19(a)**
- F3** Sum in rule 27.1 substituted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **9(a)** (with rule 22)
- F4** Words in rule 27.1(2) substituted (6.4.2022) by [The Civil Procedure \(Amendment\) Rules 2022 \(S.I. 2022/101\)](#), rules 1(1), **10** (with rule 2)
- F5** Words in rule 27.1 substituted for full stop (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **19(b)**

Commencement Information

- I1** [Rule 27.1](#) in force at 26.4.1999, see [Signature](#)

Extent to which other Parts apply

- 27.2.**—(1) The following Parts of these Rules do not apply to small claims—
- (a) Part 25 (interim remedies) except as it relates to interim injunctions^(GL);
 - (b) Part 31 (disclosure and inspection);
 - (c) Part 32 (evidence) except rule 32.1 (power of court to control evidence);
 - (d) Part 33 (miscellaneous rules about evidence);
 - (e) Part 35 (experts and assessors) except rules 35.1 (duty to restrict expert evidence), 35.3 (experts—overriding duty to the court) [F6, 35.7 (court’s power to direct that evidence is to be given by single joint expert)] and 35.8 (instructions to a single joint expert);
 - (f) [F7Subject to paragraph (3),] Part 18 (further information);

- (g) Part 36 (offers to settle ^{F8}...); and
- (h) Part 39 (hearings) except rule 39.2 (general rule—hearing to be in public) [^{F9}, rule 39.8 (communications with the court) and rule 39.9 (recording and transcription of proceedings)].

(2) The other Parts of these Rules apply to small claims except to the extent that a rule [^{F10} or a practice direction under this Part] limits such application.

[^{F11}(2A) A rule or practice direction may, in relation to a specified type of small claim—

- (a) require or permit the use of the procedure set out in this Part; and
- (b) disapply or modify any of the rules set out in this Part.]

[^{F12}(3) The court of its own initiative may order a party to provide further information if it considers it appropriate to do so.]

Textual Amendments

- F6** Words in rule 27.2(1)(e) inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000](#) (S.I. 2000/221), rules 1(b), **15**
- F7** Words in rule 27.2(1)(f) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005](#) (S.I. 2005/2292), rules 1(c), **29(a)**
- F8** Words in rule 27.2(1)(g) omitted (6.4.2007) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2006](#) (S.I. 2006/3435), rules 1, **6(a)**
- F9** Words in rule 27.2(1)(h) substituted (1.10.2021) by [The Civil Procedure \(Amendment No. 4\) Rules 2021](#) (S.I. 2021/855), rules 1(1), **7**
- F10** Words in rule 27.2(2) inserted (31.5.2021) by [The Civil Procedure \(Amendment No. 2\) Rules 2021](#) (S.I. 2021/196), rules 1(1), **6(a)**
- F11** Rule 27.2(2A) inserted (31.5.2021) by [The Civil Procedure \(Amendment No. 2\) Rules 2021](#) (S.I. 2021/196), rules 1(1), **6(b)** (as amended by S.I. 2021/553, rules 2(2), **4(b)**)
- F12** Rule 27.2(3) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005](#) (S.I. 2005/2292), rules 1(c), **29(b)**

Commencement Information

- I2** [Rule 27.2](#) in force at 26.4.1999, see [Signature](#)

Court's power to grant a final remedy

27.3 The court may grant any final remedy in relation to a small claim which it could grant if the proceedings were on the fast track [^{F13}, the intermediate track] or the multi-track.

Textual Amendments

- F13** Words in [rule 27.3](#) inserted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023](#) (S.I. 2023/572), rules 1(1), **9(2)** (with [rule 2](#))

Commencement Information

- I3** [Rule 27.3](#) in force at 26.4.1999, see [Signature](#)

Preparation for the hearing

27.4.—(1) After allocation the court will—

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- (a) give standard directions and fix a date for the final hearing;
 - (b) give special directions and fix a date for the final hearing;
 - (c) give special directions and direct that the court will consider what further directions are to be given no later than 28 days after the date the special directions were given;
 - (d) fix a date for a preliminary hearing under rule 27.6; or
 - (e) give notice that it proposes to deal with the claim without a hearing under rule 27.10 and invite the parties to notify the court by a specified date if they agree the proposal.
- (2) The court will—
- (a) give the parties at least 21 days' notice of the date fixed for the final hearing, unless the parties agree to accept less notice; and
 - (b) inform them of the amount of time allowed for the final hearing.
- (3) In this rule
- (a) “standard directions” means—
 - (i) a direction that each party shall, at least 14 days before the date fixed for the final hearing, file and serve on every other party copies of all documents (including any expert’s report) on which he intends to rely at the hearing; and
 - (ii) any other standard directions set out in [F14Practice Direction 27A]; and
 - (b) “special directions” means directions given in addition to or instead of the standard directions.

Textual Amendments

F14 Words in rule 27.4(3)(a)(ii) substituted (31.5.2021) by The Civil Procedure (Amendment No. 3) Rules 2021 (S.I. 2021/553), rules 2(1), 3(2)

Commencement Information

I4 Rule 27.4 in force at 26.4.1999, see [Signature](#)

Experts

27.5 No expert may give evidence, whether written or oral, at a hearing without the permission of the court.

F15

Textual Amendments

F15 Words in rule 27.5 omitted (1.10.2012) by virtue of The Civil Procedure (Amendment No.2) Rules 2012 (S.I. 2012/2208), rules 1, 4(a)

Commencement Information

I5 Rule 27.5 in force at 26.4.1999, see [Signature](#)

Preliminary hearing

- 27.6.—(1) The court may hold a preliminary hearing for the consideration of the claim, but only—
- (a) where—

- (i) it considers that special directions, as defined in rule 27.4, are needed to ensure a fair hearing; and
 - (ii) it appears necessary for a party to attend at court to ensure that he understands what he must do to comply with the special directions; or
 - (b) to enable it to dispose of the claim on the basis that one or other of the parties has no real prospect of success at a final hearing; or
 - (c) to enable it to strike out^(GL) a statement of case or part of a statement of case on the basis that the statement of case, or the part to be struck out, discloses no reasonable grounds for bringing or defending the claim.
- (2) When considering whether or not to hold a preliminary hearing, the court must have regard to the desirability of limiting the expense to the parties of attending court.
- (3) Where the court decides to hold a preliminary hearing, it will give the parties at least 14 days' notice of the date of the hearing.
- (4) The court may treat the preliminary hearing as the final hearing of the claim if all the parties agree.
- (5) At or after the preliminary hearing the court will—
- (a) fix the date of the final hearing (if it has not been fixed already) and give the parties at least 21 days' notice of the date fixed unless the parties agree to accept less notice;
 - (b) inform them of the amount of time allowed for the final hearing; and
 - (c) give any appropriate directions.

Commencement Information

16 [Rule 27.6](#) in force at 26.4.1999, see [Signature](#)

Power of court to add to, vary or revoke directions

27.7 The court may add to, vary or revoke directions.

Commencement Information

17 [Rule 27.7](#) in force at 26.4.1999, see [Signature](#)

Conduct of the hearing

- 27.8.**—(1) The court may adopt any method of proceeding at a hearing that it considers to be fair.
- (2) Hearings will be informal.
 - (3) The strict rules of evidence do not apply.
 - (4) The court need not take evidence on oath.
 - (5) The court may limit cross-examination^(GL).
 - (6) The court must give reasons for its decision.

Commencement Information

18 [Rule 27.8](#) in force at 26.4.1999, see [Signature](#)

Status: Point in time view as at 06/04/2024.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, PART 27. (See end of Document for details)*

Non-attendance of parties at a final hearing

27.9.—^{F16}(1) If a party who does not attend a final hearing—

- (a) has given written notice to the court and the other party at least 7 days before the hearing date that he will not attend;
- (b) has served on the other party at least 7 days before the hearing date any other documents which he has filed with the court; and
- (c) has, in his written notice, requested the court to decide the claim in his absence and has confirmed his compliance with paragraphs (a) and (b) above,

the court will take into account that party's statement of case and any other documents he has filed and served when it decides the claim.]

(2) If a claimant does not—

- (a) attend the hearing; and
- (b) give the notice referred to in paragraph (1)

the court may strike out^(GL) the claim.

(3) If—

- (a) a defendant does not
 - (i) attend the hearing; or
 - (ii) give the notice referred to in paragraph (1); and
- (b) the claimant either—
 - (i) does attend the hearing; or
 - (ii) gives the notice referred to in paragraph (1),

the court may decide the claim on the basis of the evidence of the claimant alone.

(4) If neither party attends or gives the notice referred to in paragraph (1), the court may strike out^(GL) the claim and any defence and counterclaim.

Textual Amendments

F16 Rule 27.9(1) substituted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **30**

Commencement Information

I9 Rule 27.9 in force at 26.4.1999, see [Signature](#)

Disposal without a hearing

27.10 The court may, if all parties agree, deal with the claim without a hearing.

Commencement Information

I10 Rule 27.10 in force at 26.4.1999, see [Signature](#)

Setting judgment aside and re-hearing

27.11.—(1) A party—

- (a) who was neither present nor represented at the hearing of the claim; and
 - (b) who has not given written notice to the court under rule 27.9(1),
- may apply for an order that a judgment under this Part shall be set aside^(GL) and the claim re-heard.
- (2) A party who applies for an order setting aside a judgment under this rule must make the application not more than 14 days after the day on which notice of the judgment was served on him.
- (3) The court may grant an application under paragraph (2) only if the applicant—
- (a) had a good reason for not attending or being represented at the hearing or giving written notice to the court under rule 27.9(1); and
 - (b) has a reasonable prospect of success at the hearing.
- (4) If a judgment is set aside^(GL)—
- (a) the court must fix a new hearing for the claim; and
 - (b) the hearing may take place immediately after the hearing of the application to set the judgment aside and may be dealt with by the judge who set aside^(GL) the judgment.
- (5) A party may not apply to set aside^(GL) a judgment under this rule if the court dealt with the claim without a hearing under rule 27.10.

Commencement Information
111 Rule 27.11 in force at 26.4.1999, see [Signature](#)

Right of appeal under Part 27

^{F17}27.12

Textual Amendments
F17 Rule 27.12 revoked (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rules 1, **11** (with rule 29)

Procedure for making an appeal

^{F18}27.13

Textual Amendments
F18 Rule 27.13 revoked (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rules 1, **11** (with rule 29)

Costs on the small claims track

- 27.14.**—(1) This rule applies to any case which has been allocated to the small claims track ^{F19}....
 ([^{F20}Rule 46.13 makes] provision in relation to orders for costs made before a claim has been allocated to the small claims track)
- [^{F21}(2) The court may not order a party to pay a sum to another party in respect of that other party’s costs, fees and expenses, including those relating to an appeal, except—

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- (a) ^{F22}the fixed costs attributable to issuing the claim, calculated in accordance with Table 2 in Practice Direction 45; ^{F23} ...]
- (b) in proceedings which included a claim for an injunction or an order for specific performance a sum not exceeding the amount specified in ^{F24}Practice Direction 27A] for legal advice and assistance relating to that claim;
- (c) any court fees paid by that other party;
- (d) expenses which a party or witness has reasonably incurred in travelling to and from a hearing or in staying away from home for the purposes of attending a hearing;
- (e) a sum not exceeding the amount specified in ^{F25}Practice Direction 27A] for any loss of earnings or loss of leave by a party or witness due to attending a hearing or to staying away from home for the purposes of attending a hearing;
- (f) a sum not exceeding the amount specified in ^{F26}Practice Direction 27A] for an expert’s fees; ^{F27} ...
- (g) such further costs as the court may assess by the summary procedure and order to be paid by a party who has behaved unreasonably ^{F28}; ^{F29} ...]
- ^{F30}(h) ^{F31}the applicable Stage 1 and, where relevant, the Stage 2 fixed costs in Table 10 and Table 11 in Practice Direction 45] where—
 - (i) the claim was within the scope of the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents (“the RTA Protocol”) ^{F32}or the Pre-action Protocol for Low Value Personal Injury (Employers’ Liability and Public Liability) Claims (‘the EL/PL Protocol’)];
 - (ii) the claimant reasonably believed that the claim was valued at more than the small claims track limit in accordance with paragraph 4.1(4) of the ^{F33}relevant Protocol]; and
 - (iii) the defendant admitted liability under the process set out in the ^{F34}relevant Protocol]; but
 - (iv) the defendant did not pay those Stage 1 and, where relevant, Stage 2 fixed costs ^{F35}; and]]

^{F36}(i) in an appeal, the cost of any approved transcript reasonably incurred.]]

^{F37}^{F38}(3) A party’s rejection of an offer in settlement will not of itself constitute unreasonable behaviour under paragraph ^{F39}(2)(g)] but the court may take it into consideration when it is applying the unreasonableness test.

^{F40} ...]

^{F41}(3)

(4) The limits on costs imposed by this rule also apply to any fee or reward for acting on behalf of a party to the proceedings charged by a person exercising a right of audience by virtue of an order under section 11 of the Courts and Legal Services Act 1990(1) (a lay representative).

^{F42}(5)

^{F42}(6)

(Rule 26.7(3) allows the parties to consent to a claim being allocated to a track where the financial value of the claim exceeds the limit for that track)

Textual Amendments

- F19** Words in rule 27.14(1) omitted (1.4.2013) by virtue of [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), [rules 2](#), [9\(c\)\(i\)](#) (with [rule 22](#))
- F20** Words in rule 27.14 substituted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/572\)](#), [rules 1\(1\)](#), [9\(3\)\(a\)](#) (with [rule 2](#))
- F21** Rule 27.14(2) substituted (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), [rules 1](#), [5\(a\)](#)
- F22** Rule 27.14(2)(a) substituted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/572\)](#), [rules 1\(1\)](#), [9\(3\)\(b\)\(i\)](#) (with [rule 2](#))
- F23** Word in rule 27.14(2)(a) omitted (1.10.2023 immediately after [S.I. 2023/572](#) comes into force) by virtue of [The Civil Procedure \(Amendment No. 3\) Rules 2023 \(S.I. 2023/788\)](#), [rules 1\(1\)](#), [17](#)
- F24** Words in rule 27.14(2)(b) substituted (31.5.2021) by [The Civil Procedure \(Amendment No. 3\) Rules 2021 \(S.I. 2021/553\)](#), [rules 2\(1\)](#), [3\(3\)](#)
- F25** Words in rule 27.14(2)(e) substituted (31.5.2021) by [The Civil Procedure \(Amendment No. 3\) Rules 2021 \(S.I. 2021/553\)](#), [rules 2\(1\)](#), [3\(3\)](#)
- F26** Words in rule 27.14(2)(f) substituted (31.5.2021) by [The Civil Procedure \(Amendment No. 3\) Rules 2021 \(S.I. 2021/553\)](#), [rules 2\(1\)](#), [3\(3\)](#)
- F27** Word in rule 27.14(2)(f) omitted (30.4.2010) by virtue of [The Civil Procedure \(Amendment\) Rules 2010 \(S.I. 2010/621\)](#), [rules 1\(2\)](#), [5\(a\)](#)
- F28** Word in rule 27.14(2)(g) substituted (30.4.2010) by [The Civil Procedure \(Amendment\) Rules 2010 \(S.I. 2010/621\)](#), [rules 1\(2\)](#), [5\(b\)](#)
- F29** Word in rule 27.14(2)(g) omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), [rules 1](#), [4\(b\)\(i\)](#)
- F30** Rule 27.14(2)(h) inserted (30.4.2010) by [The Civil Procedure \(Amendment\) Rules 2010 \(S.I. 2010/621\)](#), [rules 1\(2\)](#), [5\(c\)](#)
- F31** Words in rule 27.14(2)(h) substituted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/572\)](#), [rules 1\(1\)](#), [9\(3\)\(b\)\(ii\)](#) (with [rule 2](#))
- F32** Words in rule 27.14(2)(h)(i) inserted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), [rules 2](#), [5\(2\)\(b\)](#)
- F33** Words in rule 27.14(2)(h)(ii) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), [rules 2](#), [5\(2\)\(c\)](#)
- F34** Words in rule 27.14(2)(h)(iii) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), [rules 2](#), [5\(2\)\(d\)](#)
- F35** Word in rule 27.14(2)(h)(iv) substituted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), [rules 1](#), [4\(b\)\(ii\)](#)
- F36** Rule 27.14(2)(i) inserted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), [rules 1](#), [4\(b\)\(iii\)](#)
- F37** Rule 27.14(2A) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), [rules 1\(c\)](#), [31\(a\)](#)
- F38** Rule 27.14(2A) renumbered as rule 27.14(3) (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), [rules 1](#), [5\(c\)](#)
- F39** Word in rule 27.14(3) substituted (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), [rules 1](#), [5\(d\)](#)
- F40** Words in rule 27.14 omitted (6.4.2007) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), [rules 1](#), [6\(b\)](#)
- F41** Rule 27.14(3) omitted (2.10.2006) by virtue of [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), [rules 1](#), [5\(b\)](#)
- F42** Rule 27.14(5)(6) omitted (1.4.2013) by virtue of [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), [rules 2](#), [9\(c\)\(ii\)](#) (with [rule 22](#))

Status: Point in time view as at 06/04/2024.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, PART 27. (See end of Document for details)

Commencement Information

I12 Rule 27.14 in force at 26.4.1999, see [Signature](#)

Claim re-allocated from the small claims track to another track

[^{F43}**27.15.**—(1) Where a claim is allocated to the small claims track and subsequently re-allocated to another track, the costs which may be allowed are those applicable to the track to which the claim is reallocated, as if the claim been allocated to that track at the outset.

(2) Where a claim is reallocated to the small claims track from the multi-track, rule 27.14 shall apply to the period before, as well as after, reallocation, except where a court order or a rule or practice direction provides otherwise.]

Textual Amendments

F43 Rule 27.15 substituted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/572\)](#), rules 1(1), **9(4)** (with rule 2)

Status:

Point in time view as at 06/04/2024.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 27.