

## Approved

### Minutes of the Civil Procedure Rule Committee

Friday 3<sup>rd</sup> February 2023, conducted in a remote format via video conference.

#### Members attending

Lord Justice Birss (Chair)  
Mr Justice Kerr (Items 1 – 9)  
Mr Justice Trower  
Master Cook  
His Honour Judge Jarman KC  
His Honour Judge Bird  
District Judge Clarke  
David Marshall  
Dr Anja Lansbergen-Mills  
Isabel Hitching KC  
Tom Montagu-Smith KC  
Virginia Jones  
Ben Roe  
Ian Curtis-Nye

#### Apologies

District Judge Simon Middleton (Item 4), Angela Carpenter, HM Courts and Tribunals Service (Item 5), Senior Master Fontaine (Item 10), Katie Fowkes (Government Legal Department).

#### Item 1 Welcome and Introductory Remarks

1. The Chair welcomed everyone to the meeting, which was being conducted in a fully remote format due to Industrial Action on the rail network. The indicative arrangements in support of Dr Anja Lansbergen-Mills' upcoming maternity leave were duly **NOTED** and to whom congratulations were relayed.
2. **Minutes:** The minutes of the meeting on 2<sup>nd</sup> December 2022 were **AGREED**.
3. **Action Log:** The following topics were duly **NOTED**:
  - **AL(21)107 - Part 52 Appeals and ASBI work – THANKS** were conveyed to His Honour Judge Bird for the related work, which is progressing following consultation with the Supreme Court. Before the matter returns, consultation with the Court of Appeal is ongoing. **Action:** Chair

#### Item 2 Service Sub-Committee: Outline Works Programme CPR(23)01

4. Tom Montagu-Smith KC presented the matter.
5. Thanks were expressed to Master Cook for his valuable input in framing the outline works programme. This follows the successful completion of the Sub-Committee's first project, which concerned the gateways for service out of the jurisdiction.
6. The outline works plan, which was discussed and praised, proposes the following four core areas for review:

- promoting modern means of service: as drafted, the Rules permit service by electronic means, but as an exception, rather than by default. The Sub-Committee consider this to be a priority area;
  - facilitating service on foreign parties trading in England and Wales;
  - service on solicitors or other agents;
  - simplification and clarification.
7. It was **NOTED** that:
- consultation will be required before final recommendations can be made, because the proposals to change the service rules will likely be of importance to many court users and may provoke a wide range of views;
  - MoJ have provided some initial views, out of committee, which were received with thanks. In particular, highlighting the need to consider digitally excluded users, the interaction with digital reforms and engagement with HMCTS IT generally and with other government departments, for example in relation to the issue of service on virtual companies who do not have a registered address in the UK.
8. It was **RESOLVED**:
- to **approve** the works programme;
  - the first project is to concentrate on modern means of service and the related overlapping aspects as regards the structure of the Rules and PDs;
  - membership of the Sub-Committee to be reviewed, so as to include a wider range of experience. His Honour Judge Bird volunteered and was duly **APPOINTED** and David Hamilton will represent MoJ Policy. **Post Meeting Note:** Mr Justice Richard Smith and Chief Insolvency and Companies Court (ICC) Judge Briggs have been **APPOINTED** to the Sub-Committee.
9. **Action:** Tom Montagu-Smith KC/David Hamilton to keep the Secretariat apprised for programming purposes.

### **Item 3 National Security Bill CPR(23)02**

10. Peter Farr (MoJ Policy) was welcomed to the meeting and presented the matter. This follows the update provided by MoJ Legal at the last meeting.
11. The National Security Bill is currently making its way through Parliament and is being debated in the House of Lords, as such, it is subject to change. However, the current civil damages provisions in the Bill were explained and duly **NOTED**. Clauses 84-87 contain measures that mean courts can be formally required to consider whether to reduce or withhold damages awarded, when they find for the claimant in a national security claim, where the claimant's own wrongdoing of a terrorist nature should be taken into account.
12. Current thinking was, subject to the outcomes of the current consultation on Part 23 generally, that amendments may be required to PD 23B Applications under specific Statutes. However, an alternative approach is to consider Part 49 Specialist Proceedings, or amendments to the CPR Parts which currently focus on counter-terrorism related provisions, namely, Parts 79 and 80.
13. It was **NOTED** that:

- Royal Assent is provisionally anticipated to be later this year, depending on the demands of the overall legislative programme. At this stage, purely for work planning purposes, it may be that the necessary CPR provisions would be included in the October 2023 in-force cycle;
  - the legislation will apply to the whole of the UK (National security being a reserved function and claims against the UK intelligence services may be brought in any of the UK's legal jurisdictions). MoJ are therefore in contact with the relevant authorities in Scotland and Northern Ireland for the equivalent changes to rules of court, in those jurisdictions.
14. It was **RESOLVED in principle** to form a Sub-Committee, in due course, to consider the drafting required to implement the necessary CPR provisions.
15. **Actions:** In liaison with Drafting Lawyers and the Secretariat, MoJ Policy to (i) keep the Secretariat apprised for programming purposes and (ii) provide an update for the Chair following Reports stage (Lords) circa March 2023.

#### **Item 4 Extending Fixed Recoverable Costs CPR(23)03**

16. The Chair made some brief introductory remarks to express how impressed he was with the amount of work being done by all concerned.
17. Mr Justice Trower introduced the matter and provided a report on progress since the December meeting, which was discussed. Andrew Parker, co-opted member of the Sub-Committee, contributed to the discussion, as did Robert Wright (MoJ Policy) and MoJ Legal.
18. The complex topic concerning updating the FRC tables of costs for inflation was of particular interest. Various views were expressed and discussed in detail, which further illustrated the diversity of the civil jurisdiction and in turn, the associated policy and drafting challenges, particularly in the current economic landscape. Currently, the tables are contained within the substantive rules at Part 45, which can make the rules particularly congested. The two principal options considered were whether it is possible to follow a similar practice to that of court forms, whereby they (the tables) are available online, or whether there is benefit in including them in a PD. However, the need to retain old rates where they are still relevant, as well as the new rates, presents the same issues of length and complexity for a PD, as it does by containing the tables in the substantive rules, albeit that PDs can be amended with more flexibility, because they do not require Parliamentary time. Whereas the substantive rules, which are made through secondary legislation, do. The position as to vires was also ventilated and the options explained and **NOTED**. It was **AGREED IN PRINCIPLE**, subject to any further MoJ legal and policy advice, to produce a drafting proposal which provides an operative provision (whether in rule or PD) which provides the initial figures. The intention being that those figures could then be published online and updated at regular intervals, as an editorial exercise, but only after the CPRC has considered the updated figures and they have been approved.
19. Disclosure and its application within the Intermediate Track are also complex issues, which attracted lengthy discussion. The drafting is still being considered, as is the request from the District Bench for appropriate guidance. Attention was drawn to MoJ's response to *Jackson*. Robert Wright acknowledged that the policy has evolved since then and the position may merit further consideration. The Chair observed that the current task may have to be contained, at this stage, given the time available. If so, the drafting solution may be limited to providing the most practical approach possible to adopt the concept of standard disclosure consistently, leaving the wider issues concerning disclosure for future consideration.

20. It was **NOTED** that:

- the Government has already announced a two year delay in the implementation of FRC for legal aid housing possession claims. It has now been decided to extend the scope of the carve out and delay the implementation of FRC for all relevant housing claims for two years from October 2023, pending further work. This will allow time to determine the impacts of wider developments and what, if any, targeted policy responses are needed in relation to the way in which housing cases are covered by FRC. The wording of the housing exclusion is still being finalised;
- a significant number of small consequential amendments are being assembled. The Sub-Committee has not yet considered them, but plans to do so once Parts 26, 28, and 45 are in their final approved form;
- no further changes had been made to Practice Direction 26;

21. It was **RESOLVED to agree in principle, subject to final drafting**, the further amendments made to:

- Part 26 Case Management – Preliminary Stage. This includes (i) settled drafting for the exclusionary definition relating to actions against the police. The challenges of this task were acknowledged. On balance, the definition is considered to best capture the policy intention; (ii) references to jury trials have been separated out as a separate exclusion from FRC;
- Part 28 Fast Track;
- Practice Direction 28, subject to ongoing consideration of the wording for the normal disclosure directions to be given in Intermediate Track cases;
- Part 45 Fixed Costs.

22. The reformed Part 36 Offers to Settle was presented for the first time. It includes changes regarding the extension of FRC to both the Fast Track, generally, and the Intermediate Track. The amendments were **AGREED IN PRINCIPLE, subject to final drafting**.

23. The implementation timetable remains as October 2023, with the aim of publishing the reforms well in advance.

24. **Actions:** (i) All to provide any drafting comments, out of committee, direct to Trower J/Robert Wright/Andrew Currans; (ii) In liaison with the Sub-Committee, Drafting lawyers and MoJ Policy to produce a drafting proposal in relation to uprating for inflation, in response to the steer provided above; (iii) Secretariat to allocate sufficient time in future agendas for the matter to return.

#### **Item 5 Applications for Certified Enforcement Agents in the North West Region: proposed amendments to PD 84 CPR(23)04**

25. Faye Whates (HMCTS) was welcomed to the meeting and presented the matter.

26. It was explained that, with the consent of His Honour Judge Graham Wood KC (Designated Civil Judge for Cheshire and Merseyside) it has been decided that hearing requests to issue and reissue Enforcement Agent certificates will be handled by a Liverpool based Judge and not a Birkenhead based Judge. This decision was made in the interests of manging resources to best effect and was introduced, locally, with effect from 7th January 2023.

27. Until the CPR can be updated, the County Court Business Centre which receives new applications and maintains the public Register, will update the Register to state that the County Court at Birkenhead is sitting at Liverpool. All new applications are now being sent to the County Court at Liverpool for hearing.
28. It was **NOTED** that key stakeholders have been duly informed and actions to mitigate impacts for operational issues, including any outstanding complaints and the management of existing certificates, are underway to ensure a smooth transition.
29. CPR 84.18(3) provides that the application must specify one of the County Court hearing centres listed in PD 84, as the centre at which the application is to be heard. In consequence, a modest amendment to the list of court centres in PD 84 was proposed to reflect the transfer of work from Birkenhead to Liverpool.
30. The discussion ventilated an alternative drafting option in the interests of broader simplicity and brevity, however, the opportunity had not been available to consider any wider implications. Accordingly, in the interests of avoiding unintended consequences, it was **RESOLVED:**
- not to advance any further reforms at this stage. The position could be revisited as part of the s.2(7) Sub-Committee's review of Part 84 in due course;
  - **approve the amendment to the list in PD 84**, by substituting, "Birkenhead" with "Liverpool", subject to the usual review for any consequential changes elsewhere in the CPR. The amendment was not considered to be of sufficient urgency as to merit a standalone PD Update and as such, it will be assigned to the next mainstream Update cycle, planned for summer 2023;
  - **approve, in principle, the consequential amendments to Form EAC1**. Said revisions can be considered by the Forms Sub-Committee, out of committee, in the usual way.
31. **Actions:** (i) Drafting Lawyers and Secretariat to incorporate into the next mainstream PD Update as part of the summer 2023 cycle (ii) HMCTS to prepare the necessary form revisions and send to the Secretariat when ready.

#### **Item 6 RTA Small Claims Pre-Action Protocol (PAP) and PD 27B CPR(23)05**

32. His Honour Judge Bird introduced the matter. Co-opted members of the Sub-Committee, Andrew Parker and Nicola Critchley, were welcomed to the meeting.
33. Rachel Powell (MoJ) explained that approval was sought for a suite of proposed minor changes to the tables in the RTA Small Claims PAP and Appendix C of PD 27B. The purpose being to address an issue in the preparation of documents for court from the Official Injury Claim (OIC) Portal. In essence, this relates to the inclusion of previous offers to settle being included in the material the OIC Portal produces for the court. There is a mismatch between what the OIC Portal does in producing the Court Valuation Form and what the tables in the CPR provide in relation to offers.
34. Nicola Critchley, representing the Forum of Insurance Lawyers (FOIL) raised concerns that, first, continued disclosure might prejudice future arguments or applications in relation to costs and unreasonable behaviour and secondly, that it would be better to review the position, including variations in practices, once a larger number of claims have litigated.
35. HHJ Bird confirmed that these concerns had been carefully considered by the Sub-Committee, but the majority view had concluded that no apparent harm was being caused

and thus the two tables should be amended to remove the passage referring to offers. By doing so, the PAP and PD would reflect what is happening in practice and be consistent with the preference of the District Judges handling the claims and with existing practice in the Claims Portal. It also provides added transparency in those cases where the claimant is unrepresented. Ian Curtis-Nye supported the need for clarity in the interests of unrepresented parties.

36. It was **RESOLVED** to:

- **recommend to the MR, the approval** of the amendments, as drafted, to the tables in the Pre-action Protocol for Personal Injury Claims below the Small Claims Limit in Road Traffic Accidents (the RTA Small Claims Protocol);
- **approve**, as drafted, the amendments to Appendix C of Practice Direction 27B;

37. The amendments were not considered to be so urgent as to necessitate standalone Updates and thus they would be incorporated into the next suite of mainstream amendments, as part of the summer 2023 cycle, unless an earlier opportunity became available.

38. **Action:** Drafting Lawyers and Secretariat to prepare the necessary PD and PAP Update instruments for promulgation when ready; this being as part of the summer 2023 in-force cycle if not before.

#### **Item 7 Section 2(7) Sub-Committee: Part 24 pre-consultation proposals CPR(23)08**

39. Mr Justice Kerr presented the matter and expressed thanks to Isabel Hitching KC and Ben Roe.

40. The pre-consultation proposals for a reformed Part 24 (Summary Judgment) were explained and discussed. The proposals include the revocation of PD 24, this being the only PD supplementing Part 24. The rationale being that the PD was considered to be mostly repetition of Part 24 and other rules, and, in its reformed state, did not merit retaining as a PD. Some PD provisions are proposed for importing into the rule. The proposals also contain some re-ordering of the current provisions within the exiting Part 24, to improve usability. Other changes consist of: removing reference to specific enactments, because primary legislation changes; cross referencing and signposting is no longer necessary; linguistically the provisions are more concisely expressed, although the rule itself is lengthened by the incorporation of some PD provisions, the overall length of the reformed Part 24 is reduced by virtue of there being no supplementing PD.

41. The changes are not intended to alter the current law or practice.

42. It was also observed that the authors of the Court Guides may wish to consider reusing any dispensed with guidance from the PD.

43. A discussion ensued. The focus centred on two main aspects: the proposed re-drafting of CPR 24.3, which includes the grounds for summary judgment and the extent to which the current provisions for time periods are captured, given that the current provisions provide for exceptions in relation to certain types of cases. In response to the point on time periods, it was observed that the reformed drafting was cast with a *future proofing* intention and this was **NOTED**.

44. It was **RESOLVED**:

- the proposed reforms were not intended to change the underlying test for summary judgment. The provisions were merely being truncated and this principle can be tested as part of the consultation;
- to delete the unnecessary words, “property-related” before the word, “claims” in the draft of rule 24.5(2);
- to **APPROVE IN PRINCIPLE, subject to final drafting**, the proposed reformed CPR Part 24 and proposed revocation of PD 24 **which are also FIT FOR CONSULTATION**, using the (online) rolling consultation facility.

45. **Actions:** (i) Kerr J to provide perfected final proposed drafting to the Secretariat to form the consultation material (ii) Secretariat to facilitate publication as part of the rolling consultation facility, as soon as practicable (iii) Trower J to discuss the proposals with Chief Chancery Master Shuman and for any material points to be provided as part of the consultation.

#### **Item 8 Flexible Deployment of Judges in the County Court and First Tier Tribunal (Property Chamber): proposed pilot PD CPR(23)07**

46. The Chair set out the background and purpose of the proposed pilot PD, which was discussed and duly **NOTED**.
47. The proposed new pilot PD will allow a judge who is both a county court judge, as well as a judge of the Property Chamber of the First Tier Tribunal, to deal with related matters from each jurisdiction at the same time, so that both the ‘court matters’ and ‘Tribunal matters’ may be dealt with – concurrently, but distinctly, – within the same listed hearing by a single judge.
48. The intention being to create a framework which improves access to justice for litigants by providing a simpler, more accessible approach, with these cases being determined at a single time and place. It also allows for the most efficient use of judicial and administrative resources. Additionally, it aims to regularise and replace certain existing informal local arrangements, such as those introduced in response to the pandemic.
49. The draft PD has been prepared in consultation with the President of the First-tier Tribunal (Property Chamber) and other members of the judiciary. However, further consultation needs to be conducted, to include the judiciary in the regions, HMCTS and MoJ.
50. The Chair made clear that the CPRC has no vires to change the Tribunal Procedure Rules and the proposal was not intending to do so.
51. Master Dagnall highlighted the related points concerning PD2B Allocation of Cases to Levels of Judiciary, and for which proposals will be forthcoming. Interaction with the work of the Housing Sub-Committee would also be beneficial. Trower J raised the need to consider the interaction concerning appeals and this was duly **NOTED**.
52. It was **RESOLVED** to mandate District Judge Clarke and Master Dagnall to develop this work further with the President of the Property Chamber, Tribunal Judge Siobhan McGrath, and officials and report back to the CPRC before the Easter recess if possible.
53. **Actions:** In liaison with DJ Clarke and Judicial Office, the Secretariat is to programme in time for March or when proposals are ready.

## Item 9 CPR 5.3 Signature of Documents by Mechanical Means CPR(23)06

54. Dr Anja Lansbergen-Mills presented the matter. Thanks were expressed to Virginia Jones, fellow Sub-Committee member, for her valuable input.
55. It was explained that the work flowed from enquires raised by the Association of Litigation Support Professionals (ALPS) seeking clarity, within the Rules, that electronic signature of court documents is permitted.
56. The matter was initially referred to the Industry Working Group (IWG) on Electronic Execution of Documents (co-chaired by Mr Justice Fraser and Professor Sarah Green, Law Commissioner for Commercial and Common Law). The IWG helpfully provided a suite of proposed drafting solutions to amend CPR 5.3. The IWG's proposals were discussed by the CPRC in October 2022 and two related issues were identified as meriting further consideration: what the appropriate wording is to capture the various mechanisms by which an electronic signature may be applied to a document and whether or not it is necessary, as part of that, to define the central characteristics of, or minimum standards for, a signature given in electronic form. The Sub-Committee was established to consider the matter further and in recognition of potentially wider implications, such as the interaction with CPR digital services and cross-jurisdictional consistency.
57. The Sub-Committee has identified various points of principle to be determined before developed drafting can be presented. In summary, the points concerned four topics: whether there should be minimum requirements as to form and/or authentication; the extent of any derogation; the utility of paragraph 1 of PD 5A and finally, whether the drafting needs to cater for the reproduction of documents into other mediums. The Sub-Committee's interim report was duly **NOTED** and each point of principle was discussed.
58. It was **NOTED** that:
- digital signatures are an area of developing practice;
  - specific provisions for online services exist and there is no need for those to be changed;
  - rules of court already adequately provide for procedures and penalties for handling issues of falsification;
  - this exercise is not intended to compromise the existing rules concerning, for example, statements of truth or affidavits; this is about widening the options for how a signature is applied;
  - the Sub-Committee is in favour of including a proviso to the use of electronic signatures, so as to allow the court to require, for example, a "wet signature", if it considers necessary. This would be consistent with the Family Procedure Rules. This was considered helpful in certain circumstances, for example, if there are concerns in a particular case as to the identity of the signatory and as a safeguard against unintended consequences. The text, "in a form directed by the court", was offered.
59. It was **RESOLVED** that:
- the scope of any consultation is to be revisited when the proposed drafting is formulated;
  - a liberal drafting approach can be adopted to cast a general rule, which can be made more specific if required;



- before any amendment to PD 5A paragraph 1 is considered, the processes within HMCTS' Claims Production Centre are to be confirmed;
- a reformed CPR 5.3 does not need to cater for reproduction of electronically-signed documents into hard-copy form and vice versa, because this may overcomplicate the rule unnecessarily and potentially trespass into issues of filing and service.

60. The Chair reiterated that it was not the purpose of this task to construct a definition of a signature.

61. **Actions:** (i) Isabel Hitching KC to check that the s.2(7) Sub-Committee proposals in relation to Part 22 do not inadvertently dilute the related provisions (ii) Sub-Committee to appraise the Secretariat on progress, for programme purposes (iii) MoJ Policy, Drafting Lawyers and HMCTS to be consulted prior to the matter returning for final determination and, specifically, to check compatibility between PD 5A, para 1, and the Claims Production Centre processes.

### Item 10 Foreign Evidence Requests CPR(23)09

62. Master Cook presented the item on behalf of the Senior Master of the King's Bench Division.

63. It was explained that the Senior Master acts as the Central Authority for England & Wales under the Hague Convention of 18<sup>th</sup> March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters ("the Evidence Convention") and is thus the judge responsible for supervision of the Foreign Process Section of the Royal Courts of Justice.

64. Prior to the UK leaving the EU on 31<sup>st</sup> December 2020, the EU Taking of Evidence Regulation No 1206/2001 ("the Regulation") required Regulation States to provide a list of courts competent to take evidence in accordance with the Regulation, indicating their territorial and, where appropriate, special jurisdiction. PD 34A lists the six courts (one for each Circuit) designated as competent to take evidence under the Regulation.

65. Post EU exit, the volumes in the regions are very low, whereas the RCJ continues to receive an average annual volume of 800 incoming requests of 800 and 50 outgoing requests.

66. It is therefore proposed to centralise the processing of all requests for evidence made after 1<sup>st</sup> January 2021 (EU exit) so that they are made to the Foreign Process Section of the RCJ, irrespective of where the witness lives.

67. Centralisation is seen as more efficient because the Foreign Process Section of the RCJ is a designated department with trained court staff, and a body of judges familiar with such requests. It is also proposed to allow the same route for obtaining evidence abroad for Tribunal proceedings.

68. It was **NOTED** that internal consultation had taken place with the Designated Civil Judges (DCJs) and His Honour Judge Jarman KC, Lord Justice Moylan (for the Family jurisdiction), the Senior President of Tribunals as well as, the Judicial International Committee, the International Executive Group and the Judicial Executive Board. Together with, HMCTS (from both the operational and policy arms) and MoJ policy (civil and international divisions); all of whom are content. The DCJ for Wales, His Honour Judge Robert Harrison, identified particular sensitivities with regard to Wales and potential Welsh language issues. In response to which, he has agreed to continue to be involved if required, in relation to allocation of a court to deal with examinations. Welsh judges can

act as examiners, whether Welsh or English speaking and the Welsh Language Unit also provides simultaneous translation facilities.

69. A discussion ensued, in which the following drafting points were raised: the errant, “him” at para 6.4(1)(b) is to be removed/converted into gender neutral language; the draft letter at Annex A of the PD also needs updating in consequence, to reflect county court and Tribunal jurisdictions (in addition to the High Court); the references to form numbers and email addresses are retained given the particular circumstances of foreign process and the assurance that they are unlikely to change.

70. It was **RESOLVED** to **APPROVE, subject to the above points and to final drafting**, two modest rule changes and a suite of amendments to bring PD 34A up to date:

- the amendment to CPR 34.13(3) is intended to provide a power to the High Court to make an order for the issue of, “letters of request” in Tribunal proceedings. Currently, Tribunal judges do not have power to order the issue of a letter of request under Tribunal Procedure Rules. The proposed amendment would be consistent with PD 34A para 2.1, which gives the High Court such power in respect of witness summonses, where the witness is within the jurisdiction;
- the amendment to CPR 34.13(6) intends to ensure that all letters of request for England & Wales sent under the Evidence Convention or otherwise are sent to the Foreign Process Section at the RCJ.
- Practice Direction 34A - Depositions and Court Attendance by Witnesses is to be amended in consequence and to bring it up to date generally.

71. **Actions:** Drafting Lawyers/Secretariat to incorporate into the next mainstream CPR Update, due to be published in July for in-force as part of the October 2023 common-commencement cycle.

#### **Item 11 Any Other Business & Close**

72. **Accessibility of online paper forms:** Master Cook explained that the HMCTS Forms Team have contacted the Secretariat, to advise that they have been tasked with bringing paper forms (which are published online) up to date with accessibility requirements, in particular to test for compatibility with screen readers. Dedicated accessibility designers will conduct this work and carry through any necessary revisions to the forms. It was **NOTED** that:

- essentially, there will be no more word.doc forms online;
- any changes to the forms would not affect existing text;
- generally, all the changes are to be made at the, “back end” and, if the form is already a PDF, no changes are detectable at the front (user) end. If the form is a word document then the minimum standard would be to re-produce it as a PDF, meaning the form may look different, but the wording will remain the same;
- the minimum standards sought, require all fields to be fillable. No problems were identified with this, because editing PDF forms was now mainstream.

73. The approach proposed by HMCTS was **APPROVED, subject to** ensuring that self-calculating formatting is maintained.

74. **Action:** Master Cook/Secretariat to relay to HMCTS Forms Team.

75. **Membership of the Housing Sub-Committee:** The Chair explained that the Government's housing possession reform policy (introduced at CPRC's October 2021 meeting) is developing, and engagement is commencing with the Housing Sub-Committee and Lord Justice Males. Volunteers were sought for an additional CPRC member to join Sub-Committee. **Action:** All. **Post Meeting Note:** *David Marshall has been duly APPOINTED.*
76. **Civil Justice Council's (CJC) January meeting:** It was **NOTED** from the Chair, that three principal topics from the CJC's recent meeting concerned: the Costs Review, on which a report was envisaged in due course; the review on Pre-Action Protocols, which is ongoing; and consideration is being given to the scope and nature of data reporting.
77. **Commonwealth Guide to Case Management:** It was explained that periodically, there is a meeting of Law Ministers and Senior Officials from across the Commonwealth and this forum operates a number of working groups. The Commonwealth Civil Procedure Law Reform Working Group is one such example. Professor Karen Eltis has been commissioned to draft (by end June 2023) a Commonwealth Guide to Case Management, for which an outline and concept note have been prepared. The objective of the Guide is to provide information, tools, and best practice that Commonwealth member countries can consider while developing their own case management processes. The work also aims to review the contribution that modern technology is/could make to good governance, promoting the rule of law, and increasing access to justice and with a focus on post-pandemic case management and digitization developments from across the Commonwealth. This was duly **NOTED**; any members interested in providing comments are invited to volunteer. **Action:** All.

C B POOLE  
February 2023

**Attendees:**

Carl Poole, Rule Committee Secretary  
Master Dagnall, Chair, Lacuna Sub-Committee  
Nicola Critchley, Civil Justice Council  
Alasdair Wallace, Government Legal Department  
Andrew Currans, Government Legal Department  
Amrita Dhaliwal, Ministry of Justice  
Andy Caton, Judicial Office  
Terry McGuinness, Judicial Office  
Faye Whates, HM Courts & Tribunals Service  
Robert Wright, Ministry of Justice (Item 2)  
Andrew Parker (Item 2)  
Peter Farr, Ministry of Justice (Item 3)  
Marc De-Souza, Government Legal Department (Item 3)  
Parag Soneji, Government Legal Department (Item 7)  
Marcia Williams, Ministry of Justice (Item 8)