

## **Minutes of the Civil Procedure Rule Committee**

Friday 5th June 2020 (via video conference due to the Covid-19 Pandemic)

### **Members attending**

Lord Justice Coulson (Chair)

Mr Justice Birss

Mr Justice Kerr

His Honour Judge Jarman QC

His Honour Judge Bird

Master Cook

District Judge Parker

District Judge Cohen

Brett Dixon

Masood Ahmed

Richard Viney

John McQuater

Lizzie Iron

Dr Anja Lansbergen-Mills

David Marshall

### **Item 1 Apologies, Minutes, Action Log and Matters Arising**

1. No apologies were recorded.
2. The minutes of the meeting on the 15 May 2020 were approved as an accurate record, with one modification concerning the last sentence in the answer to public question number three, under item nine.
3. The Chair was pleased to advise that a collection of very positive feedback had been received from those who attended the annual open meeting last month, which demonstrates its value. Thanks were expressed to the Secretariat for successfully organising it at pace and in its adapted style, due to the constraints of remote working.
4. Updates were provided in relation to the following items on the Action Log:

- **AL(20)35 Legal Adviser Scheme CPR Part 73 – Unless Orders**

Katie Fowkes explained that the drafting was agreed at the last meeting, but in casting the final text, a drafting point was identified that required some wording to be reinstated. At the May meeting, the committee asked to remove some wording from 73.10(6B), to reduce the overall length of the provision. However, on reflection it was felt that the wording did serve a useful purpose. . The wording is the relocated current 73.7(4) and is the only wording that sets the time limit for applying for an extension of time. Without that wording, the ability to apply for a time extension is open-ended. The Chair agreed to this out of committee. The following drafting resolution was therefore **NOTED**:

“(6B) This paragraph applies where the judgment creditor has not complied with rule 73.7(1) or (2) and has not applied for an extension of time within the period specified by those subparagraphs (1) or (2) as appropriate, or has been granted an extension of time but has not met the extended time limit. In those circumstances, a legal adviser must –  
(a) order that unless...etc”

- **AL(20)37 Consequential changes re the 113<sup>th</sup> PD Update (Statements of Truth) CPR(20)27**

Alasdair Wallace presented the matter. The consequential amendments to PD7C, PD7E, PD15, PD16, PD22, PD31B, PD35, PD40D, concerning statements of truth have been revised in response to the decision of the May meeting, so that they operate by reference to PD22 (except for the Expert Witness Statement of Truth, which the committee agreed at the last meeting was a free-standing provision to be amended as it stands, and the Statement of Truth in the Electronic Documents Questionnaire, which is in effect a prescribed form.

The discussion highlighted that the tracked change proposal at PD15 para 2.2 was superfluous and accordingly it would be removed and the proposed para 2.3 would become para 2.2. This is because it is correctly cited at para 11.2 of the proposed PD16. Suitable reference to PD23A, being the PD dealing with applications should also be checked. PD51R & PD51S were also raised, whereupon it was noted that the Online Civil Money Claims (OCMC) Sub-Committee was due to meet to consider the point w/c 8 June and any changes were expected to be included in a standalone OCMC PD Update if there were sufficient changes to justify an update in addition to the forthcoming mainstream Update.

The consequential changes were **AGREED, subject to final drafting and the point above re PD51R & PD51S.**

**Action:** Drafting lawyers/Secretariat to include in upcoming mainstream PD Update.

- **LSC2019/38 Costs Tables 6 and 6A in CPR Part 45**

The Secretary explained that the resolution of the last meeting (in minutes at paragraph 25 (i)) was duly referred to Ministry of Justice (MoJ) Policy with the recommendation to remove the words, '*but not more than £25,000*' from the headings of the second columns of Tables 6 and 6A in CPR Part 45, and has been agreed.

**Action:** Secretariat/Drafting Lawyers to include in the upcoming set of rule changes as part of the October 2020 common commencement cycle.

## **Item 2 Requests for Evidence following Brexit: Proposed amendments to CPR Part 34.17 & PD34A Paragraph 6, and new Annex B. CPR(20)26**

5. Senior Master Fontaine was welcomed to the meeting and introduced the item, explaining that it was last before the committee in March. At that meeting it was resolved to agree the changes in principle and for the MoJ to clarify its view on the position concerning any potential loss of court fee income because generally fees are not charged under the Hague Convention. The MoJ has confirmed that they have no objection to the proposal and this was duly **NOTED**.
6. The changes were necessary to provide for the processing of evidence from across the European Union, post Brexit. The amendments will put into effect a new process whereby the procedure under certain provisions governed by CPR Part 34 are discretionary rather than mandatory, but where that procedure is not followed, requests for evidence are to be made using the Hague Evidence Convention model form, where the application is made from a Hague Evidence Convention member. Similar amendments are required to PD34A. A discussion ensued, during which various questions were answered and Alasdair Wallace explained which elements would automatically fall as a result of the Brexit Regulations and which changes were proposed for inclusion in the upcoming mainstream CPR SI/PD Update.
7. In reviewing the drafting, it was **AGREED** to add, 'and may be made without notice.' to the new r.34.17(1) and to insert the word, 'notice' after, 'application', in r.34.17(2)(a).

8. It followed that, the proposed amendments to CPR Part 34.16, 34.17 & PD34A Paragraph 6, were **AGREED subject to final drafting**. A copy of the Hague Convention model form due to become the new Annex B, when the existing Annexes B and C are deleted following the implementation date under the European Union (Withdrawal Agreement) Act 2020, was placed before the committee and accordingly **NOTED**.

**Action:** Drafting Lawyers/Secretariat to include rule and PD changes in upcoming SI/PD Update respectively.

### Item 3 Covid-19, Recovery and related matters:

9. The Chair opened the item by referring to developments since the last meeting. The Master of the Rolls had convened a cross discipline working group, judiciary-led and including MoJ, HMCTS and Ministry of Housing, Communities and Local Government (MHCLG) officials, legal professionals and the advice sector. The group has been carefully working through the issues relating to the stay on possession proceedings and the eventual resumption of possession cases. The CPRC's Housing Sub-Committee has also been involved, for which thanks were expressed.
10. The Chair drew members' attention to the Lord Chancellor's Notice under s.3A of the Civil Procedure Act 1997 which had been issued on 04 June 2020. It set out that the Lord Chancellor thought it expedient that the Committee include provision in the rules that would extend the current stay on possession proceedings imposed by PD51Z as a consequence of the Covid-19 Pandemic for a period of eight weeks and to address points of detail that have arisen during the course of the operation of the pilot PD51Z.
11. A discussion ensued in which it was noted that, given the nature of the Lord Chancellor's s.3A Notice and the exceptional time constraints involved, consultation was not required. Consequently, it was **AGREED** that an emergency rule change should be introduced to temporarily amend CPR Part 55 to stay all possession proceedings brought under this Part and all enforcement proceedings by way of writ or warrant of possession. The intention being to avoid any gap in the operation of the stay on possession proceedings and accordingly it will come into force on Thursday 25 June 2020, for eight weeks and expire on 23 August 2020. **Post Meeting Note:** The Civil Procedure (Amendment No.2) (Coronavirus) Rules 2020 was duly laid before Parliament on 10 June 2020 to come into force on 25 June 2020.
12. Mr Justice Birss and His Honour Judge Lethem explained the connecting work of the Housing Sub-Committee and it was recommended that PD51Z should also be clarified in two respects: (i) during the stay, courts are not required to give any notice to parties and (ii) time limits will not run during the stay; the PD will cease to have effect on 25 June 2020 when the new rule (above) comes into effect and this was **AGREED**. **Post Meeting Note:** The Amending PD came into force on 10 June 2020.
13. **Actions:** (i) Drafting Lawyers, Secretariat and Officials to complete the necessary administrative steps to introduce the Amending PD forthwith and, subject to the Lord Chancellor's concurrence, facilitate smooth passage of the SI for laying before Parliament at the easiest opportunity to meet the above commencement date (ii) Secretary to allocate time at the July meeting for any further work required (iii) Secretary to plan in an item for a post Covid related review of all associated PDs and for consideration as to whether an *emergency measures* rule should be included in a future CPR update (iv) Alasdair Wallace to update FPRC for any parallels.
14. The discussion then moved to consider further feedback and proposals in relation to PD51ZA concerning extension of time limits. District Judge Parker presented the matter, providing personal insight from his experiences during the pandemic with frontline county

court work. He had also canvassed the views of DJ and CJ colleagues across the cluster/circuit, as well as the national committee of the Association of HM District Judges. The issues were discussed in some detail, which ventilated mixed views. District Judge Cohen highlighted the need to also consider the impact of the public health crisis on r.28.4(1)(b) concerning the variation of case management timetables for Fast Track trials.

15. The Chair reiterated that the fundamental point of the extent to which time limitations were extended in response to the pandemic was one which the senior judiciary and operational and policy colleagues had considered in the early stages of the crisis. However, it was acknowledged that, with the passage of time, practical differences between the High Court and county court were emerging (not least due to the extent to which digital filing is in place across the High Court). Therefore, there may be merit in reviewing this at a national level and to assess whether introducing further changes in this regard is a proportionate response. To that end, MoJ and HMCTS Policy were asked for a rapid response to the points. If needs be, further out of committee work can be undertaken. The Chair also spoke of the context going forward into the recovery phase and having a consistent message overall.
16. **Actions:** MoJ Policy and HMCTS HQ to review and respond to DJ Parker's proposals and the related points as soon as possible and in any event before the next meeting.

#### **Item 4 Admiralty Assessors in the Court of Appeal: Amendments to PD52C. CPR(20)21**

17. Andrew Currans presented the item. Essentially the intention was to produce a simplified procedure, refining the 1965 Practice Direction and adding an additional paragraph to PD52C. This would provide for the practice of appointing assessors from both Trinity House and The Honourable Company of Master Mariners when the Court of Appeal deals with cases involving issues of navigation or seamanship. The opportunity had also been taken to bring the procedure up to date generally. Mr Justice Teare (Judge in Charge of the Admiralty Court) had been consulted and that he was content with the proposals. Drafting lawyers were conscious that this is a specialist area and as such it was important that the proposed changes did not cut across the Court of Appeal's own, existing process. The proposals were discussed and **AGREED, subject to final drafting and incorporation of the following points:**
18. The location of sub paragraph (1) is to be by way of a new paragraph 26B in Section VI – Management of the Appeal. Sub paragraph (1) does not need any further text to clarify that the Court of Appeal will (unless otherwise ordered) be assisted where assessors assisted at first instance, because as Teare J had advised, it was thought difficult to envisage circumstances in which the Court of Appeal would use assessors where they had not assisted the Admiralty Court.
19. The addition of a separate sub-paragraph to define the term, "court officer" as someone assigned to the Civil Appeals Office authorised to exercise the jurisdiction of the Court of Appeal under r.52.24 was considered beneficial, particularly if that avoided the need to repeatedly refer to the power under which the court officers are authorised.
20. Cross referencing of PD52C within CPR Part 35.15 was not considered necessary, because there is already an established practice as to how assessors are used in the Court of Appeal and *Bow Spring* [2004] EWCA Civ 1007 ensures that it is Article 6 compliant; and the fees of Admiralty assessors are addressed in a separate PD. Moreover, the new paragraph 34(2) addresses the skill and experience criteria in rule 35.15(2). However, a cross reference was deemed appropriate in CPR Part 63.13.
21. **Action:** Drafting Lawyers/Secretariat to include rule and PD changes in upcoming SI/PD Update respectively.

## Item 5 Contempt Sub-Committee CPR(20)25

22. The item was introduced by the Chair with thanks to Mr Justice Kerr, his sub-committee and officials for producing such a significant piece of work at a time of increased challenge. This was an area of the CPR for which reform was well overdue and eagerly awaited. As such, it was his firm view that the changes should be included in the summer SI, otherwise implementation would likely be delayed until Spring 2021.
23. Kerr J provided an overview of the public consultation responses, which were before the meeting in their entirety and which the sub-committee had considered in detail as part of the final draft proposals being presented. The consultation ran from 9 March 2020 to 01 May 2020. 16 responses were received: seven from legal professionals and five from judges or magistracy, one member of the public and one legal publisher. The Family Procedure Rule Committee (FPRC) responded in detail and were generally supportive. They did recommend an accompanying PD, but the aim was for the new Part 81 to codify and replace other sources, so that everything is, as far as possible, in one place. The FPRC's points in relation to Bench Warrants at r.81.7, were adopted. Overall, the consultation responses were supportive and in favour of a chronological approach to rule 81.4, which meant that the redraft did not need any major changes. However, some valid points, for example sentencing options in rule 81.9 were well made.
24. The proposed new Part 81 codifies procedural rules on contempt of court for all types of contempt in the CPR jurisdictions and is intended to replace the current Part 81, reducing it from 38 rules to 10. It is also intended to supersede and absorb the two PDs (one from the then Lord Chief Justice) and a Practice Guidance (PG) document (also from the LCJ) - the latter two documents being subject to the Lord Chief Justice's concurrence. A radical reduction in the number of forms, from 24 to four, was also proposed.
25. The proposed re-draft was then reviewed and discussed in detail. DJ Cohen's work on the forms aspect was also discussed. The overriding view was that the reforms should not be held up if forms could not be produced in time. They could be issued thereafter, as soon as they were ready. Given the decision to introduce a new suite of bespoke forms, it was viewed reasonable to remove the current contempt forms from PD4 (many of which were already out of date or fallen into disuse) but to remain accessible for use in the interim.
26. Katie Fowkes raised the need for drafting lawyers to conduct the usual check for any consequential and highlighted that, as the previous PDs and PG had not been subject to JCSI scrutiny, the final drafting (particularly where their content had been adopted within the revised Part 81) would need to be carefully reviewed prior to incorporation in the statutory instrument.
27. The re-drafted CPR Part 81 was **AGREED, subject to final drafting and incorporation of the following points:**
28. The terminology preference at r.81.2, was, on balance found to be, 'claimant' and 'defendant', because the important feature was the party who is subject to the contempt proceedings and, 'defendant' was a universally understood term, which also emphasised the importance of the proceedings.
- r.81.3(1) - remove the word, 'notice' before, '...under Part 23...'
  - r.81.3(4) - remove the duplicated, 'and'
  - r.81.3(5) - be re-drafted

- r.8.14 - keep as drafted but recast sentence with '[ ]' to improve it and swop sub paragraphs (j) and (k) to denote the order in which the issues arise.
- r.81.7 - should include express reference to Bench Warrants.
- r.81.9(3) - replace, 'and warrant...' with, 'or warrant...'
- where drafting includes more than two sentences in one provision, they should be recast.
- any outstanding matters to be determined out of committee.

29. **Actions:** (i) Kerr J provide final drafting to Secretary and MoJ lawyers for incorporation into the upcoming SI (ii) Sub-Committee and officials to produce bespoke forms, if possible in time to be released with the revised rules (iii) Secretariat to record need to update PD4 with new forms in a subsequent PD Update cycle.

### **Item 6 Commission for Justice in Wales CPR(20)22**

30. The Chair noted, with thanks, the attendance of the MoJ's Justice Devolution lead official. His Honour Judge Jarman QC then presented the item.
31. The proposal forms one of the 78 recommendations of the Commission's extensive, evidence based report which was published in the autumn of 2019. At the April CPRC meeting, it was agreed in principle that the CPR be amended to make it compulsory for all claims involving a challenge to the lawfulness of a decision of a Welsh public authority to be issued and heard in Wales. If agreed for inclusion in the next set of CPR changes in Autumn, it would be the first of the Commission's recommendations to be introduced.
32. HHJ Jarman explained that since then, he had been in further discussion with drafting lawyers and lawyers from the Welsh Government. He had also liaised with HMCTS Administrative Court officers in both Wales and England with practical experience of the current PD54D *mindes to transfer* provisions. It was noteworthy that the Commission's report cited that the majority of such cases are not transferred. MoJ Policy have also been provided copies of the draft proposals. Essentially the drafting reflects the wording in the Commission's report.
33. HHJ Jarman considered whether to simply amend PD54D. However, it was noted that it only deals with the venue for Administrative Court cases and the recommendation is not limited to such cases. In principle, it was felt that there is no distinction between such cases and cases which involve a challenge to the lawfulness of the decisions of Welsh public bodies in other courts. Examples being challenges under Part 6 of the Equality Act 2010 to the decision of a Welsh local authority with regard to pupil admissions, or appeals on a point of law against decisions of housing authorities relating to homelessness under section 88 of the Housing Wales Act 2014. The county court has jurisdiction in respect of these and other challenges to the lawfulness of the decisions of Welsh public bodies. The conclusion, therefore, was to propose that the rules themselves should be amended and in doing so it would better recognise the importance of the matter.
34. HHJ Jarman continued by explaining that the report noted that some claims must be issued and heard in the RCJ even though they involve challenges to decisions of public bodies made outside London, such as challenges to decisions of Coroners. As such, it would seem appropriate to make the provision subject to any enactment, rule of practice direction which requires otherwise.
35. Turning to the proposed drafting, consideration had been given to whether any of the wording needs definition or explanation, but HHJ Jarman concluded that it is adequately

clear and that such efforts are likely to hinder rather than to help. The report also suggested that provision be made for Administrative Court cases to be issued in North Wales. At present the only office in Wales is in Cardiff. However, in practice, hearings are almost invariably listed to be heard at a venue in Wales which has the closest connection to the subject matter. It is not thought that such provision is a matter for the Committee.

36. The natural home of such a provision was discussed and whether it should be in CPR Part 7 or Part 54 which deals with Judicial Reviews. Part 7.1 deals with where to start a claim and refers generally to restrictions as to where proceedings may be issued and the PDs supplementing that Part deal with such matters as the level of court for certain types of cases. The proposed new provision could be inserted at Part 7.1A. By doing so, it would serve to promote clarity by appearing early on in the rules in the Part which deals with starting a claim and as PD54D already included the *mindes to transfer* provision, a specific transitional provision was unlikely to be necessary. It was **AGREED that:**

- (i) CPR Part 7.1 would be amended by way of new paragraphs 7.1A and 7.1B as drafted, subject to additional punctuation in the first line to read, '*Unless required by any enactment, rule or practice direction, any claim against Welsh public bodies...*' and the removal of the words, '*office*' and, '*claim*' preceding, '*..centre in England..*' in the first sentence, so as to read, '*If a court or centre in England...*'
- (ii) The PD supplementing Part 54 is agreed as drafted, subject to the words, '*The following provisions are...*' be replaced with, '*This Practice Direction is...*' at the start of paragraph 1.3.

37. **Action:** Drafting Lawyers/Secretariat to include rule and PD changes in upcoming SI/PD Update respectively.

#### **Item 7 Pilot Practice Directions due for review:**

##### **PD51U The Business & Property Courts Disclosure Pilot CPR(20)23**

38. Mr Justice Birss opened the item by explaining that the two-year pilot scheme came into force in October 2018, with the pilot itself starting on 1st January 2019 and was due to expire on 31 December this year. The proposal was to extend the pilot for a further year, with continuing monitoring to be overseen by the Disclosure Pilot Working Group. This is supported by the MR and Lord Justice Flaux, who has succeeded Dame Elizabeth Gloster as Chair of the Working Group.

39. The Pilot has had detailed coverage in the legal press in the 18 months since its launch. It has also been the subject of further judicial guidance on common issues of concern. The emphasis remains the fact that the pilot was '*intended to effect a culture change*' and this has not yet had time to bed in, not least because of the long period of time between the preparatory stages of a claim in the Business & Property Courts and the trial itself, and the fact that many cases settle before they reach that stage. However, indications are that, although slow, the approach is beginning to change.

40. The Chair observed that, particularly with a pilot concerning disclosure, it does indeed take time for it to bed in and to assess how the scheme is operating. Master Dagnall observed that the Chancellor's two decisions had been helpful. The Chair continued, by placing on record, that he has received a letter from a stakeholder following the topic being aired at the May open meeting providing an overview of their practical experience of the pilot and this was **NOTED**.

41. The discussion concluded with the view that there was merit in continuing with the scheme in a pilot form at this stage, whereupon it was **AGREED** to extend PD51U for another year, until 31 December 2021.

42. The Chair concluded by saying that the mere fact that the Pilot is being extended can not endorse the success or otherwise of the scheme.
43. **Actions:** (i) Drafting lawyers/Secretariat to include in mainstream summer PD Update (ii) Judicial Office & MoJ Officials to prepare report for CPRC in time to review the pilot before its extended deadline and in any event, before the June 2021 CPRC meeting.

**The Business & Property Courts: PD51M Financial Markets Test Case, PD51P Insolvency Express Trials Pilot and PD51W Capped Costs Pilot CPR(20)24**

44. Birss J opened the item and each Pilot was discussed in turn:
45. **PD51W Capped Costs Pilot** is a voluntary pilot that was launched on 14 January 2019 for a period of two years. It is limited to cases valued up to £250,000 in the Business & Property Courts in Manchester, Leeds and the London Circuit Commercial Court. It was a recommendation of the Jackson Report in July 2017, and part of an effort to extend fixed recoverable costs in civil cases. Only one case has been heard under this pilot (*Faiz v Burnley Borough Council [2020] EWHC 407 (Ch)* at Manchester) in February 2020.
46. **PD51P Insolvency Express Trials Pilot** was launched on 1 April 2016. It was designed to deal with simple applications to the Insolvency and Company Courts Judges (ICCJs), which could be disposed of in under two days with limited directions, as opposed to case management, limited disclosure and where the costs of each party would not exceed £75,000. No cases have been heard under this pilot.
47. Although the aims of both the Capped Costs and Insolvency Express Trials Pilots are laudable, because both are examples of efforts to increase the accessibility of the Business & Property Courts, the reality is that they had not captured the imagination of courts users. Following consultation with the Chancellor's office it was not considered fruitful to extend them any further. Nonetheless, it was acknowledged that the broad aims remain as current as ever and the need for schemes of this kind for the efficient despatch of medium value claims, whether as pilots or not, will continue to be considered in the context of post Covid-19 recovery and new ways of conducting business litigation.
48. It was **AGREED** that neither PD51W nor PD51P would be extended and accordingly **both pilot schemes will expire. Action:** Drafting lawyers & Secretariat to note.
49. **PD51M Financial Markets Test Case** was launched on 1 October 2015. It operates in the Financial List (CPR Part 63A) under PD51M. It provides a mechanism for the court to grant declaratory relief in a 'friendly action', to help resolve market issues where authoritative English law guidance is needed, and without there being a present cause of action between the parties. The pilot was to run for two years, but when this was considered at the CPRC on 5 May 2017, no case had been commenced under the pilot, but there had been one matter which had been seriously considering using the scheme. This demonstrated the importance of the scheme being available even if it was not ultimately used. It also indicated that the then scope of the scheme was too narrow. The Committee decided to expand the scope of the scheme's jurisdiction to make it co-extensive with the Financial List itself, and to extend the pilot for a further three years. It is currently due to expire on 30 September 2020.
50. It remains the position that no case has actually been commenced under the pilot. Nevertheless, the discussion acknowledged that it did not necessarily need to be used to be of value. Indeed, it was never expected to be a scheme with high volume use, but was nonetheless of utility.



51. One of the aims of the pilot is to support the work of the Financial List to uphold London's position as a global leader in efficient, specialist, and high quality financial dispute resolution. It was felt that this was becoming ever more important in a post Brexit landscape as well as a need for financial institutions to be able to seek answers to questions raised by the impact of the Covid-19 pandemic.
52. It was **AGREED** to import the pilot PD into the rules as a mainstream PD under CPR Part 63A. **Action:** Drafting lawyers to work with Birss J to settle drafting for inclusion in the summer PD Update cycle.

#### **PD51X Costs for Summary Assessment Pilot**

53. Birss J explained that the electronic costs Bill for Detailed Assessment was part of the Jackson Reforms and, therefore, the same principle was adopted for this, Summary Assessment Pilot. It was last considered by the CPRC in November 2018 and came into force by way of the 104<sup>th</sup> PD Update on 01 April 2019. It is due to expire on 31 March 2021. Some customer feedback has recently been collated which needs to be further evaluated. Following a brief discussion, it was **AGREED** that the matter would return to the December meeting for determination. **Actions:** (i) Secretariat to programme in for 04 December 2020. (ii) Lead official to be identified and liaise with Birss J.

#### **PD51V Video Hearings Pilot**

54. The Chair explained that, given the wider issue concerning future use of remote hearings, post Covid, was still unclear, HMCTS has not formally requested that this pilot be extended at this stage. The Pilot's evaluation is due next month. However, given the need to determine the position in time for the imminent PD Update cycle, it was **RESOLVED** to extend the Pilot until 31 March 2021 and a fuller report to be provided to the Committee to consider at the December meeting. **Actions:** (i) Secretariat/Drafting Lawyers to include in the summer PD Update. (ii) HMCTS to provide a report and recommendation to the CPRC to consider at its meeting on 04 December 2020.

#### **Item 8 Any Other Business:**

##### **Summer SI/PD Update: confirmation of timetable and items for inclusion**

55. The Secretary confirmed that as this was the last meeting for items to be included in the "summer update" for rule changes to be effective from 01 October 2020, the plan was to complete the drafting for members' approval in the next few weeks in readiness for the SI to be laid before Parliament in mid-July 2020, at which point the usual communications would be issued to provide stakeholders and court users with as much notice of the changes as possible.
56. Katie Fowkes raised one further item for inclusion in the PD Update, concerning defunct references to the Legal Services Commission in the MCOL PD, which was **AGREED**. Ms Fowkes also advised that drafting lawyers will, additionally, need to identify any other non-urgent consequential items for inclusion in a subsequent PD Update/s.
57. HHJ Bird raised whether the PD Update would include an update to PD51S to reflect the new link to the website that hosts "the County Court Online" (<https://www.moneyclaim-legal.platform.hmcts.net/>). It was confirmed that, unless a standalone PD Update covering other OCMC related items was produced before the mainstream summer Update, then it would. But, in the interim, a communication detailing the new link was issued some time ago and uploaded to the on-line rules home page.

58. **Action:** Secretariat and Drafting lawyers to produce the final SI and PD Update etc to meet the timetable in accordance with the July laying date and October common commencement cycle.

### **Webinar Event re PD51S**

59. Birss J fed back on a webinar event in which he, HHJ Bird and Brett Dixon participated, on 28 May, relating to the unspecified claims project. It was a joint sub-committee and HMCTS effort to let users know about the newly opened up ability to issue unspecified/PI claims online under PD51S and to explain future plans. Overall, it appears to have been very successful and may be a potential model for future use as a means of engaging directly with a large number of people regarding future rule changes. Thanks were expressed to Brett Dixon for suggesting the idea and for his support in facilitating it. Around 360 participants joined the event with many more signing up afterwards to view online later.
60. The Chair suggested that this may be an option for communicating the Part 81 changes.  
**Action:** Secretariat to investigate.

### **Welsh Translations of court forms AL(19)86**

61. In response to HHJ Jarman's question concerning the production of Welsh court forms, N5B Wales and N11B Wales, the Chair requested action within the next two weeks or an explanation to be provided at the next meeting by the responsible official from the Translation Service. **Action:** Secretary to make further enquires and report back. **Post Meeting Note:** Apologies and explanation received from the Welsh Language Team; translated forms received and issued on 18 June 2020.

### **Deeds Poll AL(20)03**

62. Master Cook advised that a meeting was due to take place between colleagues in the Civil and Family jurisdictions in the next couple of weeks, which Peter Farr of the MoJ had kindly facilitated. The matter was, therefore, progressing and would be ready to return to the CPRC in due course.

C B POOLE  
June 2020

#### **Attendees:**

Nicola Critchley, Civil Justice Council  
Carl Poole, Rule Committee Secretary  
Amrita Dhaliwal, Ministry of Justice  
Alasdair Wallace, Government Legal Department  
Katie Fowkes, Government Legal Department  
Andy Currans, Government Legal Department  
Andy Caton, Judicial Office  
Faye Whates, HM Courts & Tribunals Service  
His Honour Judge Lethem  
Master Dagnall  
Senior Master Fontaine (for Item 2)  
Robert Wright, Ministry of Justice (for Item 3)  
Guy Skelton, Ministry of Housing, Communities & Local Government (for Item 3)  
Rebecca Perks, Ministry of Housing, Communities & Local Government (for Item 3)  
Geraint Davies, Ministry of Justice (for Item 6)  
Andrea Dowsett, Judicial Office (for Item 7)