

Approved

Minutes of the Civil Procedure Rule Committee

Friday 5th December 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 (for Items 7,8, 10, 11,12)*
Master Sullivan
His Honour Judge Hywel James
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

Members: Ben Roe was absent for the whole meeting and *Pepperall J was absence for part of the meeting, due to a training commitment.

Non-Members/Officials: Amrita Dhaliwal, Ministry of Justice and Jennifer Tugman (MoJ Legal).

Item 1 Welcome

1. The Chair welcomed everyone to the meeting, in particular the new Civil Justice Council (CJC) observer: **Mr John Cuss** is the new CJC link member. He has been a CJC member since January 2024. A qualified solicitor and Legal Services Director at Hudgell Solicitors. He leads on the firm's early careers and work experience programmes and was recognised as Mentor of the Year at the Hull and East Yorkshire People in Business Awards 2023. Mr Cuss is also Vice-Chair of the National Law Society Dispute Resolution Committee and a Senior Advisor to the Association of Consumer Support Organisations (ACSO).
2. The **minutes of the last meeting on 7th November 2025**, were **AGREED**, subject to some minor revisions.
3. **Action Log and any matters arising not covered by later items:** The following items were raised and **NOTED**:
 - **AL(25)86 - Court's power to order requests for disclosure from a non-party CPR(25)63:** At the last meeting, initial drafting was agreed in principle. Since then, Mr Justice Trower and MoJ Drafting Lawyers have considered it further and think it was framed in too narrow a form. As such, some revisions are proposed in the interests of clarity, by way of tweaking the wording of the new rule 31.12A (and para 18.5 of PD 57AD and other minor amendments in consequence). The Chancellor of the High Court, who formulated the original wording with Trower J, has been consulted and is content. It was **RESOLVED** to approve the revised

amendments and to agree that no further consultation is required. **Action:** Secretariat and Drafting lawyers to include in the next CPR Update as part of the April 2026 in-force cycle.

- **AL(25)101 - Arbitral Awards CPR(25)64:** This was before the last meeting as an initial report from the Lacuna Sub-Committee. Since then, Trower J has informally consulted the Judge in Charge of the Commercial Court, Mr Justice Henshaw, who thinks that an amendment to Part 62 (Arbitration Claims) is more suitable than an amendment to Part 52.3 (Permission to Appeal) and that some other consultation is probably appropriate. It was **RESOLVED** to refer the matter to the Business & Property Court Sub-Committee to produce the draft amendment, subject to consultation; Kelly Stricklin-Coutinho to join the Sub-Committee pro-tem. **Action:** Matter to return when ready.

Item 2 Amending Part 75 Traffic Enforcement - post consultation

4. The Secretary provided the following update on behalf of the Ministry of Justice, which was **NOTED**:
5. Following the meeting on 3rd October 2025 (paras 14 – 17 in those minutes refer), a public consultation took place between 9th October and 21st November 2025, on proposals to amend Part 75 and Practice Direction 75 which govern traffic enforcement at the Traffic Enforcement Centre (TEC).
6. The consultation sought views on: Proposal A: additions to the PD rules to clarify how court officers consider of out-of-time applications; Proposal B: amendments to the rules to clarify the issuing of Warrants of Control; Proposal C: amendments to the rules and PD to clarify the process for transferring cases out of the TEC; and Proposal D: changes to the rules and PD to update outdated references and forms and to enable digitalisation of the TEC.
7. 15 responses to the consultation have been received (five from local authorities and charging authorities; six from the enforcement sector including the Civil Enforcement Association, the British Parking Association and firms; one from the London Tribunals and Traffic Penalty Tribunals; one from an independent debt advice provider; one from Lord Lucas, the former chair of the Enforcement Law Review Group; and one from a private individual).
8. Due to the complex nature of the proposed changes and the helpful comments of the respondents, it has taken longer than anticipated to work through the responses and draft the updated Rules and PD for Committee consideration. The intention is to:
 - return to the Committee in February 2026, having had the opportunity to seek the views of the Designated Civil Judge, His Honour Judge Ranson and District Judge Etherington on the proposed rules;
 - prepare a draft response document to the consultation;
 - engage with the Forms Sub-Committee on various forms related matters arising from the consultation;
9. It was **FURTHER NOTED** that:
 - work is underway with HMCTS to update the guidance for TEC users, so that it will reflect the proposed amendments to the Rules and PD.

10. **Action:** MoJ to prepare the draft amendments, consultation response etc, in consultation with HHJ Ranson and DJ Etherington by 23rd January 2026 for consideration at the 6th February meeting.

Item 3 Judicial Review Changes for Nationally Significant Infrastructure Projects (NSIP): further amendments CPR(25)65

11. Lam Tran (Ministry of Justice) was welcomed to the meeting and the Chair made some introductory remarks.
12. The **DECLARATION OF PERSONAL INTEREST** from Isabel Hitching KC was NOTED: a close family member is employed by East West Railway Co Limited and has a leadership role in the Development Consent Order ('DCO') process for the Oxford to Cambridge rail project. Consistent with the approach on previous occasions when this topic has been before the Committee (in April and June 2025 respectively) Ms Hitching KC did not participate in the discussion or determination of this matter and confirmed that she will not participate in any discussions or decisions at any future meetings either.
13. Following the independent review by Lord Banner KC into legal challenges against Nationally Significant Infrastructure Projects (NSIP) and a Government Call for Evidence conducted between October to December 2024, various proposals for CPR amendments arose. The Civil Procedure (Amendment No 2) Rules 2025 and supporting PD amendments provided for several changes to the judicial review (JR) process for NSIPs, including the implementation of parts of the Planning and Infrastructure Bill (now Act) to remove the right of appeal for relevant cases deemed totally without merit at the oral permission hearing in the High Court. These amendments came into effect on 1st October 2025.
14. The Government has now identified two further procedural changes which build on the earlier reforms, relating to JRs against development consent orders and national policy statements for NSIPs under the Planning Act 2008 ('NSIP JRs'). The proposed amendments consist of revising PD 54D (Planning Court Claims) to introduce revised target timescales for NSIP JRs in the High Court and amending PD 52D (Statutory Appeals) to confirm that NSIP appeals in the Court of Appeal are considered by judges with relevant experience. MoJ consider that these amendments, which largely formalise what is already happening in practice, would help provide greater consistency for NSIP JRs and further expedite these cases to reduce the delays to critical national infrastructure.
15. A discussion ensued, in which a number of detailed points from Pepperall J, provided to the Chair, out-of-committee, were **NOTED**. These included highlighting concerns as to any proposal for ticketing judges in the Court of Appeal. Those comments were endorsed by the Chair with a recommendation that they be further considered by MoJ and proposals returned to the sub-committee in due course. Kelly Stricklin-Coutinho added to this by highlighting the specialist nature of Tribunals jurisdictions and the possible risk of special pleading at the appellants level if ticketing is introduced for NSIP.
16. It was **RESOLVED to reconvene the Sub-Committee** (with a slightly revised composition) as follows: the Planning Liaison Judge, the Judge in charge of the Administrative Court, Pepperall J and Lord Justice Holgate (succeeding Underhill LJ).
17. It was **NOTED** that an indicative coming into force timetable, subject to any consultation and the usual promulgation process, is October 2026. This has necessitated final approval by the Committee no later than the June 2026 meeting.

18. **Actions:** (i) MoJ to work with the Sub-Committee to consider the matter, draft amendments and report back to the Committee when ready (ii) MoJ to keep the Secretariat apprised for agenda planning purposes.

Item 4 Closed Material Procedure (CMP): further amendments CPR(25)66

19. Chloe Wood (Ministry of Justice) was welcomed to the meeting.
20. This was last before the Committee on 3rd October 2025 (paras 5 – 13 of those minutes refer), when it was resolved to approve a new rule 82.26A, subject to final drafting. This has now taken place, in consultation with District Judge Clarke and Lord Justice Singh, both of whom are content with the revised proposals which are in response to recommendation 5 from Sir Duncan Ouseley’s November 2022 independent report on CMP. The intention is 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; in essence codifying existing practice, by introducing an additional rule in Part 82, r.82.26A.
21. In response to the Committee’s views, the revised drafting was tabled and **AGREED**. The changes comprise:
- referring to this practice as a ‘Special Advocates position statement’ rather than a ‘Special Advocate Statement of Case’;
 - simplifying some language;
 - having concluded that it was appropriate to include new paragraph (6) in rule 82.26A, the Committee considered that, following the recent insertion of new paragraph (1A) and (1B) in rule 82.23, reference should also be made to rule 82.18. As rule 82.18 applies to proceedings under section 6(2) of the Justice and Security Act it already applies to this rule. Accordingly, the Sub-Committee have suggested the inclusion of a signpost rather than restating the rule in full.
22. **Action:** Secretariat and MoJ Legal to include the amendments in the upcoming CPR Update as part of the April 2026 common-commencement cycle.

Item 5 Consideration of the options to improve the identification of “offline” responses to money claims CPR(25)67

23. Lucy Astle-Fletcher and Caroline Scott (HM Courts & Tribunals Service) were welcomed to the meeting.
24. Ms Astle-Fletcher explained the challenges HMCTS encounter identifying and processing informal responses to money claims. Currently, responses submitted outside the online portals (OCMC or MCOL) can be missed, especially informal email replies given the high volume of emails received and the inconsistent format of email communications. HMCTS is therefore reviewing measures to ensure paper and email responses to money claims are identified and promptly processed, preventing inappropriate default judgments. HMCTS has also commissioned the User Insight Team to carry out some research. A couple of possible initial remedial options are also being considered, as is the extent to which AI may be utilised. A discussion followed. The Committee expressed **THANKS** for being approached at this early stage, **NOTED** the report and provided the steer that should the matter return for rule amendments to be considered, the Committee would be keen to understand HMCTS’s evaluation of the user research. It may also be a topic on which the Service Sub-Committee would need to be engaged.”

Item 6 Extending Online Civil Money Claims (OCMC) Pilot PD51R and Mediation Pilot PD51ZE CPR(25)68

25. Sarah Rose and Saqib Helal (Ministry of Justice) were welcomed to the meeting.
26. This was before the Committee at the last meeting on 7th November 2025 (paras 43 - 47 of those minutes refer) when the proposal of aligning the PD end dates was agreed in principle, subject to the matter returning with more detail as regards the form of evaluation and consultation.
27. The two PDs concerned are PD51R Online Civil Money Claims (OCMC) Pilot and PD51ZE the Small Claims Track Automatic Referral to Mediation Pilot. PD51R includes the non-personal injury road traffic accident (RTA) “bent metal” automatic referral to mediation pilot (a sub-pilot within the OCMC Pilot).
28. By aligning the end dates, it will provide a consistent approach to rule making and by extending the operative periods to April 2027, that will allow time for evaluation findings to be considered and inform future rule amendments, policy development and operational planning.
29. A discussion followed, in which Kelly Stricklin-Coutinho highlighted the difference between methodologies for different types of mediation, such as commercial and court mediation, which should be borne in mind by those considering success measures and to manage expectations to best effect. A question from Tom Montagu-Smith KC recognised a desire to understand the extent to which settlement occurs in response to, if not at, mediation. It was confirmed that MoJ’s intention is that the evaluation will examine how well public and professional user groups understand the purpose of mediation, its acceptability to them, their perceptions of its timing, the role of liability in achieving successful outcomes, and whether mediation influences results or if cases would have settled without court intervention regardless. Officials are also discussing this with Lady Justice Asplin in her role as the judicial lead for alternative dispute resolution.
30. It was **NOTED** that:
 - interim evaluations have been undertaken on PD51ZE and reports should be forthcoming in the New Year;
 - evaluation findings for PD51R will be available by May 2026 and will inform the planned consultation which will include a draft proposed rule changes for stakeholder review and feedback;
 - HMCTS will undertake monitoring and evaluation of the bent metal pilot to assess the user experience, as well as the operational and financial viability of mandatory mediation for this type of claim. The evaluation will adopt a proportionate, streamlined approach, building on insights from the mainstream civil mediation pilot (CARM) evaluation. This approach reflects the operational similarities between the two pilots and the need for evidence to inform future policy decisions;
 - qualitative evidence from a broad range of stakeholders, including claimants, key industry and sector organisations, mediators and mediator managers, administrative team leaders, service managers, and judges will also be gathered, as part of a package of techniques to inform the overall evidence base.

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

- government propose to separately amend PD51ZE to remove the RTA carve-out for non-PI claims, because there has been some confusion among legal representatives, unintended consequences such as forum shopping to bypass mediation, and inconsistency across the digital platforms.
- Mr Justice Johnson and HHJ Ranson are content with the proposed extensions, subject to the evaluation and consultation.

32. The Chair observed that, if the pilot PDs remain within the ambit of this Committee (as opposed to the Online Procedure Rule Committee), the evaluation and draft consultation should return in or around May 2026, so that final rules are settled by December 2026 for inclusion in the CPR Update cycle for April 2027.

33. It was **RESOLVED TO EXTEND** both the Online Civil Money Claims (OCMC) Pilot PD51R and the Small Claims Track Automatic Referral to Mediation Pilot PD51ZE to 6th April 2027.

34. **Action:** (i) Secretariat and MoJ to incorporate the pilot extensions in the next appropriate CPR Update (ii) Secretariat to provisionally allocate time from Spring 2026 to Dec 2026 for the draft consultation and subsequent work to be presented (iii) MoJ to keep the Secretariat appraised for agenda planning purposes.

Item 7 Amending CPR 7.11, which prescribes the High Court as the forum for damages claims under s.9 Human Rights Act 1998 in respect of judicial acts CPR(25)69

35. Juliet Ogbodo, Ian Brunton (Ministry of Justice) and Lizzie Rattee (MoJ Legal) were welcomed to the meeting.

36. Mr Justice Pepperall introduced the matter.

37. At the October 2025 meeting (paras 26 – 30 of those minutes refer) a Sub-Committee was established, Chaired by Pepperall J, along with MoJ and the Lady Chief Justice's Legal Adviser, Dr Terry McGuinness.

38. The policy intention behind the proposed amendment 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). This is to ensure that, where a challenge is brought to a judicial act, normal avenues of appeal or judicial review are used where available. This is to maintain the integrity of the appeals system. The reforms also seek to limit the occasions on which the Lord Chancellor would need to form and voice a view on the legality of a judicial act, before its legality has been considered by a Court exercising a review/appellate jurisdiction.

39. The proposed amendments to CPR 7.11 (How to start a claim – Human Rights) were discussed. The discussion highlighted a number of points, in particular, relating to limitation and whether the Family Court has the power to award damages.

40. It was **NOTED** that (i) the amendments will only apply to judicial acts on or after the date on which the amendment comes into force (ii) informal consultation has taken place with officials and legal advisers from Judicial Office. Given the very small category of cases applicable, it was **RESOLVED** that:

- no public consultation was necessary. However, the Judge in Charge of the Administrative Court and the President of the Family Division should be consulted, respectively;
- the draft amended CPR 7.11 was **AGREED IN PRINCIPLE**, subject to the above consultation.

41. **Actions:** (i) Sub-Committee to consult the Judge in Charge of the Administrative Court, Mr Justice Chamberlain, and the President of the Family Division (ii) Secretariat to provisionally allocate time on the February 2026 agenda.

Item 8 Contempt of Court CPR(25)70

42. The Chair made some introductory remarks, reflecting on the Committee's work in 2020 in which extensive revisions were undertaken to condense the previous rules on contempt and to set out a uniform procedure. The new Part 81 reduced the number of rules from 38 to 10 and dispensed with two PDs and a Practice Guidance document. A bespoke set of forms was also introduced to further simplify the process. During this work, it was suggested to the Law Commission that they may wish to consider the substantive law in due course.

43. Work by the Family Procedure Rule Committee was also undertaken, to update the FPR in a uniform way too.

44. In 2024/25, the Law Commission conducted a consultation on its law reform project reviewing Contempt of Court and the framework for liability for contempt. During the consultation, the Committee received a presentation by the Law Commission on 1st November 2024.

45. Mr Justice Pepperall explained the Law Commission has recently published Part 1 of its findings. As expected, they are recommending abolition of the current civil/criminal contempt distinction, and having a new framework applicable in both civil and criminal cases. Part 2 of the report on procedural reform is due in 2026.

46. The Lady Chief Justice's cross-jurisdictional judicial Working Group is chaired by Lord Justice Edis and Pepperall J represents the CPRC on this group. In setting out the group's purpose, Edis LJ has suggested that the new framework should be reflected in a single written code/set of rules and invited each jurisdictional rule-committee to provide a short document outlining their current position, issues to overcome and a list of legislative changes desired by each jurisdiction. A proposed draft response was discussed.

47. In summary, it was **AGREED** that, the Committee:

- opposes a single overarching code/set of rules: contempt rules for civil courts should remain in CPR Part 81, maintaining the CPR as a complete procedural code and governed by the CPRC;
- supports alignment where practical and notes that civil and family courts are already aligned. There is a less compelling case for alignment with criminal courts and tribunals due to differences in drafting style etc. A good example of where alignment has worked well was with the domestic abuse prevention order (DAPO) pilot PD for civil and family, which was framed in a specific drafting style for users across both jurisdictions;

- Indicated that it was open to reviewing Part 81, when all the Law Commission's findings and recommendations are known and expressed the view that at present, it is premature to amend rules before the Law Commission's Part 2 report is produced;
- highlights the CPRC's statutory duty to consult on any proposed reforms;
- will continue to participate in the Working Group but retain control over civil contempt rules.

48. The Chair expressed **THANKS** to Pepperall J for his work on the draft response and as part of the Working Group.

49. **Actions:** Chair to update the MR before the response is finalised.

Item 9 Online Procedure Rules (OPR) and the Civil Procedure Rules CPR(25)71

50. Helen Timpson (Ministry of Justice) and Elena Birchall (MoJ Legal) were welcomed to the meeting.

51. This was before the Committee at the last meeting on 7th November 2025 (paras 24 – 36 of those minutes refer) when it was explained that the CPR required updating in response to the upcoming first set of OPR for possession claims.

52. In November, the Committee indicated a preference to update Part 2 (Application and Interpretation of the Rules) only at this stage (and not to update Part 55 (Possession Claims)) and raised concern about proceedings which interact with different sets of rules and the treatment of counterclaims and other detailed points.

53. MoJ has considered these points and updated the Committee. In response to the point concerning how counterclaims would be dealt with by the digital possession service, Ms Timpson explained that they will be issued and case managed through to conclusion in the digital service. There are other areas where claims will cease to be dealt with by the digital possession service, such as: a. claims that are transferred to the High Court (not for issuing of the Writ but for case management) will be 'handed off' to the RCJ who will use CE File as they currently do to progress those claims. b. possession claims which have a money judgment which is later enforced through a money judgment enforcement method (warrant/writ of control, attachment of earnings etc) which will be handled as stand-alone money judgment enforcement (much like awards in family/employment claims) and not be issued on the digital possession service. c. standalone determination of cost applications; although a judge in a possession claim can still make costs orders in the case. Masters Sullivan and Dagnall raised some questions in regard to this which require further consideration and it was **AGREED** to consult the Possession and Enforcement Sub-Committee (amongst others) before the amendments are finalised.

54. It was **NOTED** that the intention of the OPRC is that the PD for possession claims, which will eventually form part of the OPR, will be clear on where these hand-offs exist. As part of the drafting process, care will be taken to ensure there are no gaps.

55. Ms Birchall took the Committee through the revised drafting, which now included a definition of "Online Procedure Rules" in rule 2.3(1) for clarity. A discussion followed, in which some further revisions, in the interests of simplification, were raised and **AGREED**, this included to re-draft r.2.1(3) and to review the use of the phrases "any aspect of proceedings" and "except to such extent as may be provided by". It was also agreed to

remove draft r.2.1(5) as unnecessary. Ian Curtis-Nye raised the possibility of signposting to assist the lay user and this was **NOTED**. However, at this stage, the purpose was to provide for a general carve out in the rules. In time, the updating of guidance should assist users generally. Ms Timpson explained that the new possession service may be developed under an incremental pilot, so practical issues and signposting can be considered as it evolves. Elisabetta Sciallis stressed the importance of early evaluations so that revisions to the pilot can be made in a timely manner.

56. It was **RESOLVED** to **APPROVE** the amendments to Part 2, subject to the above points and to a short, focused consultation during December, with a view to incorporate the changes into the upcoming CPR amendment SI as part of the April 2026 common-commencement cycle.
57. **Actions:** MoJ to conduct the focused consultation forthwith and subject to that, to finalise the amendments by 16th January 2026 for incorporation into the winter CPR Update, to be published, subject to Ministerial approval, in early February as part of the April 2026 in-force cycle.

Item 10 Amending Part 77: Interim Serious Crime Prevention Orders CPR(25)72

58. Christopher Duncan (Home Office) was welcomed to the meeting.
59. This was last before the Committee on 4th July 2025 (paras 5 – 14 of those minutes refer).
60. Campbell Forsyth introduced the matter, highlighting the urgency and high-profile nature of the legislation, while Mr Duncan confirmed that the Border Security, Asylum and Immigration Bill received Royal Assent on 2nd December 2025 although commencement date/s are yet to be confirmed.
61. Serious Crime Prevention Orders (SCPO) have been in operation for over 10 years, but very few applications have been made. Currently the provision of an Interim SCPO is not specifically provided for. The reforms are being introduced with the intention of speeding up the process, 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.
62. The Sub-Committee did consider whether the jurisdiction to make an interim order existed, but on balance, conscious of the political imperative and will of parliament, it was decided that specific rules were merited and that they should provide for a more assured path and clarity for users.
63. **THANKS** were expressed to Katie Fowkes for her assistance in preparing the drafting, observing that there were added complexities to the exercise, due to procedural provisions being included in the primary legislation itself and the established drafting conventions against which the Committee will be scrutinised, such as the practice not to repeat in secondary legislation (namely the CPR), that which is included in primary legislation. The Committee endorsed these thanks and urged officials to recognise the distinction between substantive and procedural law, and the statutory duties and responsibility of the Committee, when framing primary legislation. This was duly **NOTED**.
64. A discussion followed, during which various points of drafting and practical detail were raised and **NOTED**. Not all points of detail were resolved in the meeting. The principal outstanding question is whether the reference to “claim form” in PD 77 paragraph 3.1 needs to be retained. This will be considered out-of-committee.

65. It was **RESOLVED** to:

- agree the amendments to Part 77 and PD77 in principle, subject to the following points and to final drafting;
- include the substantive provisions in Part 77 (rather than a supplementing PD);
- recast draft r.77.1A(c) to remove the text relating to the legal test which the court will consider because that is not the appropriate location for a test to be set out;
- remove draft r.77.2B in favour of a signpost that emphasises the key point that it will not be possible to apply for an interim order before the point at which a “full” order is applied for;
- provisionally schedule an extra-ordinary meeting on 9th January 2026 in order to finalise the drafting; the meeting can be cancelled if the amendments are satisfactorily settled out-of-committee before the Christmas recess;
- include the amendments in the next mainstream CPR Update, as part of the April 2026 common-commencement cycle, subject to the drafting being finalised on 9th January 2026 if not before and confirmation of in-force date.

66. It was **FURTHER RESOLVED** that no further consultation is required. This decision was based on (i) the nature of the reforms (ii) that the concept of applying for interim orders is not new and (iii) the urgency with which the reforms are being sought to come into effect and (iv) noting that focused consultation has been undertaken with operational partners during the policy development, including National Crime Agency (NCA, National Police Chiefs Council (NPCC), Counter-Terrorism Policing (CTP) British Transport Police (BTP), Ministry of Defence Police (MDP) and the Crown Prosecution Service (CPS). Stakeholders have expressed support for the measure including within oral evidence sessions during the Bill’s Parliamentary passage.

67. **Action:** (i) In consultation with Campbell Forsyth, the Secretariat and Chair, the Home Office and MoJ Legal to prepare the final drafting for approval on 9th January 2026 if not before (ii) Secretariat to note provisional inclusion in the upcoming mainstream CPR update.

Item 11 Simplified Costs Budgeting: possible expansion of pilot PD51ZG1 CPR(25)73

68. The Chair provided some introductory comments, observing that the pilot had received a positive reaction from users.

69. The pilot PD currently applies in Business and Property Court (BPC) cases issued in the Rolls Building and in Manchester and Leeds District Registries. It was introduced in April 2025 as part of a package of reforms to make costs budgeting more proportionate, in response to the Civil Justice Council’s report on costs.

70. At the October 2025 meeting (paras 35-40 of those minutes refer), a proposal to extend the geographical scope of the pilot PD, to include the BPC at Liverpool and Newcastle was proposed by the then leadership Judge for the North. At the October meeting, the Committee was conscious to avoid revising a pilot prematurely and to risk unintended consequences. The Committee sought further information, including any data from the pilot sites and views from the original Sub-Committee. Concluding that, if the argument for

expanding the pilot's scope held weight, it may also be appropriate to extend it more widely or even nationwide.

71. Judicial feedback has been obtained from the original Sub-Committee Chair, who is also the Designated Civil Judge for Manchester (which is part of the pilot), and he supports the proposed change. He observed that if the proposal was accepted it would mean the District Registries in Birmingham, Bristol and Cardiff would be without the pilot, so that there is a good sample of courts with and courts without the scheme in operation, so that the success of the scheme can be measured. The current leadership judge for the North, Mr Justice Leech, has also been consulted and is content.
72. A discussion followed. The Committee sought clarity from HMCTS on data collection and analysis and reiterated the previous concerns as to whether it was premature to modify the pilot. Overall, it was not considered best to extend the pilot piecemeal and the option to roll out the pilot nationwide should be looked at. If there is no data to suggest otherwise, a national roll out could be piloted with a more structured approach to data collection etc to allow time to see the effect of the change.
73. This was **AGREED IN PRINCIPLE, SUBJECT TO CONSULTATION** with all other BPC leadership judges.
74. **Action:** (i) In liaison with the Chair, Secretariat to consult BPC leadership judges on proposed national roll out of the pilot PD51ZG1 (ii) HMCTS confirm the position/plans regarding data collection and analysis (iii) Matter to return when ready.

Item 12 Any other business / possible items for future business:

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

Official Injury Claim (OIC) Portal: Updates to reflect Motor Insurance Database name change - amendments to the RTA Small Claims Protocol, PD27B and CPR 45. CPR(25)74

76. The 'Motor Insurance Database (MID) is used to identify if a vehicle has valid insurance and who the insurer is. A search of the MID is embedded into the Official Injury Claim process. The MID is being renamed to "Navigate (Motor Insurance Policy Database)". Navigate is the MIB's cloud system which houses different public services of which the MID is one. The means that the references to the use of MID included in the CPR, Practice Direction 27B and the related Pre-Action Protocol, all need updating. No public consultation is required. Her Honour Judge Emma Kelly (Chair of the OIC Sub-Committee) has been consulted and is content.
77. It was **RESOLVED** to:
 - **APPROVE** the amendments, subject to consideration of a definition amendment and to final drafting;
 - **RECOMMEND** to the Master of the Rolls that the PAP amendments are duly made.
78. **Actions:** (i) Secretariat and Drafting Lawyers to incorporate the amendments into the next suitable updating instruments, if appropriate, the instruments forming part of the April 2026 in-force cycle (ii) Secretariat and Drafting Lawyers produce the related Pre-Action Protocol Updating instrument for the MR's approval as soon as practicable.

Amendment to Rule 54.5 in consequence of the Procurement Act 2023 CPR(25)75

79. An amendment to **CPR 54.5** (*time limit for filing a claim form*), by way of insertion of a new paragraph (6A), was proposed, to reflect the coming into force of the Procurement Act 2023 (“the 2023 Act”) on 24th February 2025, which replaces the Public Contracts Regulations 2015 (“the 2015 Regulations”), the latter being subject to savings provisions.
80. Currently, CPR 54.5(6) modifies the usual judicial review time limit for procurement cases under the 2015 Regulations: the claim form must be filed within 30 days of when the claimant first knew or ought to have known of the grounds for the claim, mirroring regulation 92(2) of the 2015 Regulations. It was **NOTED** that, under the 2023 Act, the same principle will apply, but references will be to section 106(1) and (2) of the Act with changes in terminology (for example, “supplier” replaces “economic operator”). The initial drawing approach was to consider amending the rule to update the legislative provisions and terminology and to include a transitional provision to deal with the savings provisions.
81. However, following judicial consultation, it was advised that there will be some cases coming through under the 2015 Regulations for years to come, given that call-off awards under pre-Act framework contracts will remain governed by the regulations.
82. Accordingly, the current rules have been retained without amendment and deal with applications under the 2023 Act in paragraph (6A) in the interests of clarity.
83. It was **RESOLVED** to **APPROVE** the amendment and incorporation into the imminent CPR Update as part of the April 2026 in-force cycle.
84. **Action:** Secretariat and Drafting Lawyers to include in the imminent CPR Update as part of the April 2026 in-force cycle.

Small Claims Paper Determination Pilot PD51ZC AL(25)99

85. This topic was before the November meeting (paras 48 - 63 of those minutes refer). At that meeting, draft amendments to Part 27 were agreed in principle, subject to various points and to consultation. One of those points concerned Article 6 rights in the context of a judge deciding a small claim on the papers, even in circumstances where the parties have not consented to a paper determination. MoJ legal have now looked into this matter and **THANKS** were conveyed for their helpful note, which concluded that the measure is reasonable and proportionate. Precedents for this approach already exist and the safeguards provided, in the rules, to ensure that a matter is only decided on the papers if it would be fair to do so was **NOTED**. The additional safeguard that any court or judge taking the decision would themselves have to take it in accordance with Article 6, was also **NOTED**. It was **FURTHER NOTED** that, from an open justice perspective, it was important that these matters appeared on a court list so that the usual rules apply. Nonetheless, respondents to the planned consultation may wish to provide comments on these points when considering the draft rule amendments and submitting their consultation response.
86. The Chair expressed **THANKS** to MoJ Legal for their useful contributions and to District Judge Johnson and the Sub-Committee, for preparing the draft amendments previously considered; the related consultation material can now be finalised by the Sub-Committee to be published as soon as practicable.
87. **Actions:** (i) DJ Johnson to finalise the consultation material and send to the Secretariat when ready (ii) Secretariat, in liaison with the Chair, to facilitate publication of the consultation at the earliest opportunity.

Content and timetable for the next Statutory Instrument (SI) and Practice Direction (PD) Update

88. The Secretary provided an oral update comprising a summary of the indicative timings and content for the next CPR amending SI and mainstream PD Update for amendments agreed by the Committee from July to December 2025 inclusive. The intention, subject to obtaining the requisite signatures from members out-of-committee and subject to Ministerial approval, is to lay the SI before Parliament on or around 5th February 2026, to come into effect on 6th April 2026. The associated PD Update will be published at the same time, as well as any PAP amendments if practicable.

Public proposal re circulation of draft reserved judgments

89. It was **NOTED** that an enquiry relating to draft reserved judgments has arisen as part of a MP's enquiry to the Justice Secretary on behalf of their constituent. This may require further consideration as an item of future business. **Action:** Secretariat to discuss with the Chair and officials as part of the usual business programming process.

CPR online: series of stylistic updates to the justice.gov.uk website to comply with Web Content Accessibility Guidelines (WCAG) 2.2.

90. It was **NOTED** that MoJ Digital commissioned an external audit to validate a series of stylistic changes to the justice.gov.uk website, which hosts the CPR online. The changes are necessary to comply with a suite of international standards for making web content accessible to people with disabilities. The updates are purely stylistic, comprising adjustments to font sizes, colour contrast, and similar visual elements.

91. No changes to page structure or layout are being made, to preserve the integrity of the site's content and navigation etc. The plan is to make the changes gradually to allow the opportunity to monitor the impact of each set of changes, ensure stability, and respond to any feedback or unforeseen issues in a timely and controlled manner.

92. If any members encounter issues in consequence, the Secretariat should be notified.

93. Elisabetta Sciallis observed that WCAG 2.2 were not the latest accessibility guidelines and the Secretariat undertook to check with MoJ Digital. **Post Meeting Note:** MoJ Digital agree and confirm they will be applying the latest updates from now on, as business as usual.

Date of next meeting

94. Provisionally, an ad-hoc meeting will be held (fully remote) on 9th January 2026 if there is any urgent business to transact. The next mainstream meeting was confirmed as 6th February 2026.

Public Domain Documents (PDD) Pilot PD as published under the 191st PD Update

95. The Chair reiterated that the above pilot would commence on 1st January 2026. In readiness, the Working Group's guidance document has been shared with pilot courts to disseminate to users as desired, and the Chair is holding an engagement event. To reflect the operational phase of the pilot, some personnel changes will also be made to the composition of the Working Group; **THANKS** were conveyed to all concerned.

Possible item of future business

96. The Chair advised that the Ministry of Defence are considering reforms which may necessitate engagement with the Costs Sub-Committee in advance of appearance at the full Committee. **Action:** Secretariat to maintain a watching brief for programming purposes.

C B POOLE
December 2025

Attendees:

Carl Poole, Committee Secretary
Kate Aujla, Deputy Committee Secretary & Policy Adviser
Andy Caton, Judicial Office
Crystal Hung, Judicial Office
Marcia Williams, Ministry of Justice (MoJ) (Deputising for Amrita Dhaliwal)
Andrew Currans, Government Legal Department (MoJ)
Katie Fowkes, Government Legal Department (MoJ)
Faye Whates, HM Courts & Tribunals Service (HMCTS)
Master Dagnall
Lam Tran, MoJ (Item 3)
Chloe Wood, MoJ (Item 4)
Lucy Astle-Fletcher, HMCTS (Item 5)
Caroline Scott, HMCTS (Item 5)
Sarah Rose, MoJ (Item 6)
Saqib Helal, MoJ (Item 6)
Juliet Ogbodo, MoJ (Item 7)
Ian Brunton, MoJ (Item 7)
Lizzie Rattee, Government Legal Department (MoJ) (Item 7)
Helen Timpson, MoJ (Item 9)
Graeme Wood, MoJ (Item 9)
Christopher Duncan, Home Office (Item 10)
Philip Day, Government Legal Department, Home Office (Item 10)