

Approved

Minutes of the Civil Procedure Rule Committee

Friday 4th July 2025, conducted in a hybrid format, namely, at The Rolls Building (Royal Courts of Justice), Fetter Lane, London and via video conference.

Members attending

Lord Justice Birss, Deputy Head of Civil Justice (Chair)
Mr Justice Trower
Mr Justice Pepperall
Master Sullivan
His Honour Judge Bird
His Honour Judge Hywel James
District Judge Clarke
District Judge Johnson
David Marshall
Dr Anja Lansbergen-Mills
Isabel Hitching KC
Tom Montagu-Smith KC
Ben Roe
Ian Curtis-Nye
Campbell Forsyth

Apologies

Members: Elisabetta Sciallis

Non-Members and Officials: Mr Justice Chamberlain (Item 5)

Item 1 Welcome

1. The Chair welcomed everyone and opened the meeting.
2. The **minutes of the last meeting on 6th June 2025**, were **AGREED**.
3. A matter arising was raised **in relation to the minutes of 9th May 2025** open public meeting. MoJ sought a modest clarificatory amendment in response to one of the public questions (Q no.13). The MoJ had received correspondence which suggests that the word “they” has been interpreted as meaning MoJ, when it was intended to mean two industry stakeholders. The proposed amendment was AGREED as follows: *“~~They~~ APIL and ACSO are discussing this directly with all interested parties to try and get an agreed cross industry agreement which is satisfactory to all, and which can bring an end to the current litigation.”*
Action: Secretariat to re-publish the 9th May 2025 minutes duly amended.
4. **Action Log and any matters arising not covered by later items:** The following items were raised and **NOTED**:
 - **AL(25)18 – Forms Working Group:** Kelly Stricklin-Coutinho was duly **APPOINTED** to the working group.
 - **AL(25)22 – Service Sub-Committee Consultation:** the Service consultation has today (4th July) been published on the CPR web pages. The closing date for responses is 12th September 2025. **THANKS** were conveyed to Mr Justice Richard

Smith and all concerned. The consultation seeks views on two relatively modest changes to the current service rules under CPR Part 6 and Practice Direction 6A, 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.

- **AL(25)48 – Open Justice & Access to Court Documents: Public Domain Documents Pilot Practice Direction:** MoJ have had a productive meeting with Mrs Justice Cockerill and have agreed next steps with the aim of achieving the desired October in force date, subject to Ministerial approval.
- **AL(25)51 – Civil Procedure Rule (Amendment No.2) 2025 SI - Summary Assessment of costs following R (Isah) v Secretary of State:** The amendment, as resolved upon under item 5 at the 6th June 2025 meeting (paragraph 35 onwards in those minutes refer) required further review in response to the discussion about the use of the phrase “coordinate jurisdiction”. The draft amendment has now been finalised and agreed out-of-committee. As such, it is being included in the summer CPR Update, for in-force on 1st October 2025. **THANKS** were conveyed to Mr Justice Trower and Tom Montagu-Smith KC for preparing the revised drafting.

Item 2 Serious Crime Prevention Orders (SCPO) CPR(25)38

5. Josephine Mackinnon (Home Office) was welcomed to the meeting, along with other colleagues.
6. The Chair provided some introductory remarks, highlighting the need to consider consultation in due course, when the detail of the proposed CPR reforms is known. The focus for a consultation would be how the rules work in practice, rather than what the Statute itself does.
7. Ms Mackinnon provided an overview of the proposals. Amendments to Part 77 (provision in support of criminal justice) are envisaged in order to reflect the new Interim Serious Crime Prevention Orders (ISCPO), in consequence of primary legislation. ISCPOs are being introduced as part of the Government's Border Security, Asylum and Immigration Bill.
8. In the last 10 years, only two applications have been made to the High Court under the current Serious Crime Prevention Order regime and only one has been successful. The scheme is, therefore, underused and yet potentially very useful.
9. By introducing an interim order, the reforms intend to fill a legislative gap and speed the process up so that the court can impose immediate restrictions on an individual. This will allow law enforcement agencies the time to gather further evidence to support the application for a “full” order, or to continue their investigations in pursuit of a prosecution, whilst mitigating the threat posed by that individual.
10. A discussion followed.
11. The Chair observed a number of points to be factored into the policy thinking. This included the principle that, in civil proceedings, a civil order comes into effect when it is made, not when it is served and the importance of full and frank disclosure when making ex parte applications.

12. Mr Justice Trower raised the potential option of adding ISCPO as a category of interim order that can be made under CPR Part 25 (interim remedies) because it did not appear to be materially different in principle from other interim orders. Isabel Hitching KC raised a practical point as to how the High Court is to make an evaluation without evidence; but added that Part 25 may offer a solution and pointed out that Part 25 and the suite of model orders have recently been overhauled, so it is in good order, should officials be reviewing it in light of these proposals. Ben Roe added a wider structural point as regards other work ongoing in parallel, namely the Parole Referral reforms and associated amendments to Part 77 and scope for simplification.

13. It was **RESOLVED** to

- **NOTE** the overlap with the reforms under item 5 below (parole referrals) and the anticipated amendments to Part 77. Officials and drafting lawyers will need to ensure draft proposals account for the respective amendments.
- **APPOINT** Campbell Forsyth to work with officials in preparing the draft amendments.
- **NOTE** the indicative timetable is to settle the drafting by the December 2025 meeting, to be included in the winter CPR update for in-force in April 2026. However, this is subject to Royal Assent and the commencement date of this specific measure being known.

14. **Actions:** Officials to keep the Secretariat updated for programming purposes.

Item 3 Future state rule making for Online Civil Money Claims (OCMC) and Damages Claims Portal (DCP) CPR(25)39

15. Helen Timpson (Ministry of Justice) was welcomed to the meeting.

16. The Chair provided some introductory remarks.

17. Ms Timpson set out the background. The Judicial Review and Courts Act 2022 established the Online Procedure Rule Committee (OPRC), with the rule making powers to be specified in secondary legislation. On 1st May 2025, the first such statutory instrument, the Online Procedure Rules (Specified Proceedings Regulations) 2025, came into force and gave the OPRC power to make rules in relation to certain specific proceedings (for property in civil and tribunal proceedings and for financial remedies in family proceedings); this will therefore form this OPRC's initial work programme.

18. However, the working assumption is that the long-term plans, subject to Ministerial and Parliamentary approval, will include the OPRC taking on the rule making and governance of the Online Civil Money Claims and Damages systems, instead of the CPRC. This will require a further legislation process and a lot of complex preparatory work, including any wider implications in consequence of the Government's Spending Review outcomes as well as MoJ allocation process and Concordat discussions. This was duly **NOTED**.

19. A discussion followed which recognised that significant cooperation between the OPRC and the CPRC would be required and thus, a joint working group would be desirable. The current terms of reference for the OPRC's Property and Possession Working Group was referred to as an example. Ian Curtis-Nye's concern that there did not appear to be anyone

on the group to represent the lay user, was alleviated, when it was explained that the OPRC's member for the lay advice sector and inclusion was part of the working group

20. In response to a question from His Honour Judge James concerning the housing possession reforms, MoJ Civil Policy confirmed that those involved were aware of the jurisdictional differences between England and Wales.

21. It was **RESOLVED** to:

- **AGREE** the direction of travel in principle
- **NOTE** that more detailed plans will be developed and return to the committee in due course, setting out projected timings for future updates to the digital systems and how these should fit in with the task of developing Online Procedure Rules.

22. **Actions:** MoJ to keep the Secretariat updated for programming purposes.

Item 4 PD 52D Appeals: Anaesthesia Associates and Physician Associates Order 2024 (AAPAO) CPR(25)40

23. Kathryn Flynn (Department of Health and Social Care (DHSC)) was welcomed to the meeting, along with other colleagues.

24. The Chair provided some introductory remarks, observing that this is now the third appearance before the committee because, although it was a relatively small set of changes, it was presenting some challenges. The last appearance was at the 9th May 2025 meeting (paragraphs 26 to 33 of those minutes refer).

25. Ms Flynn presented the revised drafting amendments to rule 52.12 and PD52D which had been prepared based on previous steers. Ms Flynn explained that government has confirmed there are no plans to change the policy that only High Court appeals under the AAPAO are by re-hearing and registration appeals to the County Court should be by way of review; this being consistent with the process for Doctors challenging registration decisions by the General Medical Council and aligns with procedures in Scotland and Northern Ireland. The amendments also intend to clarify that statutory time limits on appeal will override the default time limits.

26. A discussion followed, in which Isabel Hitching KC called for additional time to further consider the drafting and with the aim to simplify the amendments. Mr Justice Trower highlighted that as the proposed amendments include the deletion of some defunct legislation, the opportunity should be taken to review the wider list of legislative references and make any other necessary amendments, if practicable in the time available, and this was **AGREED IN PRINCIPLE**.

27. The Chair was confident that if the appropriate liaison with committee members could take place, then the matter can be settled in time for inclusion in the December update cycle, as part of the April 2026 common commencement date. He also made a general point about the value of officials engaging with committee member/s at the earliest opportunity (this point was further **NOTED** as a matter of other business at the end of the meeting (see below at item 9)).

28. It was **RESOLVED** to **APPROVE THE AMENDMENTS IN PRINCIPLE, SUBJECT TO FINAL DRAFTING**.

29. **Action:** DHSC, in liaison with the Secretariat, to work with MoJ legal, HHJ Bird (if desired), Isabel Hitching KC and Ian Curtis-Nye, to bring perfected draft proposals back to the committee when ready and no later than the 7th November meeting, if intending to include in the December 2025 update cycle.

Item 5 Referral of Parole Cases to the High Court CPR(25)41

30. Abi Marx (Ministry of Justice) was welcomed to the meeting.
31. The Chair expressed **THANKS** to the sub-committee, comprising the Judge in Charge of the Administrative Court, Mr Justice Pepperall and Master Sullivan.
32. This matter was last before the Committee at the 9th May 2025 meeting (paragraphs 39 to 53 of those minutes refer). In summary, the Secretary of State for Justice will shortly have the power to direct the Parole Board to refer certain top-tier cases to the High Court for a new release decision. This is referred to as the 'parole referral power'. This power is conferred pursuant to sections 61 and 62 of the Victims and Prisoners Act 2024, by amending the relevant legislation for indeterminate and determinate sentenced prisoners (s.32ZAA of the Crime (Sentences) Act 1997 and s.256AZBA of the Criminal Justice Act 2003). The implementation of this new power requires new provisions in the CPR.
33. Pepperall J explained that the sub-committee has been working very closely and positively with MoJ and extended **THANKS** to Abi Marx and the team in MoJ and MoJ Legal for their hard work. Broadly, the proposed draft rules have been divided into two sub-sections: the first dealing with general provisions and the second dealing with the required non-disclosure regime. Overall, the sub-committee felt that the drafting is a very substantial improvement on previous drafts and the proposed amendments are now in a reasonable shape for public consultation, subject to some final, modest, drafting revisions which were **NOTED**, this included the following revisions which were expressly **AGREED** during the meeting:
- Rule 77.19: having clarified at r.77.18 that the prisoner is the defendant, the text "the defendant" should be used rather than "the prisoner" in rr.77.19(1)(a)(i)-(ii), and 77.19(2)(a).
 - Rule 77.22: changing, "and" after r.77.22(2)(c) to read "or". On that basis, r.77.22(2)(d) should read: "(d) be withheld from the defendant and their legal representative but disclosed to a special advocate." By doing that, r.77.22(3) is simplified to allow the variation of any direction under paragraph (2). This also fits better with the special advocate's role as identified later at r.77.26(2)(d).
34. The final draft amendments will then be revisited in light of the consultation responses and return to the Committee for final approval.
35. A discussion followed.
36. One point of principle was aired, being whether the PD text should go into the substantive rules. The recent simplification exercise applied to Part 25 was used as a positive example of this approach. However, it was felt that there is a uniqueness with these particular reforms with the text providing a declaration of practice on the court's approach, rather than a rule of procedure for parties to follow.
37. The Chair highlighted the potential significance of the proposed draft r.77.31 where it seeks to exempt this sub-section of the draft rules from the existing rules in r 5.4 (register of claims). It was not clear why it was not appropriate to know that a claim had been made.

Master Sullivan and Ms Marx contributed to the discussion which concluded with the view that the drafting would be revised to remove r.5.4 but retain rules 5.4B and 5.4C on supply of court documents. It was also **NOTED** that there may be a wider piece of work on non-disclosure across the CPR generally.

38. Ben Roe noted the overlap with the planned amendments to Part 77 in respect of interim serious crime prevention orders (item 2 above) and suggested that, as drafting is finalised, there may be an opportunity for further simplification and brevity to avoid duplication.
39. Ian Curtis-Nye raised the topic of victim personal statements (VPS) and vulnerable participants generally and whether the extent to which PD1A may or may not be engaged. It was suggested that this needed to be considered further, perhaps widening its scope, in particular from the perspective of a vulnerable person who is neither a party nor a witness.
40. It was **NOTED** that VPS were not intended to form part of the judge's decision making in the context of the parole referral reforms and there was some concern as to the risk of unintended consequences, if changes were made to r.1.6 (participation of vulnerable parties or witnesses) or PD1A, without being specific. For example, whether use of the words "maker" of the VPS or the "reader" of the VPS, may be appropriate. The sub-committee will endeavour to give this some consideration prior to consultation.
41. It was **RESOLVED** to:
 - **AGREE IN PRINCIPLE, subject to the above points and to final drafting and subject to PUBLIC CONSULTATION**, the draft amendments to Part 77 (provisions in support of criminal justice) and PD77. Consultation to be published as soon as practicable in July with a closing date in September 2025.
 - **NOTE** the overlap with the reforms to Part 77 under item 2 above (serious crime prevention orders). Officials and drafting lawyers will need to ensure draft proposals account for the respective amendments.
 - **NOTE** that it is the intention that those responsible for the Parole Board Rules (governing non-disclosure) will also be amended in the same timeframe as the CPR amendments.
 - **NOTE** the Lord Chancellor has requested officials work at pace with the aim of achieving an implementation date by the end of the year.
42. **Actions:** (i) MoJ to prepare the material for consultation, in liaison with the Secretariat, Sub-Committee and Chair (ii) Secretariat to facilitate publication of the consultation by 18th July 2025 (iii) MoJ to keep the Secretariat apprised for agenda planning purposes in order to meet the desired in-force date to best effect (iv) Secretariat to provisionally allocate time at the October, November and December 2025 meetings.

Item 6 Lacuna Sub-Committee (LSC2025/04) CPR(25)42

43. Master Dagnall was welcomed to the meeting and presented the matter. It concerns the process for amending and serving claim forms and how a court amends a sealed claim form before it is served.
44. The report follows the Senior Master's judgment in Howard Beckett v Sharon Graham & Anor [2025] EWHC 993 (KB) which raised issue with what is required under CPR 17(1). At the end of the Senior Master's judgment he urges the committee to consider the issues

raised. In doing so, reference is made to PD51O (e-working) being the mechanism used in Beckett, but Master Sullivan feels that the issue is wider than that and this was **AGREED**.

45. The Lacuna Sub-Committee concluded that, the question of what sealing and service is required is an important one and which is not dealt with in the CPR; as such clarity in the rules is desirable and merits further consideration, possibly with amendments to Part (rule/s and PD) 17 (amendments to statements of case). Should the matter require further consideration and potentially consultation, a dedicated sub-committee could be established.
46. The Chair acknowledged that the matter raises some important points, not least because of the issue of limitation. Mr Justice Pepperall endorsed this view, providing some practical examples and highlighting the context of transparency. However, the Chair concluded that it did not appear to be so pressing that it should override other work priorities.
47. It was **RESOLVED** to **ESTABLISH A SUB-COMMITTEE** to consider the matter further and for which volunteers were sought. The sub-committee need not be large but should include at least one judge and one practitioner.
48. **Actions:** Members to contact the Chair/Secretariat by 31st October 2025 if interested in volunteering to join the sub-committee.

Item 7 Civil Restraint Orders (CRO) CPR(25)43

49. Mr Justice Trower explained that this work commenced as a modest review of a few points of detail regarding CROs and their enforcement. However, as Trower J and His Honour Judge Marc Dight (Designated Civil Judge for Central London) undertook this review, the work has expanded and a number of additional issues have been identified. They can be summarised in to eight substantive points regarding the form and operation of CROs. A discussion followed. The Chair observed the importance of CROs and the expanded scale of the project. He also highlighted that CROs generally was a topic which the Judicial Civil Executive Team had been discussing in liaison with HMCTS, who were considering the operation and potential expansion of the CRO register, including the associated retention requirements. This was an important point due to the access to justice implications. MoJ policy were also interested in this area of work and whether wider holistic reform was possible. Cockerill J asked whether the subject had been raised with those considering the system to replace CE-file.
50. It was **RESOLVED** to
 - **NOTE** the report on CROs and that not all the issues identified were for the committee; some may be better considered by the Civil Justice Council and/or others;
 - **SEEK VOLUNTEERS** to join an enlarged working group, after which, and in liaison with the Chair, MoJ and HMCTS, next steps can be finalised.
51. **Action:** Members to contact the Chair/Secretariat by 31st October 2025 if interested in volunteering to work on CROs.

Item 8 Extended Fixed Recoverable Costs (FRC) Stocktake CPR(25)44

52. Rachel Powell (Ministry of Justice) was welcomed to the meeting.
53. An early working draft of the proposed FRC Stocktake consultation was tabled.

54. The draft consultation contains around 30 questions over 12 topics and concludes with a general open question for any other comments. The intention is to prepare a final draft for the October meeting in readiness of publication in October and for the consultation to run for around 12 weeks, with a closing date in January 2026.
55. A discussion followed, during which some points of detail were raised, in particular in relation to re-casting question 11 (complexity bands and costs case management conferences) and 25-27 (agency fees). Isabel Hitching KC suggested including a question on how the 20-page limit for expert reports is working in practice and this was **AGREED**. The committee was also interested in whether there was any data available, such as the number of applications to extend the page limit. David Marshall enquired as to the number of cases generally, to provide some context.
56. It was **RESOLVED** to **AGREE IN PRINCIPLE**:
- The draft questions for consultation, subject to the above points and to further drafting out of committee and final approval;
 - A preface to be included in the consultation document;
 - The consultation to be conducted by MoJ on the committee's behalf.
57. **Actions:** (i) Secretariat to schedule in time at the October meeting (ii) MoJ to circulate the revised draft consultation material (iii) MoJ/HMCTS to check if any data exists in relation to the number of cases where the 30-page limit for expert reports applies and for any data on the number of applications to extend.

Item 9 Any other business / possible items for future business

58. The following items of business were raised by the Chair and duly **NOTED**:
59. **Members' Register of Interests – Annual Review:** Members were requested to submit, to the Secretariat, an updated Register of Interests before the end of term. **Action:** Members to file an updated Register of Interests, including nil declarations, with the Secretariat by 31st July 2025.
60. **Law Society Event for CPRC and OPRC on 16 July 2025 at the Law Society:** The event will serve as a celebration of the CPRC's 25th Anniversary and a conference focused on developments within Civil, Family and Tribunals as part of the OPRC's work, as well as hearing from the Law Society about their 21st Century Justice Project. All CPRC members are welcome to stay for the whole event, if diaries allow. THANKS were conveyed to those members leading presentations during the event and to the Law Society for kindly hosting.
61. **Anticipated Future Business - Proposed Practice Direction for alerting media on reporting restriction applications:** The President of the King's Bench Division and Mr Justice Nicklin have been considering a pilot to revive the media alert system for reporting restrictions and anonymity orders. The need for a PD has been identified in order to give effect to the pilot and as such the matter can be expected to be programmed in for the CPRC in due course. **Action:** Secretariat to update the work planner.
62. **Sub-Committee and other ongoing work:** Members provided a round-up of their respective committee commitments and other sub-committee work. **Action:** Secretariat to update the Sub-Committee list and work planner accordingly.

63. **Pre Committee engagement:** The Chair urged officials to engage (via the Secretariat) with a committee member prior to substantive proposals being presented to the committee and this was **AGREED**. **Action:** Secretariat to update internal guidance accordingly.
64. **Valedictory Remarks:** The Chair recalled, that at the May 2025 open meeting, the MR remarked how both HHJ Bird and Dr Lansbergen-Mills have been “hugely effective and enthusiastic members of the committee for the past six years and have made a positive and lasting contribution.” Adding to these comments, the Chair spoke fondly of his time working with both members, who will be much missed, he observed the following.
- **His Honour Judge Nigel Bird:** HHJ Bird has been a member of the CPRC since 2019 and has made a significant contribution by bringing his experience to the committee and using it, right across the committee’s varied work programme. Most notably as Chair of the Whiplash Official Injury Portal Sub-Committee and in leading roles on the Damages and Money Claims Committee as well as with drafting various pilot schemes, most recently those flowing from the recent Civil Justice Council’s Costs Report to provide simplified costs budgeting.
 - **Dr Anja Lansbergen-Mills:** Anja joined in 2018 (her term was extended to account for maternity leave) and has been a consistently outstanding legal member of the committee. Always volunteering for roles and providing helpful thoughts during debates. In 2020, Anja worked with Mr Justice Kerr and others on the re-write of Part 81 on Contempt, on which she presented to practitioners at the CPRC’s first ever webinar. Anja has also served on the Lacuna and Service Sub-Committees, as well as other projects, most recently on E-Signatures and the sub-committee considering CPR amendments in consequence of the Digital Markets, Competition and Consumers Act, which has involved a lot of work with officials from across government.
65. **Close:** The meeting was closed with **THANKS** to everyone for the collective efforts over a really busy period and wished all in attendance and online, for a restful summer.
66. **Next meeting:** 3rd October 2025. This is likely to be the last CPRC meeting to be chaired by Lord Justice Birss, following the announcement of his [Appointment as Chancellor of the High Court - GOV.UK](#). In response, members expressed their congratulations. It was also **NOTED** that the consequential appointment process for a successor Deputy Head of Civil Justice, is underway.

C B POOLE
July 2025

Attendees:

Carl Poole, Committee Secretary
Kate Aujla, Deputy Committee Secretary & Policy Adviser
Kelly Stricklin-Coutinho (new member-designate observing)
Nichola Critchley, Civil Justice Council (observer)
Andy Caton, Judicial Office
Crystal Hung, Judicial Office
Amrita Dhaliwal, Ministry of Justice (MoJ)
Andrew Currans, Government Legal Department (MoJ)
Katie Fowkes, Government Legal Department (MoJ)
Jennifer Tugman, Government Legal Department (MoJ)
Faye Whates, HM Courts & Tribunals Service (HMCTS)
Daniel Spillman, Judicial Office: President of the King’s Bench Division
Mrs Justice Cockerill

Master Dagnall (Item 6)
Josephine Mackinnon, Home Office (Item 2)
Philip Day, Government Legal Department (Home Office) (Item 2)
Helen Timpson, MoJ (Item 3)
Kathryn Flynn, Department of Health and Social Care (DHSC) (Item 4)
Abi Marx, MoJ (Item 5)
Master Dagnall (Item 6)
Rachel Powell, MoJ (Item 8)