

**Approved**

## **Minutes of the Civil Procedure Rule Committee**

Friday 7<sup>th</sup> November 2025, conducted in a hybrid format, namely, at The Rolls Building (Royal Courts of Justice), Fetter Lane, London and via video conference.

### **Members attending**

Rt Hon Lady Justice Cockerill DBE, Deputy Head of Civil Justice (Chair)  
The Hon Mr Justice Trower  
The Hon Mr Justice Pepperall  
Master Sullivan  
Her Honour Judge Emma Kelly  
District Judge Clarke  
District Judge Johnson  
David Marshall  
Isabel Hitching KC  
Tom Montagu-Smith KC  
Kelly Stricklin-Coutinho  
Ian Curtis-Nye  
Campbell Forsyth  
Elisabetta Sciallis

### **Apologies**

His Honour Judge Hywel James and Ben Roe.

### **Item 1 Welcome**

1. The Chair welcomed everyone to her first Committee meeting since being appointed Deputy Head of Civil Justice (DHCJ) and provided some opening remarks.
2. Lady Justice Cockerill is looking forward to working with everyone involved in the Committee's important work. A **TRIBUTE** was paid to Lord Justice Birss who, as DHCJ, chaired the Committee on behalf of the MR since 2021 and served for many years as a High Court Judge member of the Committee prior to that. He did an "incredible" job and has provided a very helpful handover. His contribution to this Committee and to civil justice generally is "immeasurable". The Chair wished him well in his new role as Chancellor of the High Court.
3. The Chair emphasised the importance of transparency and her work as part of the Lady Chief Justice's Open Justice and Transparency Board. These principles can be used to further the profile and work of this Committee, such as holding meetings outside London and exploring ways in which her visits across England and Wales as DHCJ can be co-ordinated with Committee activity.
4. Time will be made available at a future meeting for a round-table discussion on the Committee's future direction of travel, any renewed priorities or projects members would like to be considered. The overlap with digitalisation and the Committee's relationship with the Online Procedure Rule Committee (OPRC) will also be important, but is likely to represent gradual change, because transformational work building a civil justice system for a new age can only be achieved in collaboration and with great care.

**Action:** (i) All members to consider topics for a discussion item on future work plans and priorities (ii) In consultation with the Chair, the Secretariat to allocate time in the agenda, provisionally for the February 2026 meeting.

5. The **minutes of the last meeting on 3<sup>rd</sup> October 2025**, were **AGREED**, subject to some minor revisions.
6. **Action Log and any matters arising not covered by later items:** The following items were raised and **NOTED**:
  - **AL(25)70 Lacuna Sub-Committee (LSC2025/04) item from the July 2025 meeting: Amending and Serving Claim Forms.** Master Sullivan and Kelly Stricklin-Coutinho have started to consider the matter and will revert when ready. District Judge Clarke is also willing to assist if required and this was **NOTED WITH THANKS**.
  - **AL(25)71 Civil Restraint Orders (CRO) item from the July 2025 meeting:** volunteers required to join Working Group with Mr Justice Trower and His Honour Judge Dight. Campbell Forsyth has previously volunteered, and District Judge Johnson will now also join the group. A report will be programmed in due course.
  - **AL(25)86 Court's power to order requests for disclosure from a non-party:** to note the draft rule amendments to deal with the issue raised by the Lacuna Sub-Committee (LSC2025/7) at the October 2025 meeting. The draft amendments prepared by Mr Justice Trower and Lord Justice Birss were tabled and **AGREED IN PRINCIPLE**, subject to final drafting which was being considered by MoJ legal in the usual way, prior to incorporation into a future CPR update cycle.
  - **AL(25)90 Civil Justice Council Enforcement Report.** Tom Montagu-Smith KC provided a brief oral update to advise that the Sub-Committee, (comprising himself (Chair), Campbell Forsyth (CPRC member) and KB Master Byass (Co-opted member)), has recently met. It has agreed a work programme and intends to provide a substantive report to the February 2026 meeting. **Action:** Secretariat to update the agenda plan and provisionally allocate time in February 2026.

## **Item 2 Parole Referrals to the High Court CPR(25)55**

7. Abi Marx (Ministry of Justice) was welcomed to the meeting.
8. **THANKS** were conveyed to the Sub-Committee comprising the Judge in Charge of the Administrative Court (Mr Justice Chamberlain), Mr Justice Pepperall and Master Sullivan, together with officials and the drafting lawyer.
9. The Chair provided some introductory remarks, observing that this matter had been before the Committee on four separate occasions, the last being 4<sup>th</sup> July 2025 (paras 30-42 of those minutes refer) when the draft amendments were agreed in principle, subject to consultation.
10. The purpose of the amendments is to introduce the procedural rules for a new power within the Victim and Prisoners Act 2024, which provides for the Secretary of State for Justice to refer certain Parole Board release decision cases to the High Court.

11. Ms Marx confirmed a standalone SI and PD Update, with the indicative commencement timetable of 31<sup>st</sup> December 2025, subject to the Lord Chancellor's approval, will bring the amendments into effect. MoJ are not expecting any cases under the new powers straight away.
12. Mr Justice Pepperall took the Committee through the final draft proposals. A discussion followed.
13. It was **NOTED** that:
  - The consultation garnered four responses (from the Parole Board, Association of Prison Lawyers (APL), Prisoners' Advice Service and a civil liberties and human rights specialist firm of solicitors). All responses have been very carefully considered, and **THANKS** were conveyed to everyone who took the time to respond. One substantive amendment has been made in consequence (new rule 77.20 – see below). Some of the other points raised by respondents to the consultation were outside the Committee's scope.
  - A new rule 77.20 has been drafted in response to concerns regarding service on unrepresented defendants and this was **AGREED**. Service for represented defendants will be as per the existing CPR, namely to the solicitor's business address.
  - Some other consultation comments from respondents touch on points previously raised and on which the Sub-Committee has therefore reflected. These points include the following.
  - Timelines - for submitting documents, e.g. the acknowledgement of service, being too short, with respondents citing the difficulties of securing legal visits in prisons. Whilst acknowledging this practical difficulty, the Sub-Committee was not minded to give more time in the rules, conscious that an individual's liberty is at stake and that the existing rules allow for the Court to grant extensions of time if required. The timelines prescribed in the rules support the objective of undertaking the review as speedily as possible.
  - The APL are concerned that there is no rule to prescribe how quickly the Secretary of State must make a referral. However, the draft rules have been framed in line with the primary legislation, which does not give a specific date.
  - Case management powers – the APL in particular were concerned about the lack of prescriptive rules to govern things like case management conferences, admission of evidence, attendance at hearings and the ability of the court to strike out unmeritorious claims on the papers. However, existing rules are sufficient to handle these issues, and it is likely that case management hearings will routinely be needed to address key procedural matters and rules to support these are unnecessary.
  - Interested parties – the Parole Board put forward their view that they should be an interested party. Referral proceedings are not a review of the Parole Board's policies or procedures but an assessment of risk as to whether the prisoner is safe to be released. Evidence on risk is provided by the Secretary of State, therefore the appropriate parties, as before the Parole Board, are the Secretary of State and the prisoner. Relevant information will be provided to the court as per rule 77.19(2),

including the Parole Board's decision letter. The Court can direct further information from a party should it require.

- Hearings – respondents were of the view that the default private hearing position before the Parole Board should be maintained before the Court. The Committee remained of the view that CPR 39.2 provides sufficient safeguards if all or part of any hearing should be held in private.
- Licence conditions – two respondents did not think it was appropriate to only refer to a MoJ policy framework in the Practice Direction, saying the framework does not have legal status and the Court must consider a much wider range of information such as statute and case law when deciding on licence conditions. The Sub-Committee did not see any issue with the Court 'having regard' to the framework and agreed it was not necessary to spell out an exhaustive list of what the Court will consider in the CPR. The Committee supported this view.

14. Some wider points were **FURTHER NOTED**, but they fall outside the ambit of the Committee:

- Judicial training, conduct of litigation (considering the judgment in *Mazur*) and rights of audience - each of these are issues for the judiciary. The APL recommended that the Court confirms that judges hearing these cases are trained and noted that it is possible that representatives appearing before the Parole Board will not be able to conduct a referral case or appear before the High Court without changes to the Rules to allow that. The Committee observed that this is not unique to Parole Referrals. The High Court's diet of work includes a wide range of matters, for example where Regulatory Bodies may not have rights of audience in the High Court, but proceedings can still be effective. Whomever does have a right to audience in the High Court, can thus be heard in the High Court.
- Legal aid - numerous operational concerns were raised, but the Legal Aid Agency will be conducting their own consultation on how legal aid in referral proceedings before the Court will work, and so the APL can raise these directly with the LAA.
- Unrepresented prisoners - the APL are concerned that unrepresented prisoners will find it difficult to navigate the Rules and they suggest a guide to the rules would be helpful for representatives as well as for unrepresented defendants. Ms Marx explained that a guide could be produced in due course, once cases come before the Court. MoJ will investigate producing or commissioning an easy-read guide on the process for unrepresented defendants. HMPPS can provide information about legal aid and obtaining legal representation to prisoners should they ask.

15. Ian Curtis-Nye was pleased to see the inclusion of para 6.1 into PD77 concerning victim personal statements and an express reference to the application of PD1A (participation of vulnerable parties or witnesses).

16. It was **RESOLVED** to:

- **APPROVE**, the amendments to Part 77 (Provisions in Support of Criminal Justice) and PD 77, **SUBJECT TO** final drafting and adoption of one modest revision to draft r.77.21 to read, "Any application...";
- **AMENDMENTS** to be incorporated into a standalone Statutory Instrument (the Civil Procedure (Amendment No.3) Rules 2025) and PD Making Document (192<sup>nd</sup> PD

Update), due to be published in the week of 24<sup>th</sup> November 2025 to come into force on 31<sup>st</sup> December 2025, **SUBJECT TO** Ministerial approval.

17. **Actions:** (i) MoJ Legal to produce the updating instruments for signature by members and MR respectively prior to Ministerial concurrence (ii) Secretariat to assist in facilitating smooth passage and publication on the CPR web pages.

### **Item 3 CPR Part 79 Counter-Terrorism: Domestic Notification Orders (Crime and Policing Bill) CPR(25)56**

18. Laura Collison (Home Office) and Lucy Chislom (Home Office Legal Advisers) were welcomed to the meeting.
19. The Chair made some introductory remarks, highlighting the challenging timetable. If the intention was to have amendments included in the April 2026 update cycle, that necessitates final approval at the December 2025 meeting and is unlikely to allow time for consultation. Moreover, it is not desirable to commit to CPR amendments before a Bill has received Royal Assent, in case it changes during its Parliamentary passage.
20. The proposed reforms arise in consequence of the 'Domestic Notification Orders' within the Crime and Policing Bill, which seeks to enable terrorism related notification requirements to be imposed on an offender, retrospectively. An application would be made (by the Police) to the High Court to impose notification requirements on an offender who has been convicted of a relevant offence but sentenced before the "terrorist connection" category existed, but who would likely have been determined as having such a terrorist connection if that category had been available at the time.
21. Ms Collison highlighted that as there are already CPR provisions for "Notification Orders" against foreign offenders, the drafting exercise in consequence of the reforms may not be too onerous and this was **NOTED**.
22. **It was RESOLVED to:**
- **ESTABLISH A SUB-COMMITTEE** comprising Mr Justice Pepperall and Kelly Stricklin-Coutinho, with the matter to return when ready;
  - **CONSULT** the judge in charge of the Terrorism List, Mrs Justice Cheema-Grubb.
23. **Actions:** (i) Home Office and MoJ officials to convene Sub-Committee meeting in consultation with Pepperall J and Ms Stricklin-Coutinho (ii) Pepperall J to consult Cheema-Grubb J (iii) Officials to keep the Secretariat apprised for programming purposes.

### **Item 4 Online Procedure Rules (OPR)**

24. Helen Timpson and Graeme Wood (Ministry of Justice) were both welcomed to the meeting, along with Elena Birchall (MoJ Legal).
25. The Chair provided some introductory remarks and set out the background.
26. The Online Procedure Rule Committee (OPRC) was established under the Judicial Review and Courts Act 2022 (sections 19-33 in Chapter 2 of Part 2) to make rules governing the practice and procedure for specific types of online court and tribunal proceedings across the Civil, Family and Tribunal jurisdictions, including in the pre-action space. The OPRC's inaugural meeting took place on 23 June 2023 (minutes of these meetings are available online). The OPRC is Chaired by the MR. The Deputy Head of Civil Justice also attends.

27. On 30 April 2025, the first set of Regulations came into force. These provide the OPRC with the power to make OPR in certain specified proceedings and this includes property proceedings, for which the CPRC has an interest and CPRC members are engaged.
28. At the last CPRC meeting (October 2025), His Honour Judge James was assigned as the CPRC link member for OPRC business generally.
29. This item comprises two elements, as follows. They represent the most significant aspects of OPRC related business for the CPRC and both sets of rules, to date.

#### **Schedule 4 of the Judicial Review and Courts Act 2022: CPR implications CPR(25)57**

30. Ms Timpson explained that when Schedule 4 of the Judicial Review and Courts Act 2022 comes into force (on a date to be confirmed by Ministers, but anticipated to be in May/June 2026) it will amend the Civil Procedure Act 1997 by (i) introducing a requirement that CPRs are written in such a way that they do not govern practice and procedure covered by the OPR and (ii) making it clear that CPR PDs do not apply in relation to proceedings governed by OPR.
31. MoJ proposed two possible options to update the CPR in response to the upcoming first set of OPR for possession claims, comprising either option one: a general carve out to CPR Part 2 (Application and Interpretation of the Rules) and Part 55 (Possession Claims) or option two: more specific amendments, at each stage of OPR development. A discussion followed.
32. MoJ was concerned that the second option could present challenges from a promulgation timing perspective and preferred the general carve out option. However, the Chair noted HHJ James' comments in which he urged caution in light of the possible lack of flexibility a general carve out may offer, specifically where the rules need to cross-refer, for example with general rule provisions and on costs, appeals etc. This view garnered support. Members were concerned about unintended consequences, ambiguity for users, the digitally disadvantaged and vulnerable parties. Counter-claims was an example of where issues could arise in practice and risks arise if parties come out of the digital services and fall to be governed by different rules. It was not desirable to have a case which could be governed by different parts of separate rules of court. Proceedings should be governed by one set of rules or the other. Overall, the preference was for updating Part 2 only, and not Part 55, which might set a precedent for having to amend specific parts of the CPR each time new rules are created.
33. The Chair reiterated that the OPR would look very different from traditional rules for an analogue age because online access to justice is changing. Ms Timpson added, that much of the OPR will be embedded in the digital service rather than being set out in gradual rules. The Chair made clear that the key issue was how a line between the different sets of rules is drawn and that this is a task across Civil, Family and Tribunals. More rigorous use of signposting may form part of an effective solution.
34. The following was **NOTED**:
  - **SCOPE OF** the proposed new digital possession service;
  - **AMENDMENTS** are intended to be prepared in time for April/May in-force. On the basis that this necessitates inclusion in the CPR's winter update cycle, that would require approval at the December CPRC meeting, which may not be achievable;

- **CONSULTATION** will require further consideration and should be revisited when the matter returns.

35. It was **RESOLVED** to:

- **PROVIDE A STEER** that the preference is to update CPR Part 2;
- **DISCUSS** points of detail out-of-committee;
- **SUBJECT TO** the above, the matter and revised drafting, to return to the December meeting.

36. **Actions:** (i) In consultation with the HHJ James (if available), the Secretariat and MoJ policy, the respective drafting lawyers to discuss out-of-committee (ii) MoJ to prepare revised drafting proposal/s etc for the next meeting (iii) Secretariat to allocate time at the December 2025 meeting.

**Online Civil Money Claims (OCMC) and Damages Claims Portal (DCP): Working Group to oversee the transfer of existing PDs from the CPR into OPR CPR(25)58**

37. Mr Wood introduced the item. The intention is to establish a joint CPRC-OPRC Working Group, to commence in 2026. Its purpose will be to work through the necessary rule implications for transferring the current CPR pilot PDs governing the digital services in civil (the Online Civil Money Claims and the Damages Claims Portal respectively) to the OPRC and, in turn, the creation of OPRs and future work.

38. The draft terms of reference (ToR) were **NOTED** and discussed. This is potentially quite a time consuming and complex drafting exercise, but a necessary and inevitable one as it supports the overall direction of travel for the OPRC to govern the procedural rules which underpin the digital justice system.

39. The Chair was slightly uncomfortable with the proposal to introduce a further two groups (the ToR provides for a steering group and a main working group). Other members supported this in the interest of simplicity and effective use of time. Various points of detail were raised in the interests of helpfulness and which MoJ will consider out-of-committee and in liaison with the OPRC, such as: whether the Working Group should be made up of two groups or one; the CPRC lay rep member should be on the main working group that will be dealing with the detailed work; whether the title of the Working Group should include "OPRC" and/or the word "civil"[Money claims]. One modest typographical error was identified within the ToR under "purpose", whereby a "P"[D51ZB] needs inserting.

40. Master Sullivan highlighted the court forms and standard directions dimension that also needed to be considered. A joined-up approach is desirable.

41. It was **RESOLVED** to:

- **AGREE IN PRINCIPLE** with the formation of a joint OPRC-CPRC Working Group. The ToR for which are subject to final drafting;
- **APPOINT** Ian Curtis-Nye to be the CPRC member (representing the lay advice sector) on the (main) Working Group. As Mr Curtis-Nye has been one of the principal members of the current Damages and Money Claims Committee, his appointment provides valuable continuity and insight;

- **CONFIRM** whether HHJ James wishes to serve on the Working Group as he is the current CPRC “link member” for OPRC developments;
- **OTHER CPRC MEMBERSHIP** on the Working Group can be settled by simple appointment, in consultation with the Chair in the usual way.

42. **Actions:** (i) Secretariat to update HHJ James and check his view on membership (ii) MoJ feedback to the OPRC and revert to CPRC with the finalised ToR in due course.

#### **Item 5 Extension of the Small Claims Track Automatic Referral to Mediation Pilot (PD51ZE) and the Online Civil Money Claims Pilot (PD51R) CPR(25)59**

43. Sarah Rose and Saqib Helal (Ministry of Justice) were welcomed to the meeting.

44. The Small Claims Track Automatic Referral to Mediation pilot (PD51ZE) is due to expire in May 2026 and it is proposed that it be extended to April 2027 to properly evaluate the scheme. At the same time, it is felt prudent to align the end date of a separate mediation related pilot (for road traffic accident (RTA) related non-PI, “bent metal”, civil money claims) within the Online Civil Money Claims pilot (PD51R) as well. This also necessitates extending PD51R to April 2027. In doing so, it should provide for operational continuity and enable a single, coherent rule amendment, between the CPR and OPR (assuming the OPRC has ownership of the digital pilots in due course).

45. The Chair observed that when the one year *bent metal* mediation pilot within the OCMC pilot was introduced (pursuant to the 187<sup>th</sup> PD Update) it was on the basis that there would be an evaluation and consultation. In discussing the matter, the Committee endorsed this view and the need for data and evidence-based consideration.

46. It was **RESOLVED** to **AGREE IN PRINCIPLE** with the concept of aligning the PD end dates, subject to the matter returning with more detail as regards the form of evaluation and consultation.

47. **Actions:** (i) MoJ/HMCTS to provide any preliminary detail out-of-committee and (ii) Secretariat to provisionally allocate time at the December meeting, should MoJ/HMCTS intend to request PD extensions be included in the next mainstream CPR Update as part of the April 2026 in-force cycle.

#### **Item 6 Deciding Small Claims on Paper: consultation CPR(25)60**

48. District Judge Johnson presented the matter. **THANKS** were expressed to Ian Curtis-Nye, Ben Roe, Elisabetta Sciallis, Faye Whates (HMCTS) and Katie Fowkes (MoJ Legal) for their valuable input.

49. The pilot PD (PD51ZC) ran from June 2022 to October 2025 in six pilot court centres across England & Wales to test the effectiveness of determining small claims on paper, without a hearing.

50. At the March 2025 meeting, the Committee agreed that there was utility in the principle tested within the pilot. The pilot could, therefore, expire naturally on 31<sup>st</sup> October 2025.

51. The Sub-Committee was tasked with preparing a consultation on 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.



52. It has not been possible to simply import the provisions of the pilot PD into the substantive rules. A process of careful integration and revision has been undertaken. This includes some suggested changes to terminology in the interests of usability, simplicity, clarity and gender neutrality.
53. A discussion followed, during which the following was **NOTED**.
54. Some modest amendments are proposed to PD27A, including a new paragraph 8.2A to reflect and clarify paragraph 6.1 of the pilot regarding appeals.
55. Consequential amendments, principally to Rule 5.4C is proposed by way of an addition to reflect paragraph 5.4 of the pilot. However, the Chair was keen to ensure compatibility with CE file before the drafting was settled.
56. Most of the proposed new provisions are contained in Rule 27.10:
- Subparagraph (1) removes the reference to the parties having to agree to the court dealing with the claim without a hearing. The Sub-Committee spent quite some time debating this and concluded that it is for the court to decide whether the claim is suitable to be decided on the papers.
  - Subparagraph (2) is derived from paragraph 4.1 of the pilot; it is proposed that the amended N180 Directions Questionnaire be adopted both in paper and electronic forms.
  - Subparagraph (3) is derived from paragraph 4.3 of the pilot.
  - Suggested types of cases, suitable to be decided on the papers, have not been included (although they were listed in paragraph 4.4 of the pilot).
  - Subparagraph (4) is derived from paragraph 5.1 of the pilot. The parties will receive at least 21 days' notice of the decision date.
  - At subparagraph (5), a new provision has been included, requiring the parties to file and serve all the documents upon which they intend to rely no later than 14 days before the decision date. The time-frame mirrors standard directions given in online processes to ensure consistency between cases proceeding electronically and cases proceeding online. The pilot itself was silent about directions for serving evidence.
  - Subparagraphs (6) and (7) mirror paragraphs 5.2 and 5.3 of the pilot.
57. The Sub-Committee debated whether the parties should be required to serve their objections in addition to filing them. The pilot simply required them to be filed. Particular consideration has been given to a vulnerable party, and this was discussed. HHJ Kelly urging that it should not conflict with CPR 39.8 (communications with the court). It was **AGREED** to include “file and serve” in r.27.10(6).
58. Pepperall J suggested that the drafting could be simplified further in the interest of brevity because some of the early subparagraphs in PD 27.10 appeared to simply apply what is already in the Overriding Objective. The use of “decision date” (in subparagraph (6)) may have unintended consequences; the drafting could be recast to with an emphasis on when material is to be provided to the court, with listing left to the judiciary.

59. A possible gap in the pilot procedure regarding costs has been identified. The proposed new subrule 27.14(5) intends to address this.

60. It was **FURTHER NOTED** that:

- PD27B (RTA Small Claims) uses “determination” throughout for paper decisions. As such, that PD is likely to require consequential amendments in due course.
- The amended form N180 (Small Claims Directions Questionnaire) will also need to be changed, to remove references to “determination”, if the suggested new terminology is retained.

61. In response to questions, Ms Whates confirmed that the origins of the pilot PD arose from recommendations in a Civil Justice Council report (in 2022) on the resolution of Small Claims. This was **NOTED WITH THANKS**. The ability to list flexibly was a critical operational consideration and that the officials supporting the digital services and the Damages and Money Claims Committee (DMCC) are also aware of these proposed amendments.

62. It was **RESOLVED** to:

- **AGREE IN PRINCIPLE**, the draft amendments to Part 27, PD 27A (Small Claims Track) and any further consequential amendments; **SUBJECT TO** the above points and to final drafting and clarification of the position regarding compatibility with Article 6 rights;
- **CONDUCT** a public consultation on the perfected draft amendments as soon as is practicable;
- **INCLUDE** a summary of the evaluation produced by HMCTS, with the consultation.

63. **Action:** (i) MoJ Legal to consider and revert on the Article 6 point; (ii) In consultation with the Sub-Committee, draft amendments to be produced for consultation (iii) HMCTS to produce a summary of the evaluation material to accompany the consultation and check any inter-linked work with/or required by the DMCC (iv) Secretariat to facilitate the consultation (online) and allocate time for the matter to return in the New Year.

## **Item 7 Traffic Enforcement Centre (TEC) Fees CPR(25)61**

64. Abdul Huson (Ministry of Justice) was welcomed to the meeting.

65. The Chair gave some introductory remarks and summarised the background.

66. In June 2025, the CPRC received a report from the MoJ regarding various aspects of practice and procedure regarding traffic enforcement and the HMCTS Traffic Enforcement Centre. This includes a review of the TEC rules under CPR Part 75, to simplify and improve them and generally bring the rules up to date. His Honour Judge Ivan Ranson (Designated Civil Judge Online) has provided very useful input. The proposed amendments to Part 75 and PD75 were agreed in principle, subject to a public consultation. The public consultation was approved at the October 2025 meeting and is currently live, the deadline for responses is 21<sup>st</sup> November 2025.

67. Additionally, the MoJ undertook to consider a range of policy implications, which included questions for fees policy.

68. Mr Huson explained that currently, the Fees Order works on the basis that there is one fee for TEC, which serves as the “way in” and then anything else is governed by fees in general. The emerging policy view is that MoJ is minded to consider discussing with Ministers whether the Fees Order should be updated to make it more specific for TEC processes, explicitly prescribing what fees should be payable for the different activities brought in the TEC (as prescribed in Part 75) in the Fees Order. In doing so, MoJ would make explicit the fee that it views should be payable for requesting the court to review the decision of a court officer. At this stage, the view is that a fee is chargeable on the basis that it is an application.

69. A discussion followed, which recognised that ultimately decisions regarding fees and the Fees Order was for Government and not the Committee. The intention to introduce greater clarity is welcomed, especially for litigants in person. However, consideration for the rules may be required if specific fees for specific procedural steps are introduced. MoJ legal highlighted that it is not normal practice to refer to fees in the rules, but there may be a need to consider terminology as regards “requests” and “applications” in the context of the fee regime and TEC proceedings. Responses to the current consultation may inform that thought process.

70. It was **RESOLVED** to:

- **NOTE** MoJ Fees Policy report with thanks;
- **NOTE** that a further item on TEC is anticipated at the December meeting to review the draft rules, post-consultation and any other related updates from MoJ Enforcement Policy.

71. **Actions:** Secretariat to provisionally allocate time at the December meeting

#### **Item 8 Lacuna Sub-Committee (LSC) CPR(25)62 (LSC2025/5)**

72. Kelly Stricklin-Coutinho presented the matter.

73. The issue concerns a gap in the rules as regards a time limit for applications for permission to appeal a Court decision refusing permission to appeal an Arbitrator’s Award as provided for in s.69 of the Arbitration Act 1996. It was raised by Mr Justice Andrew Baker in RRY - v- NKX [2025] EWHC 41 (Comm).

74. A discussion followed.

75. The judgment and the Sub-Committee noted that the volume of cases is rare but can see the potential value in updating the rules. Possible options included amendment to Part 52 (Appeals) or Part 62 (Arbitration Claims). However, the question of whether such amendment should be specific to appeals under the 1996 Act or more generally to paper procedures was aired, as was the jurisdictional scope. Master Dagnall observed that any consultation should also extend to the Technology and Construction Court because the Arbitration PD provides that the TCC deal with some arbitration appeals. There is a particular problem here in that in an ordinary case the need to seek permission from the lower court at the hearing is ameliorated by the ability to ask the higher appellate court for permission, but in this situation only the lower court can grant permission.

76. It was **RESOLVED** to:

- **NOTE** the Sub-Committee report with thanks;

- **CONSULT** the Judge in Charge of the Commercial Court, Mr Justice Henshaw, in the first instance and subject to that, prepare draft amendment/s and consider any wider consultation.

77. **Action:** Trower J to liaise with Henshaw J and report back to the Secretariat for discussion with Chair as to next steps.

#### **Item 9 Any other business / possible items for future business.**

78. The following items of business were raised and **NOTED**:

79. **Mazur -v- Charles Russell Speechlys judgment - Neutral Citation Number: [2025] EWHC 2341 (KB).** Potentially, the judgment raises the need to conduct a Rules-wide review. However, material action needs to wait until the appellate position becomes clear. **Action:** Secretariat to maintain a watching brief and to programme the matter in substantively, as required, at the appropriate juncture.

80. **Annual Open Meeting in May 2026.** The Chair is keen to hold the annual open meeting outside London. Members were asked to consider and suggest possible venue options. **Action:** All to provide any venue options to the Secretariat by 5th December 2025.

81. **Civil Justice Council (CJC) Observer at CPRC meetings.** The Chair explained that it has been the custom and practice to invite a CJC member to serve as the “link” between the CJC and the CPRC. For at least the past seven years this has been Nicola Critchley to whom **THANKS** were conveyed. With her term of office on the Council now come to an end, it has been proposed that John Cuss (Legal Services Director at Hudgell Solicitors) be invited to succeed Nicola as the official observer. This was **AGREED, with effect from 5<sup>th</sup> December 2025.** **Action:** Secretariat to relay to the CJC Secretariat and offer to hold an introductory meeting with Mr Cuss in readiness of him observing the December meeting.

82. **Respect Orders.** The Chair reiterated that this is a provision in the Crime and Policing Bill. It is a new civil behavioural order, to enable courts to ban adult offenders from engaging in specified activities relating to their anti-social behaviour (ASB). The Respect Order partially replaces the existing Civil Injunction, however the Civil Injunction as it applies to under 18 year olds, and housing related nuisance ASB, will be retained without change, and renamed. Government envisage CPR changes in consequence and keen to deliver this at pace. It was **RESOLVED** to **ESTABLISH A SUB-COMMITTEE**, to which Her Honour Judge Emma Kelly and Elisabetta Sciallis were appointed. **Action:** Secretariat to relay to MoJ and the lead HMG Department (Home Office) and provisionally programme time in for the December – March meetings.

C B POOLE  
November 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)  
Katie Fowkes, Government Legal Department (MoJ)  
Faye Whates, HM Courts & Tribunals Service (HMCTS)

Master Dagnall

Abi Marx, MoJ (Item 2)

Laura Collison, Home Office (Item 3)

Lucy Chislom, Government Legal Department, Home Office (Item 3)

Helen Timpson, MoJ (Item 4)

Graeme Wood, MoJ (Item 4)

Sarah Rose, MoJ (Item 5)

Saqib Helal, MoJ (Item 5)

Abdul Huson, MoJ (Item 7)