ORDER <<{dateFormat($nowUTC ,‘d MMMM yyyy’)} >>

**In the County Court at  
<<cs\_{writtenByJudge}>><<caseManagementLocation.venue\_name>><<else>> Online Civil Claims<<es\_>>  
  
<<judgeName>>**

Case number: << caseNumber>>



|  |  |  |
| --- | --- | --- |
| Parties | <<applicant1.partyName>> | Claimant |

<<cs\_{hasApplicant2=true}>>

|  |  |  |
| --- | --- | --- |
|  | <<applicant2.partyName>> | Claimant |

<<es\_>>

|  |  |  |
| --- | --- | --- |
|  | <<respondent1.partyName>> | Defendant |

<<cs\_{hasRespondent2=true}>>

|  |  |  |
| --- | --- | --- |
|  | <<respondent2.partyName>> | Defendant |

<<es\_>>

**Warning**

You must comply with the terms imposed upon you by this Order otherwise your claim or the defence of it is liable to be struck out or some other sanction imposed. If you cannot comply, you are expected to make a formal application to the Court before any deadline imposed upon you expires.

You are encouraged to try to settle the case with the other side. You may also contact the Small Claims Mediation Service to arrange a mediation appointment. The service is free and can be contacted on 01604 795 511.

**Judge’s recital**

1. <<sdoR2SmallClaimsJudgesRecital.input>>

**Allocation**

1. This claim is allocated to the Small Claims Track.

**Dispute Resolution Hearing**

1. The claim is listed for a Dispute Resolution Hearing before a District Judge on the date and at the time indicated on the Notice of Hearing which will follow separately.
2. A Dispute Resolution Hearing is a preliminary hearing for the purposes of Civil Procedure Rule 27.6.

**Legal representation for Dispute Resolution Hearing**

1. If a party is legally represented at the Dispute Resolution Hearing and the party is not also in attendance, they must have provided full instructions including as to settlement and be contactable so that meaningful negotiations can take place. Failure to have done so may result in the hearing being adjourned and a costs order being made against the party at fault.

**Judges powers at Dispute Resolution Hearing**

1. At the Dispute Resolution Hearing the Judge may:
2. Strike out the claim, the defence, and any counterclaim and/or defence to counterclaim if the court finds that the statement of case discloses no reasonable grounds for bringing or defending the claim or if it is considered a party has no real prospect of success at a final hearing.
3. If a party fails to provide a contact number for the hearing, fails to attend the hearing, or fails to comply with the directions set out in this Order, the court may strike out the claim, defence, and/or counterclaim.
4. Conduct mediation with the parties’ consent to assist the parties to reach an agreed resolution of the claim so the dispute can be resolved completely at the Dispute Resolution Hearing and/or identify the real issues in the dispute.
5. List any further hearing including final hearing and/or make an Order requiring the parties to take further steps prior to a further or final hearing and provide that if the same are not carried out, that the Statement of Case of any party in default will be struck out.
6. Make any other Order which the court considers appropriate.

<<cs\_{hasPaymentProtectionInsurance=true}>>

**Payment Protection Insurance (PPI)**

1. The Defendant(s) shall by <<sdoR2SmallClaimsPPI.ppiDate>> send to the Claimant(s):
2. A schedule of the following amounts itemised by dates:
3. PPI premium charged.
4. Commission receivable by the Defendant(s).
5. Rate of commission as a percentage of the premium charged.
6. Totals and average commission rates, in respect of the whole period to which the claim relates.
7. Contractual interest associated with each such premium charged.
8. A copy of the credit agreement.
9. A copy of the PPI policy application and agreement.
10. Any cancellation notices.
11. Any correspondent in connection with a complaint by the Claimant(s)
12. A copy of any correspondence as to redress if not included in (e).
13. The amount, if any, of redress (under the Financial Conduct Authority (FCA) scheme or otherwise) and the date it was paid.

**Parties shall endeavour to agree**

1. The parties shall endeavour to agree a calculation of the sums in issue and upload to the Digital Portal the agreed calculations. In default of agreement each party shall upload to the Digital Portal its own calculation not later than 7 days before any hearing. The calculation must show the amount which is intended to remove any unfairness from the relationship, broken down into:
2. The principle sum claimed.
3. The amount of contractual interest already paid on that sum.
4. The amount of discretionary interest sought under Section 69 County Courts Act 1984, if claimed, at rates of 1%, 2%, 4% and 8% per annum.

<<es\_>>

<<cs\_{hasWitnessStatement=true}>>

**Witness statements**

1. <<sdoR2SmallClaimsWitnessStatements.smallClaimsWitnessStatement.input1>>

<<cs\_{sdoR2SmallClaimsWitnessStatements.isRestricWitness=’Yes’}>>

1. Number of witnesses (Claimant): <<sdoR2SmallClaimsWitnessStatements.sdoR2SmallClaimsRestricWitness.numberOfWitnessesClaimant>>
2. Number of witnesses (Defendant):<<sdoR2SmallClaimsWitnessStatements.sdoR2SmallClaimsRestricWitness.numberOfWitnessesDefendant>>
3. <<sdoR2SmallClaimsWitnessStatements.sdoR2SmallClaimsRestricWitness.partIsCountedAsWitnessTxt>>

<<es\_>>

<<cs\_{sdoR2SmallClaimsWitnessStatements.isRestricPages=’Yes’}>>

1. <<sdoR2SmallClaimsWitnessStatements.sdoR2SmallClaimsRestrictPages.witnessShouldNotMoreThanTxt>>
2. Number of pages: <<sdoR2SmallClaimsWitnessStatements.sdoR2SmallClaimsRestrictPages.noOfPages>><<sdoR2SmallClaimsWitnessStatements.sdoR2SmallClaimsRestrictPages.fontDetails>>

<<es\_>>

1. A witness statement must:
2. start with the name of the case and the claim number.
3. state the full name and address of the witness.
4. set out the witness’ evidence clearly in numbered paragraphs on numbered pages.
5. end with this paragraph – ‘I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.’
6. be signed and dated by the witness.
7. If a witness is unable to read the statement, there must be a certificate stating that it has been read or interpreted to the witness by a suitably qualified person, and that there must be an independent interpreter at the final hearing who will not be provided by the Court.
8. The judge may refuse to allow a witness to give evidence or consider any statement of any witness whose statement has not been uploaded to the Digital Portal in accordance with the paragraphs above.
9. A witness whose statement has been uploaded in accordance with the above must attend the hearing. If they do not attend, it will be for the court to decide how much reliance, if any, to place on their evidence.

<<es\_>>

<<cs\_{hasUploadDocToggle=true}>>

**Upload of documents**

1. <<sdoR2SmallClaimsUploadDoc.sdoUploadOfDoccumentsTxt>>

<<es\_>>

<<cs\_{hasNewDirections=true}>>

**Add a new direction**

<<rs\_sdoR2SmallClaimsAddNewDirection>>

1. <<sdoR2SmallClaimsAddNewDirection.directionComment>>

<<es\_sdoR2AddNewDirection>>

<<es\_>>

<<cs\_{hasHearingToggle=true}>>

**Hearing**

<<cs\_{hasSdoR2HearingTrialWindow = false}>>

1. The hearing will take place on the first open date after <<{dateFormat(sdoR2SmallClaimsHearing.sdoR2SmallClaimsHearingFirstOpenDateAfter.listFrom, ‘dd MMMM yyyy’, ‘yyyy-MM-dd’)}>>.

<<es\_>>

<<cs\_{hasSdoR2HearingTrialWindow = true}>>

1. The hearing will take place between <<{dateFormat(sdoR2SmallClaimsHearing. sdoR2SmallClaimsHearingWindow.listFrom, ‘dd MMMM yyyy’, ‘yyyy-MM-dd’)}>> and <<{dateFormat(sdoR2SmallClaimsHearing. sdoR2SmallClaimsHearingWindow.dateTo, ‘dd MMMM yyyy’, ‘yyyy-MM-dd’)}>>.

<<es\_>>

1. The time allocated for the hearing is <<hearingTime>>. If either party considers that the time estimate is insufficient, they must inform the court within seven days of the date of this order.
2. The hearing will take place at <<hearingLocation.site\_name>>, <<hearingLocation.court\_address>> <<hearingLocation.postcode>>
3. The hearing will take place by <<smallClaimsMethod>>,

**Physical trial bundle**

<<cs\_{hasSdoR2SmallClaimsPhysicalTrialBundle = true}>>

1. <<sdoR2SmallClaimsPhysicalTrialBundleTxt>>

<<es\_>>

<<cs\_{hasSdoR2SmallClaimsPhysicalTrialBundle = false}>>

1. None

<<es\_>>

**Important notes**

1. <<sdoR2SmallClaimsImpNotes.text>><<{dateFormat(sdoR2SmallClaimsImpNotes.date, ‘dd MMMM yyyy’, ‘yyyy-MM-dd’)}>>