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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 26**

**CASE MANAGEMENT—PRELIMINARY STAGE**

**Allocation**

**26.5.**—(1) The court will allocate the claim to a track—

- (a) when every defendant has filed an allocation questionnaire, or
- (b) when the period for filing the allocation questionnaires has expired,

whichever is the sooner, unless it has—

- (i) stayed<sup>(GL)</sup> the proceedings under rule 26.4; or
- (ii) dispensed with the need for allocation questionnaires.

(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.

(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.

(5) If a party fails to file an allocation questionnaire, the court may give any direction it considers appropriate.