



**Civil Procedure  
Rule Committee**

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

**PROPOSED AMENDMENT TO CPR, PART 6 AND PD6A**

**SERVICE BY ELECTRONIC MEANS**

**Background**

The CPRC is responsible, under the provisions of the Civil Procedure Act 1997, for making rules of court governing the practice and procedure to be followed in the Civil Division of the Court of Appeal, the High Court and the County Court. It is to do so with a view to securing that the system of justice is accessible, fair, and efficient, and to try and make rules that are both simple and simply expressed.

Under section 3 of the 1997 Act, the CPRC is, before making rules, to consult with such persons as they consider appropriate.

This public consultation was commissioned following a discussion at the CPRC on 07 March 2025 (the minutes of which can be read online here

<https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#minutes>).

**Overview**

The CPRC is considering modernisation of service of process, in particular by electronic means. E-mail is a very common way for litigants to communicate, both before and after the commencement of proceedings. The rules for the service of process within the jurisdiction permit service on a party or their solicitors by fax, e-mail or other electronic means. However, unless an order for alternative service is obtained under CPR, Part 6.15, the consent of the party being served is required for electronic service to be used. In a limited number of cases, serving parties have attempted service by electronic means, only appreciating after the expiry of the limitation period that the agreement of the party being served was required for this method to be used. More commonly, parties find themselves put to additional expense and delay by parties or their solicitors unreasonably refusing to accept electronic service even though they may have been communicating in that manner for some time.

The CPRC has considered possible amendment to the rules to permit electronic service on parties with whom there has already been electronic communication pre-action without the need for their prior consent to that method of service. However, this is not a straightforward proposition. For example, although able to communicate electronically, some unrepresented parties may only have limited digital access and be unable to download large documents or access sites which host them. Moreover, although legal representatives may not encounter the same technical issues, their role may be limited to initial pre-action advice and correspondence. Making those representatives responsible for the transmission of proceedings to former clients may be burdensome and a particular disincentive for those providing *pro bono* legal assistance in contentious matters.

Despite these difficulties, the CPRC is continuing to consider the formulation of proposals for the modernisation of service and, to that end, has proposed for consultation two relatively modest changes to the current service rules, namely:-

- (i) Requiring those legal representatives who have confirmed that they are authorised to accept service on their client's behalf to accept service by electronic means without the need for further confirmation of their consent to that method of service; and
- (ii) The removal of the reference in the rules to service by fax as the primary method of electronic communication. In light of the proliferation of e-mail, the CPRC considers this outdated.

### **This Consultation**

We now invite views and comments on the proposed amendments to CPR, Part 6 and Practice Direction 6A (attached). In particular, the CPRC recognises that practitioners may have concerns about documents being served at e-mail addresses which are not continuously monitored. However, the above proposal seeks to meet that concern by prioritising the use of those e-mail addresses specified by the practitioner. The CPRC would, however, be concerned if this proposal had the unintended consequence of disincentivising parties or their solicitors from agreeing to accept service at all.

Additionally, we invite stakeholder views on areas of focus for further work on the modernisation of service of process. With that in mind, the CPRC is concerned to bring the service of process more closely into line with modern methods of communication, recognising (i) the need to ensure effective notice of proceedings (ii) the significant diversity of parties involved in civil litigation (iii) their differing levels of technical skills and resources (iv) the different levels and types of representation (if any) that might be available to litigants and (v) the rapidity of change in technology and means of communication.

### **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 "Electronic Service Consultation".

### **Deadline for Responses**

This consultation will close on 12 September 2025

### **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).

### **Welsh Language**

Please contact the Secretariat if you require the consultation translated into the Welsh Language.

### **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)

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