
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 28

THE FAST TRACK

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Scope of this Part

28.1 This Part contains general provisions about management of cases allocated to the fast track and applies only to cases allocated to that track.

(Part 27 sets out the procedure for claims allocated to the small claims track)

(Part 29 sets out the procedure for claims allocated to the multi-track)

Commencement Information

II [Rule 28.1](#) in force at 26.4.1999, see [Signature](#)

General provisions

28.2.—(1) When it allocates a case to the fast track, the court will give directions for the management of the case and set a timetable for the steps to be taken between the giving of the directions and the trial.

(2) When it gives directions, the court will—

(a) fix the trial date; or

(b) fix a period, not exceeding 3 weeks, within which the trial is to take place.

(3) The trial date or trial period will be specified in the notice of allocation.

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*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, PART 28. (See end of Document for details)*

(4) The standard period between the giving of directions and the trial will be not more than 30 weeks.

(5) The court's power to award trial costs is limited in accordance with Part 46.

Commencement Information

I2 [Rule 28.2](#) in force at 26.4.1999, see [Signature](#)

Directions

28.3.—(1) The matters to be dealt with by directions under rule 28.2(1) include—

- (a) disclosure of documents;
- (b) service of witness statements; and
- (c) expert evidence.

(2) If the court decides not to direct standard disclosure, it may—

- (a) direct that no disclosure take place; or
- (b) specify the documents or the classes of documents which the parties must disclose.

(Rule 31.6 explains what is meant by standard disclosure)

(Rule 26.6(5) deals with limitations in relation to expert evidence and the likely length of trial in fast track cases)

Commencement Information

I3 [Rule 28.3](#) in force at 26.4.1999, see [Signature](#)

Variation of case management timetable

28.4.—(1) A party must apply to the court if he wishes to vary the date which the court has fixed for—

- (a) the return of a [^{F1}pre-trial check list] under rule 28.5;
- (b) the trial; or
- (c) the trial period.

(2) Any date set by the court or these Rules for doing any act may not be varied by the parties if the variation would make it necessary to vary any of the dates mentioned in paragraph (1).

(Rule 2.11 allows the parties to vary a date by written agreement except where the rules provide otherwise or the court orders otherwise)

Textual Amendments

F1 Words in [rule 28.4\(1\)\(a\)](#) substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), [rules 1\(b\)](#), [8](#)

Commencement Information

I4 [Rule 28.4](#) in force at 26.4.1999, see [Signature](#)

[^{F2}Pre-trial check list (listing questionnaire)]

28.5.—(1) The court will send the parties a pre-trial check list (listing questionnaire) for completion and return by the date specified in the notice of allocation unless it considers that the claim can proceed to trial without the need for a pre-trial check list.

(2) The date specified for filing a pre-trial check list will not be more than 8 weeks before the trial date or the beginning of the trial period.

[^{F3}(3) If no party files the completed pre-trial checklist by the date specified, the court will order that unless a completed pre-trial checklist is filed within 7 days from service of that order, the claim, defence and any counterclaim will be struck out without further order of the court.]

[^{F4}(4) If—

- (a) a party files a completed pre-trial checklist but another party does not;
- (b) a party has failed to give all the information requested by the pre-trial checklist; or
- (c) the court considers that a hearing is necessary to enable it to decide what directions to give in order to complete preparation of the case for trial,

the court may give such directions as it thinks appropriate.]]

Textual Amendments

- F2** Rule 28.5 substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(b), **9**
- F3** Rule 28.5(3) substituted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **32(a)**
- F4** Rule 28.5(4) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **32(b)**

Fixing or confirming the trial date and giving directions

28.6.—(1) As soon as practicable after the date specified for filing a completed [^{F5}pre-trial check list] the court will—

- (a) fix the date for the trial (or, if it has already done so, confirm that date);
- (b) give any directions for the trial, including a trial timetable, which it considers appropriate; and
- (c) specify any further steps that need to be taken before trial.

(2) The court will give the parties at least 3 weeks' notice of the date of the trial unless, in exceptional circumstances, the court directs that shorter notice will be given.

Textual Amendments

- F5** Words in [rule 28.6\(1\)](#) substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(b), **8**

Commencement Information

- I5** [Rule 28.6](#) in force at 26.4.1999, see [Signature](#)

Status: Point in time view as at 04/12/2008.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, PART 28. (See end of Document for details)

Conduct of trial

28.7 Unless the trial judge otherwise directs, the trial will be conducted in accordance with any order previously made.

Commencement Information

I6 [Rule 28.7](#) in force at 26.4.1999, see [Signature](#)

Status:

Point in time view as at 04/12/2008.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 28.