



**CONSULTATION BY THE CIVIL PROCEDURE RULE COMMITTEE (CPRC)**

**ALTERNATIVE DISPUTE RESOLUTION IN LIGHT OF CHURCHILL V MERTHYR  
TYDFIL: PROPOSED RULE CHANGES**

**Overview & Background**

This consultation was commissioned at the CPRC meeting of 12 April 2024 (the minutes of which will be made available online [here](#)) following careful consideration by a multi-jurisdictional working group, chaired by a Lady Justice of Appeal. The work flows from the Court of Appeal judgment in James Churchill v Merthyr Tydfil Borough Council, in which it was decided that the court could 'lawfully stay proceedings for, or order, the parties to engage in a non-court-based dispute resolution process provided that the order made does not impair the very essence of the claimant's right to proceed to a judicial hearing, and is proportionate to achieving the legitimate aim of settling the dispute fairly, quickly and at reasonable cost.' (Paragraph 74, ii).

**This consultation**

We now invite views and comments on the attached proposals. By way of summary:

- Changes to 1.1 would add that dealing with a case justly and at proportionate cost includes, so far as practicable, using and promoting ADR methods. Reference to ADR within the overriding objective would underline that considering the use of ADR should be a key part of the court process.
- Changes to 1.4 and 3.1 would clarify the position established in *Churchill v Merthyr Tydfil* that judges may order as well as encourage parties to participate in ADR procedure.
- Changes to Parts 28 and 29 would add that courts must consider whether to order or encourage parties to participate in ADR for fast-track, intermediate track and multi-track claims.
- Changes to Part 44 would add that failure to comply with an order for ADR or unreasonable failure to participate in ADR proposed by another party would come under the consideration of the conduct of parties when deciding to make any order about costs.

**How to Respond**

Please send your responses to [CPRCconsultation@justice.gov.uk](mailto:CPRCconsultation@justice.gov.uk) (in word or PDF format) with the subject heading "Alternative Dispute Resolution consultation"

**Deadline for Responses**

This consultation will close on 28 May 2024.

**Questions**

If you have any questions regarding this consultation, please use the email address above or email the general enquiries inbox at [CPRC@justice.gov.uk](mailto:CPRC@justice.gov.uk)

**Next Steps**

The matter will be programmed in for CPRC consideration following the conclusion of this consultation. You can follow progress by reading the minutes of CPRC meetings here <https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#minutes>

**Data**

Data will be handled in line with the CPRC Personal Data Privacy Notice found at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/707892/cprc-privacy-notice-may-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707892/cprc-privacy-notice-may-2018.pdf)

*Civil Procedure Rule Committee*

*April 2024*