

# SMALL CLAIMS FACTSHEET

The Small Claims Track is a very much simplified form of Court proceedings for claims under £5,000. Many of the formal rules of procedure do not apply with the result that final hearing may often take place within as little as three months following issue.

## **Directions**

The amount of work that must be done in order to prepare the case for trial is very much less than in larger cases. Generally disclosure of relevant documentation to the Court and the Opponent is all that is necessary. However, in many cases it is desirable and/or ordered by the Court to serve brief witness statements from those directly involved in the dispute. Expert witnesses are not used in the Small Claims Track. All documentation must be filed and served at least 14 days before the final hearing.

## **Final Hearing/Trial**

One of the main features of the Small Claims Track is that the parties to the case are encouraged to appear for themselves at the final hearing without the need for legal representation. The hearing takes place in the District Judge's room and strict rules of evidence do not apply. The District Judge conducts the proceedings and asks each party in turn to put his side of the story then asks questions of the parties in order to clarify the evidence. No legal experience is necessary.

## **Costs**

As the parties generally appear for themselves the costs of complying with the directions and attending the final hearing are not recoverable by the successful party. Accordingly, each party to the case is responsible for his own legal charges regardless of whether he wins or loses.

The only costs recoverable are the Court fee and fixed costs on issue of the claim (by a successful Claimant or a Defendant successful on his Counterclaim). In very rare cases the Judge can award the costs against a party who has acted vexatiously.

## **Witness Expenses**

Witness expenses are sometime recoverable by the successful party at a rate of up to £50 per witness.