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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

[<sup>F1</sup>PART 26 **E+W**]

CASE MANAGEMENT – PRELIMINARY STAGE

[<sup>F1</sup>Scope of each track **E+W**]

- 26.9.**—(1) The small claims track is the normal track for—
- (a) any claim for personal injuries where—
    - (i) the value of the claim is not more than £10,000; and
    - (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 26.10; or
      - (cc) £1,500 in any other claim for personal injuries.
  - (b) any claim which includes a claim by a tenant of residential premises against 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 value of any other claim for damages is not more than £1,000; and
  - (c) in relation to claims under the Renting Homes (Wales) Act 2016, any claim which includes a claim by a contract-holder of a dwelling against a landlord where—
    - (i) the contract holder is seeking an order requiring the landlord to carry out repairs or other work to the dwelling (whether or not the contract-holder is also seeking some other remedy);
    - (ii) the cost of repairs or other work to the dwelling is estimated to be not more than £1,000; and
    - (iii) the 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.

(3) ‘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.

(4) Subject to paragraph (1), the small claims track is the normal track for any claim which has a value of not more than £10,000.

(Rule 26.12(2) and (3) provides that the court must not allocate to the small claims track certain claims in respect of harassment or unlawful eviction.)

(5) Subject to paragraphs (6) and (10), the fast track is the normal track for any claim—

(a) for which the small claims track is not the normal track; and

(b) [<sup>F2</sup>which—]

(i) is a claim for monetary relief, the value of which is not more than £25,000; or

(ii) is or includes a claim for non-monetary relief and—

(aa) if the claim includes a claim for monetary relief, the value of the claim for monetary relief is not more than £25,000;

(bb) the claim meets the criteria in paragraph (6)(a) and (b); and

(cc) the court is satisfied that it is in the interests of justice for it to be allocated to the fast track.

(6) The fast track is the normal track for the claims referred to in paragraph (5) 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 is likely to be limited to—

(i) one expert per party in relation to any expert field; and

(ii) expert evidence in two expert fields.

(7) Subject to paragraphs (8), (9) and (10), the intermediate track is the normal track where—

(a) the claim is suitable for neither the small claims track nor the fast track;

(b) the claim includes a claim for monetary relief, the value of which is not more than £100,000;

(c) the court considers that—

(i) if the case is managed proportionately, the trial will not last longer than three days;

(ii) oral expert evidence at trial is likely to be limited to two experts per party;

(iii) the claim may be justly and proportionately managed under the procedure set out in Section IV of Part 28; and

(iv) there are no additional factors, which would make the claim inappropriate for the intermediate track; and

(d) the claim is brought by one claimant against either one or two defendants, or is brought by two claimants against one defendant.

(8) Where the relief sought includes a claim for non-monetary relief, the claim shall not be allocated to the intermediate track unless the court also considers it to be in the interests of justice to do so.

(9) Subject to paragraph (10), the court may allocate a claim to the intermediate track where it considers it to be in the interests of justice to do so.

(10) A claim must be allocated to the multi-track where that claim is—

- (a) a mesothelioma claim or asbestos lung disease claim;
- (b) one which includes a claim for clinical negligence, unless—
  - (i) the claim is one which would normally be allocated to the intermediate track [<sup>F3</sup>];
  - [<sup>F4</sup>(ii) there has been an admission of liability in full, which means that the defendant accepts that the claimant has suffered loss, including the injury set out in the letter of claim under the Pre-Action Protocol for the Resolution of Clinical Disputes, caused by the defendant’s breach of duty of care; and
  - (iii) the admission in paragraph (ii) is made in the defendant’s letter of response provided in accordance with the Pre-Action Protocol for the Resolution of Clinical Disputes, provided that the defendant has not raised a defence to the claim under the Limitation Act 1980;]
- (c) a claim for damages in relation to harm, abuse or neglect of or by children or vulnerable adults;
- (d) a claim is one the court could order to be tried by jury if satisfied that there is in issue a matter set out in section 66(3) of the County Courts Act 1984 or section 69(1) of the Senior Courts Act 1981; <sup>F5</sup>...
- (e) a claim against the police which includes a claim for—
  - (i) an intentional or reckless tort; or
  - (ii) relief or a remedy in relation to a breach of the Human Rights Act 1998 [<sup>F6</sup>; or]
- [<sup>F7</sup>(f) a claim against a public authority for trespass to the person, unless, having regard to the matters mentioned in rule 26.13(1), the court considers that it would not be in the interests of justice to do so.]
- (11) Paragraph (10)(e) does not apply to—
  - (a) a road accident claim arising from negligent police driving;
  - (b) an employer’s liability claim;
  - (c) any other claim for an accidental fall on police premises.
- (12) The multi-track is the normal track for any claim for which the small claims track or the fast track or the intermediate track is not the normal track.]

#### Textual Amendments

- F1** Pt. 26 substituted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/572\)](#), rule 1(1), **Sch. 1** (with rule 2)
- F2** Word in rule 26.9(5)(b) substituted (1.10.2023 immediately after [S.I. 2023/572](#) comes into force) by [The Civil Procedure \(Amendment No. 3\) Rules 2023 \(S.I. 2023/788\)](#), rules 1(1), **16(5)**
- F3** Rule 26.9(10)(b)(i): semicolon substituted for word (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), rules 1(1), **6(2)(a)(i)**
- F4** Rule 26.9(10)(b)(ii)(iii) substituted for rule 26.9(10)(b)(ii) (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), rules 1(1), **6(2)(a)(ii)**
- F5** Word in rule 26.9(10)(d) omitted (6.4.2024) by virtue of [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), rules 1(1), **6(2)(b)**
- F6** Word in rule 26.9(10)(e)(ii) substituted (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), rules 1(1), **6(2)(c)**
- F7** Rule 26.9(10)(f) inserted (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), rules 1(1), **6(2)(d)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 26.9.