

Approved

Minutes of the Civil Procedure Rule Committee

Friday 3rd October 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)
Lady Justice Cockerill DBE, Deputy Head of Civil Justice, Designate
Mr Justice Trower
Mr Justice Pepperall
Master Sullivan
Her Honour Judge Emma Kelly
His Honour Judge Hywel James
District Judge Johnson
David Marshall
Tom Montagu-Smith KC
Kelly Stricklin-Coutinho
Ben Roe
Ian Curtis-Nye
Campbell Forsyth
Elisabetta Sciallis

Apologies

District Judge Clarke, Isabel Hitching KC

Item 1 Welcome

1. The Chair welcomed everyone to the first meeting of the new legal year and opened the meeting. An especially warm welcome was extended to:
 - **Lady Justice Cockerill** who will succeed Lord Justice Birss as Deputy Head of Civil Justice on his appointment of Chancellor of the High Court, next month. Prior to the Court of Appeal, Sara Cockerill has been a High Court (King's Bench Division (KBD)) Judge since 2016 and was Judge in Charge of the Commercial Court between 2020 and 2022. In addition, she has led and supported various civil justice projects, including serving on the Lady Chief Justice's Open Justice and Transparency Board, Civil Justice Council working groups and as Chair of the CPRC's Court Documents Sub-Committee.
 - **Her Honour Judge Emma Kelly** is the new Circuit Judge member (succeeding His Honour Judge Bird). HHJ Kelly is the Designated Civil Judge for Birmingham. Prior to her judicial career, much of her practice involved Chancery matters, particularly property and probate litigation. Appointed a Deputy District Judge in 2010 and a District Judge in 2015, as a Recorder (crime and civil) in 2018 and then as a Senior Circuit Judge in 2021. HHJ Emma Kelly is authorised to sit as a Judge of the High Court in the Chancery Division and in the KBD, including in the Administrative Court; and is also authorised to hear Court of Protection cases.
 - **Kelly Stricklin-Coutinho's** term as the new Barrister member (succeeding Dr Anja Lansbergen-Mills) has now commenced and today is officially her first meeting

(although she has been observing a few meetings in advance and was introduced at the February 2025 meeting).

- The Chair also confirmed that **Elisabetta Sciallis** has been re-appointed for a second term as one of the two members representing the lay advice and consumer affairs sectors. Appointments and reappointments are made by the Lord Chancellor, under the Civil Procedure Act 1997 and are regulated by the Commissioner for Public Appointments. This reappointment has been made in line with the Governance Code on Public Appointments.
2. The Chair was also pleased to recognise **Andrew Caton** who has served 20 years in the MR's Private Office. His role includes supporting the smooth running of CPRC business. The secretary and all members joined in expressing grateful **THANKS**.
 3. The **minutes of the last meeting on 4th July 2025**, were **AGREED**.
 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:** Master Sullivan, as Chair of the Forms Sub-Committee, is working on updating the definitive list of CPR approved forms and Standard/Model Orders. **THANKS** were expressed to Chancery Master Julia Clark and HHJ Emma Kelly who are also joining the group for this project.
 - **AL(25)22 – Service Sub-Committee consultation and ongoing work programme:** 25 responses were received, from legal professionals, judiciary, legal publishers and some of these respondents also made observations as regards litigant in person (LiP) users. The Sub-Committee will be reviewing the responses and will revert in due course. It was **FURTHER NOTED** that HMCTS has written to the Secretariat regarding the project they are undertaking on postal reforms. This will also be considered by the Sub-Committee in the first instance.
 - **AL(25)34 – Small Claims Paper Determination consultation:** at the March 2025 CPRC meeting, it was agreed that there was utility in the principle tested within the pilot PD (PD51ZC) for some small claims to be determined on their papers. The pilot could, therefore, expire naturally on 31st October 2025, but a Sub-Committee would prepare a consultation and substantive CPR amendments to allow a judge to give directions for a matter to be determined on the papers if deemed appropriate, without the consent of all parties. District Judge Johnson anticipates the Sub-Committee being able to report back with draft amendments and a draft consultation at the next meeting.
 - **AL(25)43 – Welsh Language consultation:** this arises from the May 2025 meeting. HHJ James confirmed that the consultation is in its final drafting phase and will be published, together with a Welsh language version, as soon as possible.
 - **AL(25)48 – Public Domain Documents Pilot PD commencement:** the new pilot PD has now been approved by the MR and awaiting Ministerial concurrence. In order to give more notice to users, the intended in-force date is 1st January 2026 (rather than 1st October as initially envisaged). **Post Meeting Note:** *Pilot PD 51ZH Access to Public Domain Documents has been published on [justice.gov.uk rules online](https://www.justice.gov.uk/rules-online) pursuant to the 191st PD Update.*

- **AL(25)66 – Interim Serious Crime Prevention Orders:** Campbell Forsyth advised he has now met with officials, and a fuller report is intended for the November meeting.
- **AL(25)69 – Referral of Parole Release Decisions consultation:** four responses have been received (one from the Parole Board, two prisoner support groups and a law firm). The Sub-Committee is due to meet next week to discuss the responses, with a view to returning to the November meeting with a more substantive report.

Item 2 Part 82 Closed Material Procedure (CMP) - further amendments

5. Chloe Wood and Rosie Ingram (Ministry of Justice) were welcomed to the meeting.
6. The Chair provided some introductory remarks and briefly set out the background.
7. **THANKS** were expressed to DJ Clarke and Singh LJ who have been liaising with officials out-of-committee.
8. Former High Court Judge, Sir Duncan Ouseley, published his independent report on CMP in November 2022 (the Ouseley Report) and following the Government's response, various recommendations for CPR amendments have been presented at and considered by the CPRC. The Ouseley recommendations have been approached in a phased way. The most recent suite of reforms considered and approved by the CPRC came into effect on 12th September 2025. Further recommendations are now being considered. This item comprised two elements.

Recommendation 5 from the Ouseley Report CPR(25)45

9. Ms Wood explained that this reform intends to recognise that Special Advocates can put forward closed pleadings or grounds of challenge by their own volition or by way of a Court order. Essentially, codifying existing practice, by introducing an additional rule in Part 82. In preparing the proposed drafting, MoJ have consulted stakeholders, including Government Legal Department litigation teams, HMG Advocates and Special Advocates and this was **NOTED**. A discussion followed, which highlighted the distinction between filing and disclosure in this context. This led to the view that the proposed draft new rule 82.26A be recast to incorporate reference to CPR 5.4B and 5.4C and to change the title of the new rule to "Special Advocate Position Statement" and this was **AGREED**. Tom Montagu-Smith KC indicated he had some other modest drafting points, which he would relay out-of-committee.
10. It was **RESOLVED** to approve a new rule 82.26A, subject to the above points and to final drafting.
11. The amendments would be lined up for inclusion into the winter update to come into force in April 2026, unless there was another legislative vehicle to provide for an earlier in-force date. **Action:** Drafting Lawyers/Secretariat to incorporate into a suitable Update.

Recommendation 13 from the Ouseley Report CPR(25)46

12. Ms Ingram sought a steer on whether MoJ should continue to work on drafting a new PD to supplement Part 82 in response to recommendation 13 of the Ouseley Report. This recommends a PD be introduced; however, it was not specific about what should be included in the PD. As such, MoJ have sought the views of stakeholders on what could usefully be included in a PD and sought the Committee's steers as to whether these should

be progressed within a PD. The Committee had no specific comments, save for the Chair who urged officials to continue their discussions with those who had the most practical knowledge of CMP, including Mr Justice Chamberlain (judge in charge of the Administrative Court), and Cockerill LJ asked officials to include in those discussions, consideration of whether a new PD was the best solution, or if guidance would be more appropriate.

13. **Action:** MoJ to maintain liaison with DJ Clarke and Singh LJ, alongside Chamberlain J and revert to the CPRC as/when ready.

Item 3 Part 75 and PD75: Traffic Enforcement CPR(25)47

14. Sam Toyn (Ministry of Justice) was welcomed to the meeting.
15. This follows the June meeting when various aspects of practice and procedure regarding traffic enforcement were raised. A general update on progress was **NOTED** and the draft consultation, setting out a suite of amendments to Part 75 and PD 75, was reviewed and discussed. The Committee recognised the desire to simplify and update the rules at pace but felt the timetable should allow for a six-week consultation period; Q.7 also needed to be reworded to clarify the steps involved as regards Insolvency proceedings.
16. It was **RESOLVED** to **approve the consultation on proposed amendments to Part 75 and PD 75 (Traffic Enforcement) subject to the above points and to final drafting.**
17. **Actions:** (i) Secretariat, in liaison with MoJ Policy, to publish the consultation at the earliest opportunity and cascade to a targeted audience (charging and local authorities, enforcement agents, debt advice providers et al) and with the assistance of Ian Curtis-Nye. (ii) Secretariat to provisionally schedule in time at the December CPRC meeting.

Item 4 PD 52D Appeals: Anaesthesia Associates and Physician Associates Order 2024 CPR(25)48

18. Kathryn Flynn (Department of Health and Social Care (DHSC)) & Eleanor Anson (Government Legal Department) were welcomed to the meeting.
19. The Chair provided some brief introductory remarks.
20. This has been before the CPRC on several occasions now. The last appearance was in July 2025 when the amendments were agreed in principle, subject to final drafting and engagement with the nominated members (paragraphs 23-29 of those minutes refer).
21. **THANKS** were expressed to Isabel Hitching KC, Ian Curtis-Nye and Katie Fowkes for their assistance out-of-committee. The Chair said this was a small but important task.
22. The Sub-Committee have concluded that it would be preferable not to amend rule 52.12 at this time, because there is benefit in conducting a more wholesale review of both rule and PD in slower time; this would also address the observation made at the July meeting, to check all other statutory references in the PD to bring everything up to date. HHJ James added that appeals against Teacher disciplinary actions were also subject to High Court proceedings; MoJ legal confirmed that the list in the CPR is not exhaustive, but some modest updating will be done without having to wait for any wider review (as set out below). HHJ James also observed that the Judicial College receives many enquiries as part of its statutory appeals training course. This adds weight to the value in conducting a wider review if resources allow. A discussion on the revised drafting followed.

23. It was **NOTED that:**

- The contents table in PD 52D, under paragraph 5.1 (but which actually relates to paragraph 4), caters for various healthcare related statutory appeals to the High Court. In relation to health and care professional regulators these appeals are against specific fitness to practise decisions made by Panels of the regulators. The table is amended to include:
 - article 17(1) of the AAPAO which sets out the specific fitness to practise decisions which are appealable to the High Court under the AAPAO.
 - article 17(2) of the AAPAO which sets out the specific registration decisions which are appealable to the County Court under the AAPAO.
- Paragraph 19.1 is amended to include article 17(1) of the AAPAO.
- Paragraph 19.1(3) has been further revised, as discussed at previous meetings, the time to bring an appeal under article 17(5) of the AAPAO is different from the time in paragraph 19.1(3) of PD 52D. To avoid any doubt as to the applicable time limit, both for AAPAO appeals and other wider statutory appeals captured by paragraph 19.1, sub-paragraph 19.1(3) has been amended to clarify that statutory time limits on appeal will override the default time limit set out in that sub-paragraph.
- Under section 29 of the Dentists Act 1984 (listed at PD 52D paragraph 19.1(1)(c), the registrar may, in certain circumstances, extend the time for appealing under that provision (the registrar is appointed by the General Dental Council, and the appeals are from decisions made by committees of the Council). Time has not allowed for a full review of the list, but there is, therefore, at least one statutory provision listed where a lower court may vary the time limit. The Committee therefore agreed that the amending words in square brackets in the draft should be included also.
- The table following paragraph 19.1(4) is amended to reference article 17(1) of the AAPAO.
- New paragraph 33.1 has been added to PD 52D on County Court appeals under the AAPAO. To align with DHSC's policy intent and the drafting approach taken for High Court appeals in PD 52D, paragraphs 33.1(2) and (3) are added to clarify that:
 - appeals against registration decisions to the County Court must be supported by written evidence
 - the General Medical Council is the respondent to the appeal
 - the Registrar of that General Medical Council is the person to be served with the appellant's notice.
- Two signposts are also included to flag that:
 - under rule 52.21, the appeal is by way of review rather than re-hearing
 - the time limit for appealing is set out in article 17(5) of the AAPAO.
- Remove outdated references to older pieces of legislation, for example the Nurses, Midwives and Health Visitors Act 1997, which has been repealed and replaced with the Nursing and Midwifery Order 2001.

24. It was **RESOLVED** to:

- **APPROVE** the amendments to PD 52D Statutory appeals and appeals subject to special provision;
- **COMMISSION** the wider review of Part 52, to be conducted by the Sub-Committee comprising Isabel Hitching KC, Ian Curtis-Nye and Katie Fowkes.

25. **Actions:** (i) Secretariat/Drafting Lawyers to incorporate the amendments into the next CPR update, due to be published in the New Year as part of the April 2026 in-force cycle
(ii) Sub-Committee to keep the Secretariat apprised for programming purposes.

Item 5 Rule 7.11 Human Rights damages claims in respect of judicial acts CPR(25)49

26. Juliet Ogbodo (Ministry of Justice) and Sophie Briant (MoJ Legal) were welcomed to the meeting.

27. The policy intention to amend CPR 7.11, is to clarify the appropriate route for bringing proceedings in respect of judicial acts under section 9(1) Human Rights Act 1998, and to clarify the circumstances in which a claim may be brought under s.9(1)(c). Currently, freestanding claims can arguably be made regardless of whether appeal or JR was available. This can lead to claims being brought without prior judicial scrutiny of the act in question. The change would make clear that the position in England and Wales is the same as the position in Scotland.

28. The reforms would reinforce the principle that challenges to judicial acts should first go through appeal or JR, not directly to damages claims. By doing so, it avoids placing the Lord Chancellor (who is statutorily joined under section 9(4) HRA) in the position of assessing the lawfulness of judicial acts without prior judicial determination.

29. It was **RESOLVED to ESTABLISH A SUB-COMMITTEE**, with the following membership: Mr Justice Pepperall and any other co-opted member necessary, together with either or both the Legal Advisers to the MR and the Lady Chief Justice respectively and MoJ Legal. Any time limit and/or transitional implications may also need considering.

30. **Action:** MoJ to keep the Secretariat apprised for programming purposes and to revert when ready.

Item 6 Costs Matters: Fixed Recoverable Costs (FRC) Stocktake CPR(25)50

31. Rachel Powell (Ministry of Justice) was welcomed to the meeting.

32. The Chair provided some introductory remarks, reiterating that the Committee gave an undertaking to conduct an initial stocktake when the reforms were introduced. This was initially planned for October 2024 (12 months after implementation) but that was delayed allowing more time for the changes to bed in. Nonetheless, the stocktake is an important part of bringing such significant changes into effect. The extension of FRC is an important suite of reforms, especially in the county court. A discussion followed.

33. It was **RESOLVED** to:

- **INCLUDE** a question/preamble to (i) request respondents to include information on case volumes/data, so that there is a clear evidence base in support of the

comments (ii) identify respondents' specific practice areas (iii) make clear that, because the stocktake include a wide range of questions, respondents can comment on the topics they wish, rather than feeling compelled to respond to every single question;

- **RE-WORD** the section on Housing to make clear that it relates to England only;
- **REMOVE** draft question 9 (regarding Part 36 offers) as not relevant in this context;
- **APPROVE the FRC Interim Implementation Stocktake document, subject to final drafting.** The preface is to be signed by the Deputy Head of Civil Justice (Birss LJ). The intention is to publish at the end of October 2025 with a deadline for responses by early January 2026.

34. **Actions:** (i) MoJ to prepare the final material by 24th October for the Secretariat to facilitate publication by 31st October 2025 (ii) MoJ to keep the Secretariat apprised for programming purposes (iii) Secretariat to provisionally allocate time in the Committee work programme from February 2026 onwards.

Item 7 Extending PD 51ZG1 Pilot to the BPC at Liverpool and Newcastle CPR(25)51

35. This item was presented by the Chair on behalf of Mr Justice Fancourt, who proposed a geographical extension to the existing pilot PD to include the Business and Property Courts (BPC) in Newcastle and Liverpool and is intended to improve regional accessibility for users.

36. It was **NOTED** that the suite of cost budgeting pilot PDs (51ZG1, 51ZG2 and 51ZG3) have been well received by local District Judges and practitioners who attended a Leeds BPC Forum seminar in the summer. HHJ Kelly indicated a similar impression from court users in Birmingham.

37. The current pilot PD was introduced following the Civil Justice Council's Costs Report, to make costs budgeting more proportionate. It is part of a suite of other pilot PDs and came into effect in April 2025. It applies in BPC cases issued in the Rolls Building and in Manchester and Leeds District Registries.

38. A discussion followed. The Committee was conscious to avoid revising a pilot prematurely and to risk unintended consequences. It was felt the matter would benefit from further consideration. The current pilot(s) were consciously contained within a specific group of pilot court centres; if the argument for expanding its scope held weight, it may also be appropriate to extend it more widely or even nationwide.

39. It was **RESOLVED** to:

- **NOTE** the proposal with thanks;
- **CONDUCT** further consultation within the judiciary (including the pilots' Sub-Committee) and the senior judiciary;
- **OBTAIN** any data from the current pilot courts;

40. **Actions:** (i) Chair to feedback to Fancourt J and consult other judicial colleagues (ii) Secretariat to check with HMCTS as regards any data collection (iii) Matter to return when ready.

Item 8 Form PF10 Anonymity Order in High Court child and protected party approval cases CPR(25)52

41. Master Sullivan presented the matter.
42. The need to review practice form (PF) 10 arose as part of the Court of Appeal's decision in *PMC -v- CWM TAF Morgannwg University Health Board (Neutral Citation Number: [2005] EWCA Civ 1126)*, in which the MR invited the Committee to consider how to revise the form in the light of the decision. However, it does not expressly state which parts of the current PF10 are inappropriate.
43. The judgment was handed down in August. As such, work has been conducted at pace over the summer; **THANKS** were expressed to Mr Justice Pepperall and District Judge Clarke for their valuable input as members of the Sub-Committee.
44. Some focused consultation has also taken place with, amongst others, the Personal Injury Bar Association (PIBA), who were interveners in *PMC*, and with the Professional Negligence Bar Association. The Committee's **THANKS** were **NOTED**. Helpful comments have been forthcoming and which the Sub-Committee has considered. Each was explained, discussed and settled upon. A summary is as follows.
45. Since the Court of Appeal's decision in *JXMX -v- Dartford and Gravesham NHST [2015] EWCA Civ 96*, the child or protected party has been entitled to ask for an anonymity order at the approval hearing, without prior notice to the press and without a formal application.
46. The PF10 was drafted to provide a model order and has been amended over the years to reflect various changes including the change from paper files to electronic case files.
47. Over time, applications were made earlier in proceedings to protect from the risk of jigsaw identification meaning that the anonymity order would not be appropriate by the time of any approval hearing. The PF10 is widely used for these early applications and in its current form does not specify it is only for applications made at approval hearings.
48. In *PMC* at first instance, the application for anonymity was not made at an approval hearing, but as a free-standing application about a month prior to trial. There had been previous press reporting about the claimant, although not the claim. The judge at first instance held that there was no jurisdiction to make an anonymity order in a case where the claimant's identity had not been withheld from the start.
49. When considered by the Court of Appeal, it was determined that the court does have jurisdiction to make anonymity orders in these cases. It defines an anonymity order as a combination of a withholding order ("WO") and a reporting restriction order ("RRO").
50. The practice, following *JXMX*, of listing the approval hearing in the Claimant's name should be stopped following *PMC*. The Sub-Committee suggest that courts list approval hearings where an anonymity order might be made, or where they do not know if one will be made, with the cypher "AAH" – anonymity and approval hearing. The press will then know what the hearing is and why it has that cypher. In any event it should be useful to put a note in the PF10 to identify this issue for practitioners as it is a change in practice. Pepperall J made some initial enquiries regarding marking cases on the digital case management system (DCMS) and confirmed that the Reporting Restriction/Anonymity case flag could be applied. This was duly **NOTED**.

51. **Post Meeting**, DJ Johnson established that the same is available on the CAFE (civil auto file) system in the county court.
52. Although PF10 was intended to be for approval hearings, the jurisdiction applies earlier than that and it is considered the draft order can be used for those purposes.
53. The recitals are intended to set out the correct test as clarified by the Court of Appeal.
54. The order should not refer to the Contempt of Court Act 1981 as the reporting restriction order is wider than the withholding order and s.11 is not required for a breach to amount to a contempt of court. It was confirmed that this approach does not conflict with the other existing model orders.
55. PIBA were in favour of PF10 containing the equivalent of a penal notice. The Sub-Committee is not. There has been no issue without one to date and it is not clear what it would add.
56. The Sub-Committee considered what the extent of the standard WO should be and whether it should include the name and address of the claimant, or whether it should refer, as the current PF10 does, to the claimant's identity rather than name. Given the comments at paragraph 113 of *PMC* it has been decided that the name and address should be specified as being withheld.
57. Additionally, there was a concern that a WO withholding the name would mean that all documents on the court file and for trial would have to be redacted. The WO was therefore restricted to the statements of case, judgments and orders, those being the documents to which the public have access without the court's permission.
58. Almost all the RRO will be prospective rather than retrospective. The current PF10 was intended to be prospective not retrospective – the second recital under "WHEREAS" refers to publication for the purpose of the order being any publication post-dating the order. However, there may be exceptional cases where a retrospective order is required. The standard order is drafted as prospective and a paragraph has been included in the notes to indicate what would be required for a retrospective order.
59. Criticism at first instance was also made of what was paragraph 5 of PF10 and is now paragraph 6, on the basis it would only apply to a retrospective order. Paragraph 6 is in fact to ensure that any office copy requests post-dating the order will be provided in accordance with the order, putting the onus on the parties and not stretched court administration to make the amendments. The Sub-Committee consider it is helpful and should remain.
60. Consideration has been given as to whether an address to which notice of any application should be given should be included at the end of paragraph 8. However, as there will be an address on the claim form, which will be accessible via office copy request, it was thought, on balance, there was no need.
61. It was **RESOLVED to AGREE** with the above points and **APPROVE** the revised draft PF10, subject to the inclusion of, ".../other person's [identity]..." to be added to the penultimate recital.
62. It was **FURTHER RESOLVED TO INCLUDE** a paragraph limiting the Anonymity Order to the claimant's lifetime.

63. **Actions:** (i) Master Sullivan to provide the Secretariat with a final version of the revised PF10 as soon as practicable (ii) The Secretariat to facilitate online publication of the new PF10 (in place of the existing version) as a matter of urgency thereafter.

Item 9 Lacuna Sub-Committee (LSC) CPR(25)53

64. Two items of LSC business were tabled and discussed:

65. **LSC2025/6 – This matter concerns the recovery of interpreters’ fees in small claims proceedings on the grounds of vulnerability.** This was referred to the LSC by a practitioner, essentially requesting that interpreter fees be included as a recoverable disbursement in small claims. The discussion identified various complexities requiring further investigation before it could be considered further. Some, if not all, of the issues identified were also likely to require policy consideration by MoJ. The issues included: the basis of the existing rationale; the previous costs related consultations on vulnerability and the court of appeal judgment in *Aldred -v- Cham*; proportionality; costs capping and whether to particularise the factors which contribute to parties being on an equal footing. It was **AGREED** that Ian Curtis-Nye and Ben Roe to assist and the Chair felt DJ Clarke should remain involved if possible. The Secretariat and MoJ Policy will conduct an initial search for the background information and report back out-of-committee. **Action:** Secretariat and MoJ Policy to report back as soon as practicable.
66. **LSC2025/7 – This matter concerns the Court’s power to order requests for disclosure from a non-party.** It arises following the decision in *McLaren -v- Alpa [2025] EWHC 1825* and more recent consideration. Rules are not seen as giving the Court power to order requests for disclosure from a non-party. The Committee’s general consensus was that the rules should be updated to address the gap. It is a useful power, which is used in practice and the rules should reflect that. Because it is already in use, consultation is unlikely to be necessary. Trower J offered to work with the Chair to frame a drafting amendment out-of-committee and this was **AGREED**. **Actions:** Trower J and Birss LJ to draft an amendment to be reviewed by MoJ legal in the usual way prior to inclusion in a future CPR update cycle.

Item 10 Any other business / possible items for future business.

67. The following items of business were raised and **NOTED**:
68. **Members’ Annual Appraisals:** have been completed over the summer. Members can request a copy, via the Secretariat or Andrew Caton in Judicial Office, as per normal.
69. **CPR Index:** a proposed simplification initiative has been raised by HHJ Emma Kelly, proposing to devise a simple “index” as an “entry level document” providing a short summary of what is contained in each CPR Part to enhance transparency and accessibility. Similar examples have been done for other jurisdictions. It was **AGREED** to include this in the Committee’s ongoing work programme. **Action:** HHJ Kelly and Secretariat.
70. **Supreme Court judgment [2025] UKSC 33 Hopcraft and others:** following the judgment, the Financial Conduct Authority (FCA) has published its Motor Finance Consumer Redress Scheme consultation. HM Treasury are also considering the judgment and any CPR related implications, which will require discussion with the MR in the first instance; should any work for the Committee arise, Kelly Stricklin-Coutinho and Elisabetta Sciallis are willing to contribute. **Action:** Secretariat to update HM Treasury officials.

71. **Civil Justice Council's Mental Capacity Report**

<https://www.judiciary.uk/wp-content/uploads/2024/11/CJC-Procedure-for-Determining-Mental-Capacity-in-Civil-Proceedings-Nov-2024.pdf>

The Courts Minister has thanked the CJC for the report, but advised that, due to financial constraints, MoJ are not proceeding at this stage with recommendations 25 (introducing a fund of last resort and providing additional finding) or 26 and 27 (non-means tested legal aid). The CPRC will now consider the recommendations assigned to them in the CJC report. It was **RESOLVED to ESTABLISH A SUB-COMMITTEE**, with the following membership: DJ Johnson (Chair), Master Sullivan, David Marshall and Ian Curtis-Nye. **Action:** Secretariat to update the work programme accordingly.

72. **Civil Justice Council's Enforcement Report**

<https://www.judiciary.uk/wp-content/uploads/2025/04/CJC-Report-on-Civil-Enforcement-April-2025.pdf>

The Government's priority at present is focused on how to ensure that there is independent oversight of firms that employ enforcement agents and High Court Enforcement Officers to enforce debts using the Taking Control of Goods procedure in England and Wales. This was a key theme throughout the CJC report. MoJ's consultation on the Regulation of the Debt Enforcement Sector closed on the 21st July 2025 and received over 100 responses. MoJ's work is therefore ongoing. However, it was felt prudent for the CPRC to start to review the report and its recommendations for the Committee. It was **RESOLVED to ESTABLISH A SUB-COMMITTEE**, with the following membership: Tom Montagu-Smith KC (Chair), Campbell Forsyth and a judicial member, preferably one with experience in both County Court and High Court enforcement. The Chair emphasised that this work may need to pause if other priorities are more pressing. **Action:** (i) Secretariat to update the work programme accordingly (ii) Chair to settle membership. **Post Meeting Note:** King's Bench Master Byass co-opted to the Sub-Committee.

73. **Renters' Rights Bill:** is still before Parliament and MoJ anticipate that Royal Asset (RA) will be secured around late October/early November. The Government's plan is still to implement the measures in three stages. Stage one focuses on (i) abolishing all private rented sector assured shorthold tenancies replacing them with periodic tenancies (therefore providing all private renters with an appeal right to the Property Chamber against any rent increased); and (ii) abolishing Section 21 "no fault" evictions removing the accompanying accelerated possession procedure in the courts. As previously agreed by the Committee, no rule changes are likely to be required for stage 1 (subject to digital point below). However, forms N5, N5B and N119 are all being updated and any final tweaks will also need to be considered post RA.

74. It is also intended that the digital possession service will be released in stages, and the Online Procedure Rules (OPR) and Practice Directions will make clear which users/locations they apply to at each stage. Where there is overlap between CPR and the new OPR, the CPR is to be framed in such a way as to make clear where the OPR apply and where the CPR apply. Officials will be providing more information on this in due course, because amendments might be required to ensure clarity between the application of the CPR and the OPR.

75. The Chair observed the significance of these reforms and commented how it was a good example of productive liaison across government and with HMCTS, Judicial College and others.

76. It was **FURTHER NOTED** that, Awaab's Law will come into force from 27th October 2025. This is part of the government's policy to transform the safety and quality of social housing. Awaab's Law intends to ensure social landlords repair certain hazards within prescribed timescales initially starting with damp and mould. Landlords who fail to comply face being

taken to court, with social tenants able to use the full powers of the law to hold them to account. Awaab's Law will be introduced through a phased approach and the Renters' Rights Bill will extend it to the private rented sector. An implementation timeframe for private landlords is still being developed by the Ministry of Housing, Communities and Local Government (MHCLG) and will be subject to further consultation from this autumn.

77. **Respect Orders.** This is a measure in the Crime and Policing Bill and was noted at the June 2025 meeting. Officials are working on a substantive presentation for the next meeting. **Action:** Secretariat to provisionally allocate time at the November meeting.
78. **Official Injury Portal (Whiplash) Sub-Committee:** It was **RESOLVED** to appoint HHJ Kelly to succeed HHJ Bird as Chair of the Sub-Committee. **Action:** Secretariat to update MoJ officials.
79. **Online Procedure Rule Committee (OPRC):** It was **RESOLVED** to appoint HHJ James to serve as a CPRC link member on OPRC matters. **Action:** Secretariat to update MoJ officials.

C B POOLE
October 2025

Attendees:

Carl Poole, Committee Secretary
Kate Aujla, Deputy Committee Secretary & Policy Adviser
Andy Caton, Judicial Office
Crystal Hung, Judicial Office
Amrita Dhaliwal, Ministry of Justice (MoJ)
Andrew Currans, Government Legal Department (MoJ)
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Sam Toyn, MoJ (Item 3)
Kathryn Flynn, Department of Health and Social Care (DHSC) (Item 4)
Juliet Ogbodo, MoJ (Item 5)
Sophie Briant, MoJ Legal, (Item 5)
Rachel Powell, MoJ (Item 6)
Master Dagnall (Item 9)