

Approved

Minutes of the Civil Procedure Rule Committee

Friday 27th March 2026, conducted in a hybrid format, namely, at The Rolls Building (Royal Courts of Justice), Fetter Lane, London and via video conference.

Members attending

The Rt Hon Lady Justice Cockerill DBE, Deputy Head of Civil Justice (Chair)
The Hon Mr Justice Trower
The Hon Mr Justice Pepperall
Master Sullivan
His Honour Judge James
Her Honour Judge Emma Kelly
District Judge Clarke
District Judge Johnson
Isabel Hitching KC
Campbell Forsyth
Elisabetta Sciallis
Ben Roe
Ian Curtis-Nye

Apologies

Members: Tom Montagu-Smith KC, Kelly Stricklin-Coutinho, David Marshall
Non-Members/Officials: Carl Poole, Secretary; Amrita Dhaliwal, Ministry of Justice.

Item 1 Welcome

1. The Chair welcomed everyone in attendance (online and in person) and opened the meeting.
2. The **minutes of the last meeting on 6th March 2026**, were **AGREED**.
3. **Action Log and any matters arising not covered by later items:** The following items were raised and **NOTED**:
 - **AL(25)23 & AL(26)01 Service Reforms** – The Sub-Committee have had to deal with an extraordinary number of issues from the responses alongside managing competing priorities. They are also factoring in the postal reduction work. It is anticipated that the Sub-Committee will report back to the CPRC in June or July 2026, with the intention of presenting developed proposals in the autumn.

Item 2 Transparency and Open Justice (TOJ) Board CPR(26)09

4. Mr Justice Nicklin and Deepti Davenport (Judicial Office) were welcomed to the meeting. The Chair provided some introductory remarks. The TOJ Board was established by the Lady Chief Justice to lead and coordinate the promotion of transparency across all courts and tribunals. A public consultation was launched on its key objectives last year, to which the CPRC responded. There has been an exchange of correspondence between Mr Justice Nicklin and the then Chair (Lord Justice Birss) about amending the overriding objective. Nicklin J provided a

comprehensive update on the strategic direction of the Board, focussing on embedding open justice within the overriding objective of the CPR.

5. The board has now moved into its next phase, assessing how far existing practices and procedures of courts and tribunals align with the key objectives and identifying, in collaboration with those jurisdictions, where changes may be required and this was **NOTED**.
6. The work will take time and will involve working with the MoJ, HMCTS and the relevant rule committees. Secondly, a systematic review of the CPR against the key objectives will be a substantial programme of work.
7. Amending the overriding objective is not a small step but is containable; it does not require wholesale redrafting of the CPR.
8. The CPRC is not being asked to commit to doing any particular amendment but merely being asked to consider whether express recognition of the open justice principle, within the overriding objective, would assist in embedding the principles.
9. A discussion followed. Mr Justice Trower suggested that the inclusion in CPR 1.1(1) would be better placed as one of the characteristics that goes into the concept of dealing with the case justly and at proportionate cost in CPR 1.1(2). Nicklin J agreed it would be better placed there.
10. Mr Justice Pepperall noted that we need to be careful adding to the overriding objective, although he supports this proposal.
11. Isabel Hitching KC suggested some redrafting to CPR 1.1(2).
12. It was **RESOLVED** to: **ESTABLISH A SUB-COMMITTEE** to work on this and to work with other rule committees to try and get as close to a formulation that will work across all jurisdictions as possible. It should have the remit to consult with others and look beyond the overriding objective. In the longer term, its remit can take on a wider brief for open justice reforms. **Members agreed as:** Isabel Hitching KC (until her time on the CPRC comes to an end in September 2026 and she can be succeeded by a new member). Ian Curtis-Nye and Campbell Forsyth. The Chair (in her capacity as Deputy Head of Civil Justice) will also maintain oversight.
13. **Actions:** Sub-Committee to consider the matter, draft amendments and report back to the CPRC when ready, in liaison with the Secretariat for agenda planning purposes.

Item 3 Part 75 and PD75 Traffic Enforcement CPR(26)10

14. Sam Toyn and Tessa Wearing (Ministry of Justice) were welcomed to the meeting, along with Cassie Shingles-Madgen (HMCTS Traffic Enforcement Centre). It was **NOTED** that this was the last official duty by Ms Toyn, after many years in the Civil Service, both in MoJ civil policy and more widely across government and its agencies. The Chair extended her good wishes for the future.
15. The Chair provided some introductory remarks. This matter was considered at length at the last meeting and returns today following further work in response to the points raised last time. The clarification of the position of fees was also **NOTED** (and reflected as a post meeting note in the minutes of the last meeting).

16. The reforms are intended to streamline processes and provide clearer guidance for users.
17. The presentation was led by Sam Toyn who explained that the information provided in the annexes should now make the process clearer to the Committee. The Chair was grateful for the additional information, in particular the high-level process map document. **THANKS** were also expressed to His Honour Judge Ranson (Designated Civil Judge) for the time he has spent working on this with MoJ and HMCTS officials.
18. A discussion followed.
19. District Judge Johnson commented that a tension remains as regards the use of “order” and “order for recovery”. In PD75 it is referred to as the “order” but in the rule it is referred to as “order for recovery”, which is confusing. If both terms were needed, it would be better to define them both. It was **AGREED IN PRINCIPLE** to use “order for recovery” in the interests of consistency and clarity
20. Master Sullivan raised a number of issues, including the ordering and content of the sub paragraph at rule 75.7; references to forms and enquired as to whether the form with a prefix “PE” could be included in the suite of “TE” forms to improve useability. This was **AGREED IN PRINCIPLE**, and the matter is to be discussed with MoJ, out-of-committee.
21. It was **RESOLVED** to:
 - **APPROVE, subject to final drafting**, the amendments to Part 75 and PD 75 (Traffic Enforcement);
 - A more comprehensive review of Part 75 is desirable, but, due to other demands on committee time, this was not a current priority.
22. **Actions:** (i) MoJ to discuss forms with Master Sullivan (ii) Drafting Lawyers and Secretariat to include the amendments in the next mainstream CPR update as part of the October 2026 common-commencement cycle.

Item 4 Housing Conditions Claims (England) Pre-Action Protocol

23. Master Dagnall was welcomed to the meeting.
24. The Sub-Committee was set up to liaise with the Ministry of Housing, Communities and Local Government (MHCLG) and MoJ with regards to updating the Housing Conditions Protocol to account for the bringing into effect of Awaab’s law which, at present, relates to social housing.
25. When a landlord is made aware of a hazard they must investigate, report and carry out remedial works within the time-limits set out in the regulations under the new section 10A of the Landlord and Tenant Act 1985, which provides that these conditions are enforceable as if they were contractual terms in the landlord and tenant relationship.
26. The proposal is to update the protocol to take account of this. The problem identified is that the pre-action protocol (PAP) was originally based on terms expressed in landlord and tenant contracts or were statutory covenants under Section 11 of the 1985 Act. It was further amended to add another set of statutory implied covenants in Section 9A of the Act. It was **NOTED** that:

- The way in which the protocol has been extended and is proposed to be extended again, by way of bolting on, has made the drafting unwieldy and it is difficult to amend in such a way that it is efficient.
- The proposed solution is to essentially re-write the PAP. Or, restructure elements of the PAP, so that it's logical and coherent without altering much of the wording.
- A few inaccuracies have been identified whereby the PAP may not give entirely true impressions of the substantive law and procedure.
- Government request these changes to the PAP with an aim to bring into force in Autumn 2026. As this is a PAP update, there may be some flexibility outside the common-commencement cycles. This would also provide a more reasonable amount of time to the Sub-Committee to get the drafting right and possibly return to the CPRC in June 2026.

It was **RESOLVED** to:

- Extend the Sub-Committee's remit to revise the PAP generally as part of its work to reflect Awaab's Law.

27. **Actions:** Secretariat to programme time in to the June 2026 agenda.

Item 5 Amendments to PD51ZE and PD51R in relation to Online Civil Money Claims Road Traffic Accident 'Bent Metal' Claims CPR(26)11

28. The Chair welcomed Saqib Helal and Harriet Ainsworth-Smith (Ministry of Justice).

29. In December 2025, the CPRC approved extensions to the two pilot practice directions, PD51ZE and PD51R until April 2027. Further amendments intended to harmonise the two PDs are anticipated following analysis of the evaluation data, which is ongoing. In the meantime, amendments to PD51ZE to remove the carveout of road traffic accident (RTA) non-personal injury claims (what are known as "Bent Metal" claims) from the mandatory mediation scheme, are proposed. This will bring PD51ZE into line with PD51R, which already includes these claims following amendments in July 2025.

30. Additionally, a small amendment to PD51R Table of Contents is also proposed.

31. Evaluations of both pilots are on track for completion in May 2026.

32. It was **RESOLVED** to:

- **APPROVE** the amendments as drafted;
- **NOTE** progress and timetable for the evaluation exercises;
- **NOTE** that further amendments are expected in due course.

33. **Actions:** (i) Secretariat and MoJ Drafting Lawyers to incorporate into the next available update cycle (ii) MoJ/HMCTS to keep the Secretariat apprised on progress with the evaluations and any further amendments, for agenda planning purposes.

Item 6 Respect Orders CPR(26)12

34. The Chair welcomed Katharine Wilson, and Joanna Bain (Home Office Legal). David Hamilton (Ministry of Justice) was also present.
35. Her Honour Judge Emma Kelly provided a general overview. The proposed amendments are the bare minimum required. Concerns have been raised about issues with Part 65, such as whether the intention is to apply special measures under Part 18 CrimPR to civil proceedings. Text from the 2014 Act has been replicated into the amendments which means that the issues have not been covered. Other issues concern appeals and whether notice is given. This further raises concerns regarding litigants in person and vulnerability.
36. The position as to whether the new procedure for Respect Orders is to be piloted or not, is subject to Ministerial decision and that will not be known until after Easter recess. The Chair explained that a pilot under Part 51 is not limited to being a local scheme, it can be a national pilot. This should be taken into account, considering how quickly this is intended to come into force and the related operational implications with implementing the reforms in practice.
37. Ms Wilson expressed **THANKS** to HHJ Emma Kelly, and all concerned for the support and help received out-of-committee, to date. Home Office Legal have sought to replicate the existing process that applies to Part One injunctions. The idea is that the process is to look as close as possible to the existing process. The existing injunctions will continue but will now be called housing injunctions and youth injunctions. But large parts of what is currently covered by the 2014 Act in terms of injunctions will be branded as Respect Orders.
38. **IT WAS NOTED:**
- Concerns expressed with Part 65 as a whole and this needs looking at in slower time.
 - Amendments need to be made to the legal aid part.
39. Rather than slotting this into Part 65, a pragmatic approach is to introduce a separate section for Respect Orders.
40. In response to a question from Isabel Hitching KC, Home Office officials said, they were confident that the passage of the Bill will not have any effect on the amendments proposed. Royal Ascent is scheduled for the end of April 2026.
41. It was **RESOLVED** to:
- **NOTE** that work is ongoing and contingent upon Ministerial decision as to whether amendments are drafted for a pilot or not.
 - **AGREE IN PRINCIPLE, subject to the above Ministerial decision and subject to final drafting**, to produce draft amendments in the form of a standalone procedure for Respect Orders. This recognises the important context of political imperative and the nature of the reforms, in which a breach of a civil Respect Order attracts sanction in the criminal courts where an

individual's liberty is at stake. As well as the wider issues regarding Part 65 generally.

42. **Actions:** (i) Home Office and MoJ legal to work with sub-committee to produce settled drafting for CPRC sign off at earliest opportunity (ii) Secretariat to programme placeholder slots on the CPRC agendas in May and June.

Item 7 Lacuna Sub-Committee CPR(26)13

This item consists of two matters.

Disclosure Obligations of Litigation Friends LSC2026/04

43. This follows a referral (via Master Stevens) from the Official Solicitor. District Judge Clarke presented the matter, a proposed amendment of PD31A and possibly CPR 31.10 to provide for disclosure by litigation friends.
44. The proposed amendment is to clarify the process for signing disclosure statements when a party lacks capacity and is represented by a litigation friend.
45. It was **AGREED** to amend both. Part 31 and related forms will also be updated to use gender-neutral language, aligning with current drafting standards.
46. **Actions:** (i) Drafting Lawyers and Secretariat to incorporate into the next available mainstream CPR Update (ii) Form amendments to be considered by HMCTS and the Forms Sub-Committee.

A Company's Right of Self Representation LSC2026/05

47. This follows a practitioner referral. District Judge Clarke presented this item, and Katie Fowkes provided some background information in the context of earlier reforms to Part 39 from 2019.
48. It was **RESOLVED to ESTABLISH** a Sub-Committee, comprising DJ Clarke and Ben Roe, to consider the matter further and come up with the recommendations
49. **Action:** (i) MoJ Legal (Katie Fowkes) and Secretariat to check availability of past records relating to the 2019 reforms and to update the Sub-Committee (ii) Matter to return when ready.

Item 8 Changes to Senior Courts Act: Business and Property Division CPR(26)14

50. The Chair welcomed Dan Spillman to the meeting, who was observing on behalf of the President of the King's Bench Division.
51. The Chair provided introductory remarks and expressed deep **THANKS** to the Sub-Committee, comprising Trower J (chair) Pepperall J, Master Sullivan and co-opted members His Honour Judge Cadwallader, and Chancery Master McQuail; Insolvency and Companies Court (ICC) Judge Greenwood was a link member for ICC matters.
52. Trower J reiterated **THANKS** and extended praise to Ravi Patel (Judicial Office) whose contribution to this work has been invaluable and this was **NOTED**.
53. Reasonably well-advanced drafts of the necessary amendments were presented and discussed. Essentially, the reforms provide that the existing Chancery Division is

going to be re-named and the Commercial Court, Admiralty Court, Circuit Commercial Court and the Technology and Construction Court are going to be absorbed into the new definitively renamed Division.

54. The majority of the changes are straightforward (name changes). However, there are some slightly more challenging changes, for example, to clarify the structure and operation of lists and of District Registries, particularly addressing the status of Caernarfon, Mold and Preston. Work is ongoing and will require MoJ policy and HMCTS operational input.
55. Master Sullivan provided an update outlining the important and significant task of updating and rationalising over 130 specialist forms, identifying duplications, obsolete forms, and the need for co-ordination with the MoJ forms design team, while noting resource constraints and the necessity for input from judges responsible for each list. It has been identified that there is a lack of a central electronic resource. This is something that must be looked at in the future. Going forward, Master Sullivan would like a database of all forms.
56. The MoJ forms designer requires the changes by the beginning of June at the latest, to have a realistic prospect of achieving an October implementation. To do that, decisions are needed on (a) deadline for submitting revisions to the forms designer (b) how much time the Sub-Committee should give to a review of the forms at this stage and (c) a date by which input from lead judges is required. Steers were provided.
57. The Chair concluded that the forms will need to be looked at, but in order to meet an October 2026 in-force, the work may have to be approached in stages. The first, business critical, stage may have to be limited to only amending form titles and addresses. The working practice should be that forms previously used, can be continued to be used, unless or until replaced. This was **AGREED**.
58. The Chair thanked Trower J and the sub-committee for their excellent work in preparing for the anticipated reforms.
59. It was **RESOLVED** to:
 - **NOTE** positive progress with the drafting and that the approach adopted is **APPROVED IN PRINCIPLE**.
 - **NOTE** forms related work is ongoing.
60. **Actions:** (i) The Forms Sub-Committee will act as receivers and will distribute forms to the leadership judges and the Chancellor and ask them to review their forms and feedback appropriate amendments and identify any duplications or obsolete forms to be deleted or new forms created (ii) Trower J and Sub-committee to come back in June 2026 for final sign off in the usual way, subject to Ministerial and Parliamentary approval (ii) Secretariat to update the agenda programme and MoJ accordingly.

Item 9 Any Other Business

Online Procedure Rule Committee (OPRC): Possession Regime and Paper Forms

61. The Chair provided a brief oral update on the OPRC's work creating the digital possession regime. The rules are intended to go via OPRC and eventually people will be carrying out possession claims online, however, procedures also need to cater for

people who are either unable or unhappy using digital systems. As such, there is a paper forms alternative. At this stage, it is unknown if all possession proceedings will be started in the OPRC or whether there will still be legacy claims and whether all claims will be the responsibility of the OPRC or whether there will be some form of twin track, if this is the case, liaison will be necessary to ensure forms are not completely different.

62. It was **AGREED** to monitor updates, but no direct intervention is required unless procedural overlap arises.

Arbitration Claims

63. The Chair gave a brief update.

64. It was **NOTED** that this will be an item for the May meeting, following consultation with the practice area user group. It may be presented by Mr Justice Andrew Baker. He has also highlighted another future item of business. It arises from a Court of Appeal case regarding provision for nautical assessors, in which Lord Justice Coulson suggested some amended wording to improve PD52C.

Contempt of Court

65. Pepperall J provided a brief oral update on the work of the cross-jurisdictional working party. This was **NOTED**.

Annual Open Meeting – Outline Agenda for Birmingham

66. The Chair provided a concise update regarding the open meeting venue and arrangements for the day: Main meeting will start at the normal time of 10.30am usual business and a Q&A session. In the afternoon there will be a separate event for students and junior lawyers to ask a panel of committee members questions.
67. Appreciation was extended to HHJ Emma Kelly, Professor Liz Smart of the Civil Justice Council, and Chambers No.5 for their valuable assistance. **THANKS**, were further made to the volunteer members attending the afternoon session: Pepperall J, HHJ Emma Kelly, DJ Johnson, Master Sullivan, Ben Roe, Ian Curtis-Nye and David Marshall.
68. **Actions:** Secretariat to provide a briefing for members attending the afternoon session.

Part 51 Pilot Review

69. It was **NOTED** that a draft Terms of Reference has now been produced and Master Sullivan has requested volunteers to help with the Sub-Committee's work. **Action:** The Chair will speak to the new members about volunteering as part of their onboarding.

K AUJLA
31 March 2026

Attendees

Kate Aujla, Deputy Committee Secretary & Policy Advisor
Andy Caton, Judicial Office

Ravi Patel, Judicial Office
Smita Shah, Judicial Office
Marcia Willaims, 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)
John Cuss, Civil Justice Council link member (Observer)
Mr Justice Nicklin (Item 2)
Deepti Davenport, Judicial Office (Item 2)
Samantha Toyn, MoJ (Item 3)
Tessa Wearing, MoJ (Item 3)
Cassie Shingles-Madgen, HMCTS (Item 3)
Master Dagnall (Item 4)
Saqib Helal, MoJ (Item 5)
Harriet Ainsworth-Smith, MoJ (Item 5)
Katharine Wilson, Home Office (Item 6)
Joanna Bain, Home Office Legal (Item 6)
David Hamilton, MoJ (Item 6)