

## FAST TRACK LITIGATION

### 1. **What is "Fast Track"?**

This is a method of litigation for cases above the small claims track \* limit but where the amount in dispute is below £15,000.

Cases normally within the fast track but which are likely to involve a trial of more than one day or the use of more than one expert, or which are very complex or of importance to the public generally will probably be allocated to the multi track.\*

### 2. **Directions**

On a case being allocated to this track, the court will make orders (called "directions") about what steps are to be taken by the parties and when. At the same time the court will fix the trial date or a period in which it will take place. That will be no more than 30 weeks ahead.

The directions will usually deal with:-

- Whether, and if so on what basis and when, each party is to disclose documents to the other. \*
- The exchange of witness statements.
- Whether there is any need for expert evidence, and if so how that is to be made available to the court.
- When listing questionnaires (to give the court information to enable it to fix or confirm a trial date) are to be filed.
- The timetable to be followed at the trial.
- The preparation of a trial bundle of documents for trial.

### 3. **Timetable**

If either party fails to comply with a direction, the other can ask the court to make a new order, with a penalty if it isn't obeyed. The court can do so without hearing either party.

The date for trial, once fixed, is virtually unchangeable.

A timetable to be followed at the trial can be set beforehand or at the trial itself. At trial, the court controls the evidence. It can order witness statements to be treated as if the witness had given that evidence, and can prevent the witness giving more evidence except on cross-examination or re-examination etc.

The trial will be scheduled to last no more than 1 day (5 hours). The parties will have to concentrate on the essentials.

### 4. **Costs**

There are fixed limits on the amount the winner can recover from the loser for the costs of the trial. These are:-

<b>Value of Claim</b>	<b>Trial Costs</b>
Up to £3,000	£350 plus VAT
£3,001 - £10,000	£500 plus VAT
More than £10,000	£750 plus VAT

The actual cost of an advocate (solicitor or barrister) preparing for and presenting a trial depends not on the sum at stake but upon the complexity of the case. Very few cases will involve trials where the actual fees incurred by the advocate are as low as £750 plus VAT. Any party using an advocate for trial will have to expect to pay higher fees, most of which will not be recoverable even if successful.

At the end of the trial the court is likely to decide the amount of costs payable by the loser for the case as a whole. Those costs will be added to the amount of damages awarded and the combined amount will be payable within 14 days.

\* See separate fact sheet on this subject.

**NB** *The above notes are intended as general guidance only. Do not act on them alone. For more detailed advice on how these matters affect you please contact the person dealing with your case.*

*This fact sheet should be read in conjunction with our fact sheets on the General Framework, Costs, Offers to Settle, Alternative Dispute Resolution, Statements of Truth and Disclosure.*