

Approved

Minutes of the Civil Procedure Rule Committee

Friday 6th February 2026, 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
Campbell Forsyth
Elisabetta Sciallis
Ben Roe

Apologies

Members: His Honour Judge James & Ian Curtis-Nye

Item 1 Welcome

1. The Chair welcomed everyone to the meeting, including Master Byass (for item 3) and John Revell (Government Legal Department) who was attending as an observer for the first time. It was also **NOTED** that the Master of the Rolls, had written to all members last month, advising that he will retire on 31st October 2026. The usual process to appoint a successor will be underway by the Judicial Appointments Commission in due course. The public announcement can be read online: [Master of the Rolls announces forthcoming retirement from the judiciary - Courts and Tribunals Judiciary](#)
2. The **minutes of the last meeting on 5th December 2025**, were **AGREED**, subject to one minor revision.
3. **Action Log and any matters arising not covered by later items:** The following items were raised and **NOTED**:
 - **AL(25)22 Service Sub-Committee** – Work considering the consultation responses is ongoing. The sub-committee intend to return with a report and draft proposals regarding email service in due course. Correspondence from HMCTS has also been received concerning a linked piece of work regarding potential changes to postal service. It was **RESOLVED** that Master Sullivan (a member of the service sub-committee) will discuss HMCTS' proposals with officials, out-of-committee, in the first instance. **Action:** Secretariat to facilitate meeting with HMCTS and Master Sullivan.

- **AL(25)44 Welsh Language Consultation** – The consultation has closed and the responses are being considered. A report will be delayed until after the Senedd elections. **Action:** Secretariat to provisionally schedule time in the agenda for June 2026.
- **AL(25)79 Amending Part 75 Traffic Enforcement** – Work is ongoing and as such the matter is deferred to the March meeting.
- **AL(25)89 Mental Capacity Sub-Committee** – District Judge Johnson (sub-committee Chair) provided an oral update. The sub-committee has had two meetings reviewing the Civil Justice Council’s recommendations from the report, in light of the Government’s position (as reported at the October 2025 meeting (para 71 of those minutes refer) that, due to financial constraints, MoJ are not proceeding at this stage with recommendations 25 (introducing a fund of last resort and providing additional funding) or 26 and 27 (non-means tested legal aid). In considering the residual work, some issues have arisen on which a CPRC steer may be required. If these issues remain unresolved, the matter will therefore return, provisionally in March. **Action:** Secretariat to update the programme planner accordingly. The CJC report can be seen here: <https://www.judiciary.uk/wp-content/uploads/2024/11/CJC-Procedure-for-Determining-Mental-Capacity-in-Civil-Proceedings-Nov-2024.pdf>

Item 2 Pre-Action Protocol (PAP) for Housing Conditions Claims CPR(26)01

4. Nicole Bickerdyke (Ministry of Housing, Communities and Local Government) and Sinead McCracken (Government Legal Department - MHCLG) were welcomed to the meeting.
5. Government is seeking to improve access to redress for the social housing sector, which has become even more important following the tragic case in which a child (Awaab Ishak) died following prolonged exposure to mould in his family’s social housing.
6. Following this, new legislation, the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 – known as “Awaab’s Law” – were introduced. The Regulations came into force on 27th October 2025 and require social landlords to fix damp, mould and other emergency hazards within strict statutory timescales. As such, amendments to the Housing Conditions Claims (England) PAP are envisaged. As well as reflecting the new Regulations, the aim is to update the PAP to emphasise the use of alternative dispute resolution (ADR), improve access to a property and avoid unnecessary claims to court.
7. It was **NOTED** that:
 - MHCLG officials have started to develop draft amendments, through consultation and engagement with stakeholders, however some points of detail have arisen which require the assistance of committee members for settled drafting to be prepared.
 - The indicative timetable is to finalise the PAP amendments at/by June 2026 to include them as part of the October 2026 commencement cycle, to coincide with the one year anniversary of Awaab’s Law coming into force.
 - The scope of Awaab’s Law will be expanded in phases, covering a broader range of hazards in 2026 and 2027.

8. A brief discussion followed. It was **RESOLVED to establish a sub-committee**, comprising: David Marshall, Elisabetta Sciallis and, subject to their consent, Master Dagnall (current co-opted chair of the CPRC's Housing Possession sub-committee); His Honour Judge James (Welsh Judge) should also be included, along with the relevant policy and legal officials from MHCLG and MoJ.
9. It was **FURTHER NOTED** that:
 - Wider work to update PAPs generally to better reflect ADR, was part of a package of business in response to the CJC's Report on PAPs, which is under consideration by the MR. Further work may, therefore, follow in due course.
10. **Actions:** (i) Secretariat (a) consult Master Dagnall and HHJ James on membership/involvement (b) facilitate the inaugural meeting of the sub-committee (ii) MHGLG to keep the Secretariat apprised for programming purposes.

Item 3 Enforcement Sub-Committee CPR(25)02

11. The Chair provided some introductory comments, observing that this matter was mentioned at the October 2025 meeting (para 72 of those minutes refer) and a sub-committee was established, comprising: Tom Montagu-Smith KC (as Chair), Campbell Forsyth and Master Stephen Byass (co-opted). **THANKS** were expressed to the sub-committee for preparing such a comprehensive and carefully considered piece of work.
12. The Civil Justice Council's (CJC) report on civil enforcement was published in April 2025, the CJC's Working Group was chaired by Her Honour Judge Karen Walden-Smith. It is an extensive report, including 17 recommendations directed to the CPRC.
13. The enforcement of judgments is an essential part of the civil justice system. The sub-committee recognises the significant amount of time that the CJC and others have put into producing such a substantial report and this was endorsed by the CPRC.
14. Mr Montagu-Smith KC presented the matter, with input from Master Byass and Campbell Forsyth. A discussion followed.
15. The CJC report identified a number of criticisms of the current enforcement regime across England and Wales. Such issues include the timeliness of execution of warrants of control in the County Court; judgment creditors often struggling to obtain information from judgment debtors; and the volume of default judgments, in part because defendants were not given notice of the originating proceedings.
16. The CJC proposes wide-reaching reforms, ranging from the creation of a digital enforcement court to more modest changes to existing court forms. The recommendations are divided into two categories: "immediate gains/smaller wins" and "bigger picture/further work". Given the breadth of the CJC's report, recommendations are also directed towards other bodies, including HMCTS, MoJ, other government departments and others. Inevitably, any related policy and operational implications will need to be considered in due course.
17. The sub-committee's consideration focused on the recommendations directed to the CPRC, specifically in three areas: Part 71 (orders to obtain information from judgment debtors), default judgments, and improvements to court forms. Each matter was explained and discussed, with observations informed by judicial and practitioner experience. The discussions highlighted various points of detail and principle, leading to conclusions that were either supportive of, or neutral towards, the recommendations. Neutral positions

arose where there was uncertainty regarding the underlying need, the likelihood that the proposed measures would meet that need, inherent complexities (such as issues of limitation), or overlap with other ongoing work (for example, within the Service sub-committee or in broader cross-government initiatives, including the development of a digital justice system and the possibility of a digital enforcement service).

18. Where support was given, the committee acknowledged that, whilst the reforms may appear modest, they are important and intended to assist.

19. A total of 11 recommendations were made regarding court forms and related guidance. The forms concerned are: Form N1 (the standard Part 7 claim form), N1A (explanatory notes) and N1C (guidance); Forms N9A, N9B, N9C and N9D (the forms for admitting and defending claims for specified and unspecified amounts); and Forms N323 (request for a warrant of control) and N293A (request for a writ of control or warrant of possession). Central to the recommendations is to make changes to align with aspects of the standard financial statement (SFS) to allow users to explain why a debt exists. However, there is already some provision for this, for example in Form N9A, so it is not immediately clear why this is considered to be insufficient. It is acknowledged that the relevant part of the SFS is differently worded, however, it is not much different in effect.

20. The CJC also raised that some recipients of warrants and writs of control were concerned that they were the subject of a fraudulent scam. It is not suggested that there is in fact widespread (or indeed any) fraud in obtaining writs and warrants of control. If such a problem does exist, the committee recognised that it would be in everyone's interests to resolve it. However, it was felt that it could be improved by engagement with bailiffs and enforcement agents, rather than by wholesale amendment of the rules. One option which garnered support was to draft a targeted amendment to enhance the procedure, possibly by providing that the enforcement notice be accompanied by an official copy of the writ or warrant.

21. It was **RESOLVED** to:

- Draft amendment/s to the Pre-Action Protocol for Debt Claims (para 3.3) to reflect the use of electronic means of communication, but not to change the rules on service, because of over-lapping work currently under consideration, post consultation, by the Service sub-committee.
- Refer the proposed recommendations regarding court forms to Master Sullivan (Chair, Forms sub-committee) and Mr Justice Richard Smith (Chair, Service sub-committee) respectively; any changes to guidance will require the involvement of HMCTS (who own form guidance) and MoJ may also need to consider any policy implications, in particular as regards the recommendations in relation to Form N9C (response to an unspecified money claim). Many of the other recommendations regarding linguistic and structural changes (such as including a box for the inclusion of an email address) are agreeable in principle (albeit the inclusion of the email address should not be mandatory as this is subject to work within the Service sub-committee).
- CPR Part 71 does have utility and is retained until and unless there is something put in its place. The CJC's comments as regards vulnerability, were acknowledged. However, the ultimate sanction of imprisonment for contempt of court should remain because it is an important part of the court's armoury. In the absence of the ultimate sanction of contempt, the payment of judgment debts is essentially voluntary, undermining a fundamental aspect of the whole civil justice system.

Moreover, given the ongoing work associated with the Law Commission's review of the law and procedure for contempt, it would be unwise to introduce changes now.

- Final draft amendments to return when ready, with an expectation that they will be subject to consultation with, at least, the High Court Masters and HM Association of District Judges.

22. It was **NOTED** that:

- Part 4 of the Tribunals, Courts and Enforcement Act 2007 is not yet in force. If it were brought into force, it may assist civil enforcement by making means information available from third parties, but there are no plans to bring it into force. If it is, a review of CPR Part 71 may be appropriate.

23. **Actions:** (i) MoJ Legal (Katie Fowkes) and Mr Montagu-Smith KC to (a) re-draft the Debt PAP amendments (b) draft rule amendment/s regarding service of the enforcement notice for warrants/writs (ii) Forms to be reviewed by relevant sub-committee et al (iii) Secretariat to maintain a watching brief and the matter (possibly in different phases) to return when ready.

Item 4 Contempt of Court

24. Mr Justice Pepperall provided a brief oral update. It was **NOTED WITH THANKS** that, pursuant to the action from the December CPRC meeting (paras 42- 49 in those minutes refer) a letter setting out the CPRC's position as agreed at the December meeting, has been sent to the cross-jurisdictional judicial Working Group, chaired by Lord Justice Edis. The letter was co-signed by the Deputy Head of Civil Justice. The Working Group's activities are ongoing.

Item 5 Amendments to Part 64 Estates, Trusts and Charities CPR(26)03

25. Katie Fowkes (Government Legal Department - MoJ) presented the matter. **THANKS** were conveyed to Mr Justice Rajah for his helpful input during discussions with MoJ Policy and as part of the drafting stages.

26. The intention is to modernise the procedural framework for charity proceedings and ensure consistency with other paper application processes under the CPR.

27. Amendments were proposed to CPR 64.5, 64.6, PD 64A (paras 7-10) and PD 64B (para 7.7) to update outdated references to the Charities Act 1993, replacing them with accurate references to the Charities Act 2011 and to consider revising CPR 64.6 to align with CPR 23.8(3)-(5) and CPR 52.4, enabling the court to refuse applications on paper while preserving the applicant's right to renew at an oral hearing, unless the application is deemed totally without merit.

28. A discussion followed. It was **NOTED** that:

- A focused consultation should take place prior to final resolution. Consultees being: the Attorney General, the Charity Commission for England and Wales, the Chancery Bar Association and the Charity Law Association.
- No consequential amendments appear to be necessary as a result of these amendments.

- No transitional provisions are proposed. The amendments are procedural in nature and, provided the profession is given adequate advance notice of the commencement date, they can take effect immediately without requiring any staged implementation or savings provisions. A fixed commencement date will ensure clarity for users while avoiding unnecessary complexity in operation.

29. It was **RESOLVED to approve in principle, subject to the following and to consultation and to final drafting:**

- Draft amendments to CPR 64.5, 64.6, subject to recasting draft new CPR 64.6(9) to replace, “of” [service] with “after” [service], to be consistent;
- Draft amendments to PD 64A (paras 7-10) and PD 64B (para 7.7);
- A parallel clarificatory amendment to rule 23.8(4) and (5), to include the wording “under paragraph (1)” was also agreed. This amendment need not be included in the consultation, unless helpful to do so in the interests of completeness.

30. **Actions:** MoJ Policy and Drafting Lawyers to facilitate the consultation in liaison with the Secretariat and matter to return when ready (no later than June if the matter is expected to be included in the next mainstream CPR update cycle, for October 2026 in-force).

Item 6 Transitional Provisions CPR(26)04

31. Mr Justice Pepperall proposed establishing a sub-committee to examine transitional provisions across the CPR and recommend improvements.
32. The work could be approached on a case-by-case basis as well as framing a wider work plan. It was also suggested that, as a matter of policy, proposed rule changes should be accompanied by a proposal for transitional provisions that considers the need for clarity, certainty, simplicity or if they are not required, a rationale for not doing so is explained before the final drafting is approved.
33. Setting out the background, Pepperall J explained that transitional provisions in the CPR are often drafted late in the process and this can result in multiple concurrent versions of the same rule remaining in force for years, making the rules confusing, inaccessible, and inconsistent.
34. Part 36 was used as an example where there are currently four versions of Part 36 still in operation due to complex transitional provisions. For example, the 2023 transitional provisions are particularly problematic: a baby injured on 30 September 2023 might not issue proceedings until 2044, meaning old rules would still apply decades later. Other examples, in the Costs rules, which differ depending on whether the claim was brought before 1st April 2013, between 2013 and 2023, or from 1st October 2023 and long-tail personal injury transitional provisions mean separate allocation and track regimes will persist for decades.
35. A discussion followed which expressed support for the proposal. Hitherto, the approach to considering transitional provisions was mixed. Often transitional provisions can have complexities and policy implications, for Government, which need considering. This can make drafting tricky. It was also felt that, as a matter of business as usual, each sub-committee should look pro-actively at the question of transitions when consider new work, so that the sub-committee’s recommendation can clearly set out the position regarding any

transitional provisions which can then be considered as part of the wider discussion when the matter comes before the CPRC.

36. It was **RESOLVED to:**

- **establish a standing sub-committee** to review existing transitional provisions across the CPR and recommend improvements. Membership will comprise: Mr Justice Pepperall (Chair), Isabel Hitching KC, Campbell Forsyth and MoJ legal; other co-opted members (ex-officio) to be appointed as and when required.
- **to review and enhance existing guidance** so that officials (or anyone preparing an item for committee consideration) are made aware that proposed rule changes must be accompanied by a proposal for transitional provisions that takes into account the need for clarity, certainty and simplicity.

37. **Actions:** (i) Secretariat to review and update the internal CPRC guidance for policy and other officials preparing business for the committee (ii) Matter to return when ready.

Item 7 Respect Orders Sub-Committee

38. This was last before the November 2025 meeting (para 82 of the minutes of that meeting refer). Her Honour Judge Emma Kelly provided a brief oral update, during which it was **NOTED** that the next sub-committee is scheduled, at which the Home Office (the lead policy Department) is expected to present the latest iteration of draft amendments/draft PD.

Item 8 Lacuna Sub-Committee CPR(25)05

39. Tom Montagu-Smith KC presented the matter (LSC2026/1).

40. Proposed amendments to rule 6.35 and PD6B (service out of the jurisdiction of England and Wales) regarding time for responding to a Part 8 claim out of the jurisdiction.

41. In summary, the issue arises from a case handled by Master Dagnall, where the court granted a Norwich Pharmacal order, but the rules do not specify any response period.

42. For claims served out of the jurisdiction, the time for responding is calculated by reference to the service of the Particulars of Claim (PoC). However, in Part 8 claims, PoC are not normally required, leading to no defined response period when such claims are served abroad.

43. This issue has arisen in practice, particularly for information-only claims (such as Norwich Pharmacal orders), increasingly permitted to be served out under the new gateway 25 in PD6B.

44. The sub-committee conclude that a genuine lacuna exists, despite Part 8 claims being long-established. Increasing reliance on Part 8 for international disclosure means the problem is occurring more often.

45. Two principal options to address the gap have been considered. Each was explained and discussed. The first option was to consider aligning the service rules with ordinary claims and the second option was whether the rules should follow the rules on applications. Essentially the time difference is modest (7 days), but principled. Master Sullivan agreed that it is a genuine issue and should be underpinned by a proper foundation in the rules. Mr Justice Trower observed that Part 8 was used a lot in practice and for a wide diet of

work. The Chair did not think these matters were pure applications, they were substantive claims. Others agreed and, in line with the sub-committee's recommendation, amendments to provide for alignment with other claims i.e. setting a response period counted from service of the claim form was favoured.

46. It was **NOTED** that MoJ policy were content with the proposed amendments.
47. It was **AGREED IN PRINCIPLE, to amend** CPR 6.35 and PD6B as drafted, **subject to a focused (judicial) consultation**, to include the High Court Masters, other judges and Mr Justice Richard Smith (Chair of the Service sub-committee).
48. Additionally, some other simplification and tidying up issues were also raised, with the list of places or country and associated days for service prescribed in the Table in PD6B. It was felt that the Senior Master, in his role as Central Authority for foreign process, may be able to assist. It was **RESOLVED** that the Senior Master be consulted.
49. **Actions:** (i) The Secretariat to agree with Mr Montagu-Smith KC, out of committee, facilitating the consultations (ii) Matter to return when ready.

Item 9 Any other business & possible items for future business

50. It was **NOTED** from the Chair that time would be allocated in March for a round-table discussion on future strategy/work planning and members were encouraged to come prepared to contribute ideas. In addition, the following topics are also likely to generate future business:
 - **Amendments following on from limited Senior Courts Act updates**, the detail of which is to follow.
 - **Standard interim payments for mesothelioma claims**, as proposed by Master Davison (with support from the Senior Master) and which is currently being considered by the Master of Rolls' private office.
 - **Correspondence from a legal services provider proposing amendment to Part 39 on corporate rights of audience**. In the first instance, this will be considered by the Lacuna sub-committee.
51. **Action:** (i) Secretariat to update the work programme and provisionally schedule in time at either or both the March meetings (ii) All members/officials to consider topics to feed into the CPRC's future strategy setting discussion in March.
52. **Annual Open Meeting in May 2026**. The Chair was delighted to advise that plans were developing well to hold the committee's annual open (public) meeting outside London; on this occasion in Birmingham and online. More details will be relayed in due course. Members were encouraged to consider ideas for other venues/events as part of a wider engagement programme.

C B POOLE
February 2026

Attendees:

Carl Poole, Committee Secretary
Kate Aujla, Deputy Committee Secretary & Policy Adviser
Andy Caton, Judicial Office

Amrita Dhaliwal, Ministry of Justice (MoJ)
Andrew Currans, Government Legal Department (MoJ)
Katie Fowkes, Government Legal Department (MoJ)
John Revell, Government Legal Department (MoJ)
Faye Whates, HM Courts & Tribunals Service (HMCTS)
John Cuss, Civil Justice Council link member (observer)
Nicole Bickerdyke, Ministry of Housing, Communities and Local Government (MHCLG) (Item 2)
Sinead McCracken, Government Legal Department (MHCLG) (Item 2)
Master Byass (Item 3)
Tessa Wearing, MoJ (Item 3)