

## Approved

### Minutes of the Civil Procedure Rule Committee: Annual Open Meeting

Friday 8<sup>th</sup> May 2026, conducted in a hybrid format, namely, at No.5 Chambers, Birmingham and via video conference.

#### Members attending

The Rt. Hon. Sir Geoffrey Vos, Master of the Rolls & Head of Civil Justice (Chair)

The Rt Hon Lady Justice Cockerill DBE, Deputy Head of Civil Justice

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

David Marshall

Isabel Hitching KC

Campbell Forsyth

Ben Roe

Ian Curtis-Nye

#### Apologies

Tom Montagu-Smith KC, Kelly Stricklin-Coutinho and Elisabetta Sciallis

#### Item 1 Welcome and Introduction from the Master of the Rolls

1. The Rt. Hon. Sir Geoffrey Vos, Master of the Rolls (MR), statutory Chair of the Civil Procedure Rule Committee (CPRC), officially opened the annual public meeting.
2. The meeting was co-chaired by the MR and Lady Justice Cockerill, Deputy Head of Civil Justice (DHCJ).
3. **TRIBUTE IN MEMORIAM TO LORD CLARKE OF STONE-CUM-EBONY.** The MR gave a moving tribute, expressing his deep and sincere sympathy, following the loss of Lord Clarke last month. These sentiments were echoed by the whole Committee and all those present, many of whom either knew Lord Clarke personally or admired his exceptional work and service. Lord Clarke's tenure as MR and Head of Civil Justice for England and Wales was marked by his distinguished leadership, including his role as Chair of the CPRC. Throughout his service, he consistently demonstrated his renowned intellect and humanity, applying these qualities to the Committee's vital task of making rules that support a fair, accessible and efficient civil justice system. His contribution to committee business and his illustrious career remain an inspiration to all. **Action:** Secretariat to write a letter of condolence to Lady Clarke and her family.
4. The MR regarded this year's annual open meeting as a landmark occasion. It is the first open meeting outside London and the first in-person meeting since the Pandemic. Holding the annual open meeting in the regions and with in-person attendance is something to be celebrated and should be continued wherever possible. It is an excellent illustration of transparency and openness. The Committee is a "force of nature" achieving a huge amount for the good of the civil justice system and beyond. This is achieved at an ever increased pace, both in the main meetings and out-of-committee. **PRAISE** was conveyed to Lady Justice Cockerill for her leadership as DHCJ and to Carl Poole and other members of the team for managing such a supportive and effective secretariat as well as the departmental lawyers and officials.

5. The Online Procedure Rule Committee (OPRC), of which the MR is also Chair, has also been busy. The first set of core-rules are due to be promulgated very soon. This is the culmination of a lot of hard work, which has also seen the jurisdictional rule committees across civil, family and tribunals working very closely together. It has been a learning curve to draft simplified rules for online proceedings, which has taken more time than initially anticipated. However, this is an important stage in transforming and underpinning a modern future digital justice system. In time, the expectation is that further work will be completed for another statutory instrument to enable the OPRC to take on the rules which govern online civil money claims (OCMC) and damages claims online.
6. **THANKS** were further expressed to the venue hosts and for their help in facilitating the meeting. In particular, thanks were extended to Clare Radburn and Mark Forest-Thomas (Practice Directors) and their teams, including Rebecca Miles, Zen Hussian and Lucy Collison, all of whom have worked very closely with Kate Aujla (CPRC Secretariat) on all the practical arrangements in the run up to and on the day itself.
7. Three new legal members of the Committee were **WELCOMED** as part of the cycle of membership turnover: Greg Cox who is joining officially at the June meeting, to be followed by James Egan and James Willan KC, both of whom join at the October 2026 meeting. All have been appointed by the Lord Chancellor for the usual three-year term of office, following an open and fair competition last year.
8. The DHCJ took the opportunity to **NOTE** that this will be Sir Geffory's last open meeting as MR. Notwithstanding that his tenure as MR continues for some months yet, it was fitting to mark his exceptional contribution to the law, his mastery of civil procedure and to place on record, the Committee's deepest **APPRECIATION** for all that he has done for the Committee over many years.
9. **VALEDICTORY REMARKS FOR DAVID MARSHALL.** The DHCJ observed that today is Mr Marshall's last meeting, as his term of office ends on Sunday. Mr Marshall joined the Committee in May 2020 and has served on the Committee, as a solicitor member, for the maximum six years. He is managing partner at Anthony Gold Solicitors and a past Chair of the Law Society's Civil Justice Committee. He also served as an Assessor to Lord Justice Jackson as part of his wide-ranging review of civil litigation costs. This experience has been put to good use during his time on the CPRC, with the Costs Sub-Committee and Housing Possession Sub-Committee. This included the emergency measures during, and in recovery from, the Pandemic, as well as working on topics right across the CPRC. Lord Justice Birss (former DHCJ) reflected on his time working with Mr Marshall, highlighting his willingness to get involved, his attention to detail and refreshing commonsense. All members and officials wished him well for the future.
10. The MR left the meeting, due to other pressing business (returning for Item 7 below).

**Item 2 Minutes of the last meeting, Action Log and any matters arising not covered by later items:**

11. The minutes of the last meeting, on 27<sup>th</sup> March 2026 (the April meeting, convened early due to Easter), were **AGREED**.

**Action Log and any matters arising not covered by later items.**

12. The following item was **NOTED**:
  - **AL(25)99 Deciding Small Claims on Paper Consultation** - consultation on proposed amendments to Part 27 and PD27A to be published 11 May for comments by 22 June 2026. The proposed amendments provide for a judge to order that a small claim may be decided on the papers, without the consent of the parties. This suite of amendments follows the completion of a successful

pilot PD. **Post Meeting Note: the consultation is published online here:** <https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#proposed-amendment-to-cpr-part-27-and-practice-direction-27a-deciding-small-claims-without-a-hearing-consultation>

- **AL(25)112 Simplified Costs Budgeting PD51 ZG1** – the focused consultation with leadership judges across the country is now complete, which suggests good support for the proposal to expand the geographical scope nation-wide. The matter will, therefore, be prepared for CPRC consideration in due course. The pilot PD 51 ZG1 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 CJC’s report on costs.
- **AL(26)02 Housing Conditions (England) PAP** - work to update the PAP to take account of new legislation: the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 – known as “Awaab’s Law” – is progressing well.

### Item 3 Arbitration Claims (permission to appeal / appeal procedures) CPR(26)15

13. Mr Justice Trower presented the matter.
14. The matter was initially considered by the Lacuna Sub-Committee (LSC), prompted by a judgment from Mr Justice Andrew Baker in RRY v NKX [2025] EWHC 41 (Comm) concerning the time limit and procedure for seeking leave to appeal to the Court of Appeal against a decision refusing leave to appeal against an arbitration award under s.69 of the Arbitration Act 1996. The LSC report was considered at the November 2025 meeting, and it was decided to refer the matter to the CPRC’s Business and Property Courts Sub-Committee, to develop drafting proposals. Andrew Baker J is a member of that sub-committee and **THANKS** were expressed to him and all concerned for their care and attention in considering and preparing the proposed amendments.
15. Judicial and user consultation has been undertaken across the Commercial Court, Technology and Construction Court, and Commercial Court Users Committee. The feedback has been incorporated into the proposed amendments, which are technical in nature, and consensus-driven.
16. The Sub-Committee proposed:
  - a new rule to Part 62 (Arbitration Claims) r.62.10A
  - in consequence, amend Part 52 (Appeals): to amend r.52.3 to carve out appeals within 62.10A from the general permission-to-appeal framework, preventing confusion over the forum and timing of applications and to amend r.52.12 to confirm that the usual time limits for filing an appellant’s notice do not apply where rule 62.10A governs the appeal
  - a further amendment to PD62, paragraph 12.6, which deals with respondent’s notices in s.69 arbitration appeals.
17. Trower J highlighted the helpful, out-of-committee input from Katie Fowkes (MoJ legal) in relation to subparagraph (1)(d) of rule 52.3. The usual practice is to avoid re-iterating the primary substantive law requirement in the rules, in a way that suggests that the rule is the substantive requirement, when it is not. By reference, the signpost currently following rule 52.3(1) was inserted to flag other legislative circumstances when what is really a procedural requirement (the need for permission to appeal) is in other legislation. It was proposed that the aim of disapplying rule 52.3(2) from decisions

under the 1996 Act where only the first instance court has power to grant leave, could be achieved by including the carve out in rule 52.3(2): “*Unless the appeal is within paragraph (1)(c) or the appeal is of a decision that is within rule 62.10A, an application for permission to appeal may be made ...*”. And this was **AGREED**.

18. A discussion followed, in which Mr Justice Pepperall provided some other modest drafting revisions in the interest of brevity and to better achieve consistency with the general drafting style elsewhere in the CPR. Each was discussed. The Chair concluded that although Pepperall J’s points were all strictly correct, because the tabled amendments have been through a consultation process and carefully considered by a number of those with expertise in the area and agreed with the judges who use them, no further revisions should be made at this time, save for adopting Pepperall J’s proposal to include a heading before new CPR 61.10A and this was **AGREED**.

19. It was **RESOLVED** to:

- **NOTE** the Sub-Committee report, which also highlighted some other points raised by consultees, but which are out of scope of the current task, such as conducting a wider review of Part 62, because this is not a priority in the context of other pressing business.
- **APPROVE** the amendments, subject to the above points and to final drafting.

20. **Actions:** In consultation with Trower J, Drafting Lawyers and Secretariat to include the amendments in the upcoming CPR amendment cycle as part of the October 2026 common-commencement date.

#### **Item 4 Respect Orders CPR(26)16**

21. Katharine Wilson, Jo Harrison (Home Office Policy) and Harry Colman (Home Office Legal) were welcomed to the meeting. David Hamilton (MoJ Civil Procedure Policy) observed.

22. The DHCJ explained the background and the iterative process of rule-drafting where government officials and lawyers from the lead policy department present ongoing matters to the full Committee. The last appearance of this matter was at the meeting on 27 March 2026 (paragraphs 34 - 42 of the minutes of that meeting refer). **THANKS** were expressed to the Sub-Committee for their time and attention.

23. The work arises from the Crime and Policing Bill, which has now become an Act. It provides a new set of measures to tackle anti-social behaviour (subject to a commencement order). These new measures include the Respect Order, which essentially replaces injunctions currently provided for by Part 1 of the Anti-Social Behaviour Act 2014. The new legislation also makes the breach of a Respect Order a criminal offence.

24. Ms Wilson led the presentation for the Home Office, updating the Committee on the various drafting developments and areas where further work was ongoing.

25. A discussion followed.

26. Her Honour Judge Emma Kelly (Sub-Committee Chair) explained that, although much work had been undertaken since the last meeting, several important issues require further work. For example, on service, legal aid and the extent to which (if at all) the High Court as a venue, in which to receive applications for Respect Orders, should be included in the drafting. The primary legislation provides for the High Court as a venue, but in practice this is doubtful and there is a desire to avoid confusion and unintended consequences, in a procedural context. Mr Justice Trower, His Honour Judge James, Master Sullivan and District Judge Johnson raised similar and supporting points. This

included questions regarding forms. Issues arise in the context of existing forms, such as the Certificate of Service (N215), the general form of Application for Injunction (N16A) and, in the context of possible contempt proceedings arising from the proposed Respect Order's penal notice, any interplay with the existing Contempt Application (N600) which clearly sets out a defendant's rights. Master Sullivan urged consideration to be given to drafting a bespoke Respect Order Application and model form of Order and this was **NOTED**, along with other points of drafting detail.

27. The DHCJ emphasised the need for officials to clarify the nature of the CPR amendments. It was essential that a decision is made on whether the reforms will operate under a pilot PD or definitive substantive amendments and be implemented nationally. A pilot scheme (either nationally or in prescribed areas) may offer more flexibility, because it can be revised as the scheme develops in practice, without requiring formal rule changes. Neither does it engage the time sensitive parliamentary process. However, if a pilot scheme is preferred, an alternative drafting solution is likely. As such, there are important timing implications contingent on which approach is taken. This requires very careful consideration.
28. It was **RESOLVED** to maintain a placeholder in the mainstream CPR amendment cycle as part of the October 2026 common-commencement date, subject to the above points being addressed and subject to final drafting being agreed at the 05 June 2026 meeting.
29. **Actions:** Home Office to (i) prepare further developed drafting proposals by 13 May 2026, for the Sub-Committee to review (ii) prepare draft form and/or model order/s in consultation with MoJ, HMCTS and the Forms Sub-Committee (iii) seek Ministerial decision on the nature of the amendments (pilot or national rollout) and (iv) final draft proposed rule, PD and form amendments to be submitted to the Secretariat by 22 May for consideration at the 05 June 2026 meeting.

#### **Item 5 Upgrading the interim payment for mesothelioma CPR(26)17**

30. The DHCJ made some introductory remarks; the matter was presented by Master Sullivan.
31. **THANKS** were expressed to Master Davison, who, with the support of the Senior Master had raised the matter.
32. Around 800–900 asbestos cases are issued annually, approximately half involving mesothelioma. Claimants typically have a life expectancy of less than two years, and the interim payment is often the only compensation they receive during their lifetime. Naturally, it is of significant practical importance to them and their families. At present, the standard interim payment is expressly included in PD 49B (Mesothelioma Claims) paragraph 2 (Definitions) which states that the, '*standard interim payment*' means the standard payment in respect of interim damages, and (if appropriate) interim costs and disbursements as determined from time to time by the Head of Civil Justice. The amount of this payment is currently £50,000.'
33. The £50,000 figure was set in 2002 and is now considered to be out of date. It is suggested that it be increased to £75,000. This is under consideration by Judicial Office, because interim costs and disbursements are determined by the MR as Head of Civil Justice, not the CPRC. It was, therefore, proposed to remove the last sentence from paragraph 2 in PD49B, to avoiding the need to make a formal amendment to the CPR each time the rates are changed.
34. It was **NOTED** that the King's Bench Division Asbestos User Group is being consulted on the proposed change to the figure only.
35. A discussion followed. Ian Curtis-Nye asked whether the interim payment rates will be published publicly and whether there should be any signposting in the CPR. He was

particularly mindful of accessibility and transparency for non-legal users, such as the advice sector when assisting litigants in person. Master Sullivan provided some reassurance that, in practice, these types of cases tend to be handled by a relatively small cohort of specialist practitioners who know the rules and the rates. However, the DHCJ was keen to have the rates published for ease of public access and this matter will be looked out of-out-of-committee.

36. It was **RESOLVED**:

- To approve the amendment to remove the last sentence from PD 49B (Mesothelioma Claims) paragraph 2 (Definitions), subject to final drafting.
- The matter is to return to the June meeting, if required.

37. **Actions:** (i) In consultation with Master Sullivan, Drafting Lawyers and Secretariat to include the amendments in the upcoming CPR amendment cycle as part of the October 2026 common-commencement date (ii) Master Sullivan to relay consultation feedback to the MR/DHCJ as needed (iii) Judicial Office to consider publication of the rates when they are updated.

#### **Item 6 Judicial Review (Nationally Significant Infrastructure Planning) CPR(26)18**

38. Mr Justice Mould (Planning Liaison Judge), Lam Tran (Ministry of Justice) and Jennifer Tugman (MoJ Legal) were welcomed to the meeting. The DHCJ expressed **THANKS** to all concerned, especially to Mould J who chaired the Sub-Committee of which Mr Justice Chamberlain and Lord Justice Holgate were also co-opted members along with Mr Justice Pepperall (CPRC member).

39. Isabel Hitching KC, made the following **DECLARATION OF PERSONAL INTEREST**, which 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. Ms Hitching KC, made clear that a material conflict did not exist, but was being made out of an abundance of caution. Consistent with the approach on previous occasions when this topic has been before the Committee (in April, June and December 2025 respectively) Ms Hitching KC did not participate in the discussion or determination of the matter and will not participate in any discussions or decisions at any future meetings on this either.

40. Mould J presented the matter.

41. The work arises following the independent review by Lord Banner KC in May 2024 into legal challenges against Nationally Significant Infrastructure Projects (NSIP) and a government call for evidence conducted between October - December 2024. The CPRC was then asked (in April and June 2025) to consider a suite of amendments, including changes to facilitate the implementation of the measure in the Planning and Infrastructure Bill (now Act). These changes were included in the CPR amending SI, published in the summer 2025 and came into effect in October 2025.

42. The Committee was then approached by the government to consider two further procedural changes, which aim to provide greater clarity and speed to the NSIP Judicial Review (JR) process, by making clear that NSIP appeals in the Court of Appeal are considered by judges with relevant experience and to introduce shorter timescales in the High Court for JRs of development consent orders and national policy statements for NSIP under the Planning Act 2008.

43. When this was last before the CPRC in December 2025 (paragraphs 11 – 18 of those minutes refer) various steers were provided which have been acted on.

44. In relation to timescales in the High Court, the reforms are now limited to changes to tighten up the deadlines for serving pre-permission documents (from seven to three

days) and for filing and serving the detailed grounds of defence (from 35 to 28 days). For the listing of the oral permission hearing, government have adopted the suggested target timescale of three weeks from the deadline for filing a reply to the acknowledgment of service.

45. For the Court of Appeal, instead of seeking a formal change to the CPR, the plan is to clarify the current case allocation procedures in suitable public guidance, such as the Court Guide. This has been assisted by Holgate LJ highlighting that, listing decisions already consider, amongst other things, the seniority and expertise of the judges required. Therefore, setting this out in the public-facing guide would help to provide the reassurance that government were hoping to achieve with the initially proposed formal rule change. The Vice-President of the Court of Appeal (Civil Division) is also being consulted.

46. A discussion followed and it was **RESOLVED** to:

- Approve the amendments to PD 54D (Planning Court Claims) to introduce revised target timescales for NSIP JRs in the High Court.
- Note that updates to the Court of Appeal Guide are under consideration. This work is not bound by the CPR amendment deadlines because the CPRC is not responsible for the Guides, so that work can continue independently.

47. **Action:** In consultation with the Sub-Committee, Drafting Lawyers and Secretariat to include the amendments in the upcoming CPR amendment cycle as part of the October 2026 common-commencement date.

#### Item 7 Public Question Forum CPR(26)19

48. The Deputy Head of Civil Justice (DHCJ) reiterated her and the MR's thanks to everyone who submitted questions. Below is a list of the questions answered.

No.	Question	Answer
1	<p><b>Provisional Assessment Cap</b></p> <p>The £1500 (plus vat) cap for Provisional Assessment under CPR 47.15(5) has remained static since inception.</p> <p>Does the committee/sub-committee intend to review/increase the limit?</p> <p>Could this be done as part of the exercise to adjust Guideline Rates year on year?</p>	<p><i>To be considered/responded to out-of-committee</i></p>
2	<p><b>Costs Budgeting (Precedent H)</b></p> <p>CPR 3.15(5)(a) refers to the recoverable costs of “initially completing Precedent H” and then goes on to prescribe a cap of £1000 or 1% depending on which is the higher of the two figures.</p> <p>The debate in the office is whether “initially completing Precedent H” is interpreted to mean the very first - and only the first - version of the Precedent H that is completed (and served/filed); or whether</p>	<p>Master Sullivan explained that, having spoken to a Costs Judge and another judge who was involved in the original costs budgeting rules, the understanding and intention is that the cap of £1,000 or 1% applies to the drafting of the Precedent H that is presented to the costs management hearing.</p> <p>However, I can see that the word initially could, as the questioner states, be interpreted as the very first</p>

	<p>the phrase “initially completing Precedent H” extends to any subsequent revisions/amendments made to the very first budget in the run up to the first CCMC where a Costs Management Order is then made.</p> <p>What often happens in practice is a first Precedent H is completed, signed and served. There is some back and forth between the parties on draft directions, and a few weeks (or sometimes months later), the first budget is revised/amended to take account of the most up to date version of the draft directions, and that is the Precedent H which is then placed before the court at the first CCMC where a Costs Management Order is then made.</p> <p>There are divergent views as to whether <u>all</u> the costs of drafting &amp; amending the Precedent H that ultimately finds itself before the court at the first CCMC are captured by the £1000 or 1% cap at CPR 3.15(a); or those capped figures only apply to the very first version of the Precedent H that is completed, signed and served; and any subsequent work in tweaking/revising/amending that Precedent H (because of the back and forth on draft directions) instead sit more naturally within the 2% figure/description at CPR 3.15(5)(b).</p>	<p>Precedent H and not any revisions to that prior to the budgeting hearing.</p> <p>There is no judicial determination of the point, so far as I am aware.</p> <p>It therefore appears to be a matter that the relevant committee of the CPRC should look at to see whether any amendment is required and this was <b>NOTED</b>.</p>
3	<p><b>Third Party Costs Orders</b></p> <p>CPR 32.13(1) provides that witness statements are open to inspection during the course of the trial.</p> <p>My own case of <i>Shorthorn</i> (see above) provides that this is engaged without an application, informal or otherwise. In those circumstances, and in the round as regards the open justice principle more generally, <b>does the committee therefore consider</b> it would be appropriate to impose a third party costs order (CPR 46.2) upon a non-party observer, in circumstances where they have requested to inspect witness statements and the parties have sought (and been granted) an adjournment to perform redactions to those statements?</p>	<p>DHCJ answered. This is an important point, CPR 32.13(1) does indeed provide that documents are available.</p> <p>One way in which the CPRC is attempting to widen the practice of open justice is through the access to court documents (public domain documents) pilot PD51ZH in the Commercial Court.</p> <p>The Transparency and Open Justice Board is also following developments and has introduced a system of local Champions, whose role it is to promote open justice and the procedural rules which support and provide for it. This issue can be brought to their attention in the hope that they will be able to further promote its use.</p>
4	<p><b>[Supplemental to (1)]</b> Does the committee agree with me that the imposition of such an order would have a</p>	<p>The Committee is not in a position to comment on this specifically.</p>

	chilling and destructive effect on the principle of open justice?	PD51ZH is currently in operation until 31 <sup>st</sup> December 2027. It is too early to comment further at this stage.
5	<p><b>Bill of Costs Certification - The case of <i>Mazur</i></b> has drawn into sharp focus the role of ‘regulated individuals’ and ‘authorised persons’. This has brought attention to an issue around the certification of Bills of Costs and who can and cannot undertake this exercise.</p> <p>In the case of <i>Barking, Havering &amp; Redbridge University Hospitals NHS Trust v AKC [2021] EWHC 2607 (QB) (29 September 2021)</i>, Paragraph 34 it was said that:</p> <p><i>“CPR 47 PD para 5.21, together with Precedent F, requires the various matters specified in Precedent F, including the accuracy of the bill of costs, to be attested formally in the form of a certificate. <u>As is common ground, certification must be by an individual and, if the bill of costs is not certified by the client, the individual must be a solicitor.</u>”</i></p> <p>This is analogous with the Precedent certificates in PD 47 which provide that <i>“All certificates must be signed by the receiving party or by his solicitor”</i></p> <p>This, however, presents a situation whereby a Chartered Legal Executive with practising rights may conduct a claim from start to end (including certifying pleadings and any Costs Budget) but may not strictly certify the Bill of Costs.</p> <p><b>Do the CPRC have any desire to consider the scope of certification of a Bill of Costs to encompass those who have the necessary practice rights to do so such as a CILEX with practising rights, a Barrister with direct access rights or even a Costs Lawyer who holds the rights to conduct costs litigation?</b> It appears to the writer that holding that a Bill of Costs may only be certified by a Solicitor or the client is anachronistic and does not properly reflect the modern legal industry.</p>	<p>The MR explained that there are many ramifications arising. It will take time to work through and the judgment is still being digested by many people. This specific point is probably not the most critical consequence, albeit an interesting, technical point. As and when the overall consequences become clear, there may well be a need for the CPRC to consider the matter and that can be planned into the business programme in the usual way.</p> <p>At this stage, the most recent judgment has provided clarity and now the sector needs to allow it to bed in.</p>
6	<p><b>Provisional Assessment Cap</b></p> <p>The Provisional Assessment cap remains set at £1,500 plus VAT (47.15(5)). In the previous three years we have seen Guideline Hourly Rates increase annually</p>	<i>To be considered/responded to out-of-committee</i>

	<p>and we have also had inflationary rises to Fixed Recoverable Costs. There have been no increases to the Provisional Assessment cap since its inception. When it was brought in the cap would have equated to 13.5hrs at £111 (National 2, Grade D) whereas now that same cap provides for 10.5hrs at £142 (National 2, Grade D). This is a real terms fall in the time allowed for under the PA cap.</p> <p>The Committee have been questioned on this issue in previous years but there have been no changes made.</p> <p>Can the Committee clarify whether this is an issue which will now be considered and addressed?</p>	
7	<p><b>Discrimination claims and QOCS</b></p> <p>Discrimination claims often involve some of the most vulnerable parties in society. Such claims have short limitation periods (6 months) and if a Defendant party is non-responsive / non-cooperative it can mean such cases have to be issued in short order. We have seen claims, for instance, where no response to a claim has been received within the Pre-Action Protocol leading to difficult decisions having to be made about whether or not to issue given the prospective adverse costs consequences. This can deprive vulnerable litigants in Discrimination cases of access to justice, particularly where there is an often an inequality of arms between individual vulnerable Claimants and large organisations such claims are often brought against.</p> <p>In November 2024, a ‘Call for Evidence’ for costs protection in Discrimination claims was published. This was to consider, in part, the extension of QOCs to Discrimination claims. This call for evidence closed on 19 February 2025. There have been no updates received since.</p> <p>QOCs protections in Discrimination cases would make a real difference to vulnerable parties and access to justice.</p> <p><b>Can the committee provide any update on the position as to QOCs in discrimination cases?</b></p>	<p><i>To be considered/responded to out-of-committee</i></p>
8	<p><b>Clinical Negligence Fixed Recoverable Costs</b></p> <p>The further extension of Fixed Recoverable Costs to Low Value Clinical Negligence claims with a value of up to</p>	<p>Mr Justice Trower (Chair of Costs Sub-Committee) explained that this is a Department for Health and Social Care (DHSC) policy. Unless or until DHSC revert, it does not form part of the CPRC’s active work programme.</p>

	<p>£25,000 has now been stayed since 2024. Recent reports, including from the Public Accounts Committee suggest further update is awaited on these proposals. Can the Committee please provide an update on the current status of these proposals?</p>	
9	<p><b>Part 36 – Late Acceptance in Fixed Recoverable Costs</b> (1 of 2)</p>	<i>To be considered/responded to out-of-committee</i>
10	<p><b>Part 36 – Late Acceptance in Fixed Recoverable Costs</b> (2 of 2)</p>	<i>To be considered/responded to out-of-committee</i>
11	<p><b>Complexity Bands (Table 1, CPR Part 26)</b></p> <p>We have seen a number of inconsistent judicial decisions over the application of Table 1 in Part 26. This is concerning as it deprives parties of certainty over which costs regime applies. It is accepted that the court retains ultimate discretion over Complexity Bands, however, Table 1 is well defined in terms of the claim types which are covered. Is the Committee's view that the general rule that the definitions under Table 1 should be followed, save for in exceptional circumstances where an explanation of that decision should be offered? We have seen for instance discrimination claims assigned to Complexity Band 1, despite Complexity Band 1 having been defined as Credit Hire and Defended Debt Claims. The Committee will be aware the impact on costs as between Complexity Bands is significant and certainty is important to be able to run claims.</p>	<i>To be considered/responded to out-of-committee</i>
12	<p><b>Fast Track -v- Intermediate Track Costs</b></p> <p>There is a fundamental issue arising from the fact that the Complexity Bands for Fast Track and those for Intermediate Track do not automatically follow. By way of example, Complexity Band 4 for Fast Track includes Professional Negligence claims, EL Disease claims etc. Where cases a borderline between the Fast Track and Intermediate Track this presents a growing problem. This is because Fast Track can remunerate at a higher sum than the Intermediate Track. A £25,000 post issue, pre Defence settlement under CB4 on the FT would provide FRC of £13,097 plus VAT. Comparatively, the same claim settling for £30,000 would produce solicitor costs anywhere between</p>	<p>Mr Justice Trower (Chair of Costs Sub-Committee) observed that this is quite a complex matter. He set out the following:</p> <ul style="list-style-type: none"> <li>• In his 2017 Supplemental Report, Sir Rupert Jackson considered the Fast Track FRC regime to be functioning well and saw no need to alter it. He instead recommended a new Intermediate Track for less complex cases that would otherwise fall within the multi-track. The two tracks operate differently because they serve different functions.</li> </ul>

	<p>£2,552 plus VAT (CB1) and £13,097 plus VAT (CB4). Whilst this is a complex point, the issue is rather simple. By defining case types for CBs in Fast Track it means there is an imbalance when claims are dealt with by complexity for CBs in the Intermediate Track. Moreover, this disparity is also caused by the fact that the staging between Fast Track and Intermediate Track differs. Post-issue on Fast Track moves you into the next stage whilst on Intermediate Track the subsequent stage is not reached until the Defence is reached. The example further also exemplifies that you can have a CB4 Intermediate Track with a higher value than that of the Fast Track and you would recover more for the lower value claim than the higher value. It is accepted that these calculations and permutations are complicated so three simple <b>questions arise</b>:</p> <p>a) Was it the intention that claims on the Fast Track would be remunerated above and beyond those on the Intermediate Track (even at Complexity Band 4 on the IT)</p> <p>b) Is the disjointed nature between how Complexity Bands are ascribed as between Fast and Intermediate Tracks causing inadvertent difficulties?</p> <p>c) Is the disjointed nature of staging between Fast and Intermediate Track causing unintended consequences, specifically the fact that the second stage of FT is triggered on issue but for IT that triggering is not until receipt of the Defence?</p>	<ul style="list-style-type: none"> <li>• In the Fast Track, recoverable costs are primarily determined by the value of the claim and then by the stage reached, with complexity bands categorising typical claim types and the usual work associated with them. By contrast, the Intermediate Track was introduced as a streamlined alternative to the multi-track, the stages reflecting the steps normally taken in litigated cases and with assignment to a band determined by the complexity of the case rather than a predefined category.</li> <li>• Government policy in extending FRC was to reduce litigation costs, keep them proportionate, and enhance access to justice. The structure of the Fast Track and Intermediate Track FRC tables is therefore based on proportionality rather than linearity: the figures correspond to how each track is intended to operate rather than forming a single ascending scale.</li> <li>• Accordingly, the two tracks constitute separate frameworks designed to provide predictable fixed costs within their respective scopes. Their differing outcomes arise from their distinct structures, not from inadvertence.</li> <li>• (b) is ultimately a matter for government, which will consider any issues arising from the operation of the complexity-banding framework in light of stakeholder feedback and its own evidence.</li> <li>• The question of whether the staging arrangements give rise to any difficulties is likewise one for government to assess, drawing on experience from practitioners and the wider post-implementation review process.</li> </ul>
13	<b>Agency Breakdown</b>	<i>To be considered/responded to out-of-committee</i>

	<p>At the time of writing a binding judgment and/or industry wide agreement remains elusive on the issue of whether a breakdown setting out any agency element ought to be provided. The closest we have is the High Court decision in <i>Santiago v MIB</i>. Within that Judgment, however, it remains ambiguous in that it makes clear the Judge retains discretion to require a breakdown. The reality is that as Mr Justice Moody said in <i>Santiago</i>, there is:</p> <p><i>“no rule of law or practice that requires a breakdown”</i></p> <p>Given that the issue remains unresolved and continues to be pervasive in costs dispute, <b>does the Committee have any desire to look again at this issue?</b> We are continuing to see satellite litigation on this issue.</p>	
14	<p><b>Interim Application Costs under Fixed Recoverable Costs</b></p> <p>Presently Table 1 under PD 45 provides Fixed Recoverable Costs applicable where interim applications are raised. Chiefly this is FT CBs 1-3, £250 plus VAT, FT CB4 and IT - £333 plus VAT and Applications for Summary Judgment, Interim Payment and Interim Injunctions - £750 plus VAT. Sir Rupert Jackson wrote in his report in 2017 that he envisaged any applications should be made at the CMC. Further at 4.9 of his 2017 report he set out the procedure for applications made after the CMC. These principles do not appear to be widely followed by either litigators or within the courts. The most obvious example is that applications and responses are often not concise and regularly hearings are required. Given the level of recoverable costs permissible it often means significant shortfalls on application costs which have to be passed on to lay clients or are simply not recovered at all. Sir Jackson referred to the fact that unreasonable behaviour provisions could apply but a 50% uplift on the interim application costs is minute. Looking at the FRC figures, a FT application is less than an hour at GHRs for Grade A. It is just over 1 hr for FT CB4 / IT cases. This encompasses the drawing of any application and supporting documents, filing and service, consideration of any response, consideration of any order and attending to matters arising therefrom and any</p>	<p>Mr Justice Trower (Chair, Costs Sub-Committee) advised that this could be considered in the post implementation review and this was <b>NOTED</b> by MoJ.</p>

	<p>advocacy required. This is simply not practical nor workable. It is considered that there would be benefit from the <b>Committee giving consideration to:</b></p> <p>a) Whether the figures set under Table 1 are appropriate; and</p> <p>b) Whether there need to be specific rules and/or guidance given to both legal representatives and to the courts as to how to approach interim applications in FRC matters to ensure that such applications are dealt with as reasonably &amp; proportionately as possible.</p>	
15	<p><b>Fundamental Dishonesty</b></p> <p>The case of <i>Hakmi v East &amp; North Hertfordshire NHS Trust &amp; Anor [2025] EWHC 2597 (KB)</i> highlighted that the court can order costs against a successful Defendant where an allegation of Fundamental Dishonesty fails.</p> <p>We still continue to see Defendants raise the issue of Fundamental Dishonesty routinely and despite such allegations ultimately not getting proven there be no costs sanction attached to it.</p> <p>Given the seriousness of such allegations and the reputational risks should there be a rule or automatic sanction for a Defendant who raises Fundamental Dishonesty where it is not proven?</p> <p>This may deter such allegations from been raised without reasonable justification. Such allegations can cause significant distress and anxiety to Claimants.</p>	<i>To be considered/responded to out-of-committee</i>
16	<p><b>Budget Variation</b></p>	<i>To be considered/responded to out-of-committee</i>
17	<p><b>Unreasonable Behaviour</b></p> <p>Where a party applies for unreasonable behaviour as per CPR 45.13, the Precedent U under Section X of Part 45 requires the party applying to prepare an N260. Is this strictly necessary where the intention of 45.13 is one that is punitive?</p> <p>Firstly, the test is surely one of is there unreasonable behaviour? Secondly, the uplift or reduction is a fixed percentage so there is no assessment of costs (unlike</p>	<i>To be considered/responded to out-of-committee</i>

	<p>with exceptional circumstances or vulnerability). If the hurdle of unreasonable behaviour is reached then surely this is all that ought to be required?</p> <p>It is not clear why Precedent U stipulates the need for an N260, save that the decision on unreasonable behaviour is said to have a relationship to costs but even if that were correct, an N260 would identify all costs in a claim rather than those specific to the alleged unreasonable behaviour.</p> <p>The requirement for an N260 simply increases the burden of work upon the applying party who will receive no remuneration for preparing the N260 (unlike vulnerability and exceptional circumstances which were successful, the receiving party would have costs assessed).</p> <p>Can the <b>Committee clarify the intention as to why an N260 is required for the unreasonable behaviour test?</b></p>	
18	<p><b>Potential minor drafting error in Part 36 – 36.13(1) states:</b></p> <p><i>“(Rule 36.20 makes provision for the costs consequences of accepting a Part 36 offer in certain personal injury claims where the claim no longer proceeds under the RTA or EL/PL Protocol.)”</i></p> <p>This appears to refer to the previous iteration of Part 36, as 36.20 currently deals with deductible benefits. Presumably this just requires a simple amendment to 36.23?</p>	<p>Mr Justice Pepperall answered.</p> <p>This question is about the amendments made to Pt 36 in October 2023 by the No 2 &amp; 3 Amendment Rules of that year (SI 2023/572 and SI 2023/788).</p> <p>You are right to say that what used to r.36.20 is now renumbered r.36.23.</p> <p>In fact, the signpost that you refer to was simply deleted from October 2023 by SI 2073/572 and the incorrect reference in the body of r.36.13(1) was corrected from r.36.20 to r.36.23 by SI 2023/788.</p> <p>If you are looking at a version of this rule that still includes this signpost then you are looking at the pre-October 2023 rule. The committee does not, therefore, believe that any amendment is required.</p> <p>Your question made me check the online version of the rules on the Justice website. Having done so, I noticed that the signpost had not been deleted on that version. Your question has therefore been very helpful in identifying the error in the publication</p>

		<p>of the online rules. I have raised that issue [and it has now been corrected].</p> <p>Your question touches on the complexity of the transitional provisions used in SI 2023/572. Such transitional provisions do not just affect Pt 36 but also, and more fundamentally, the new rules introducing the intermediate track in Pt 28. The CPRC recently noted that the 2023 transitional provisions have a very long tail in that the pre-2023 rules continue to apply to claims for non-disease personal injury claims where the cause of action accrued before 1 October 2023 with the consequence that, for example, personal injury claims arising from injury at birth which might not become statute barred until 2041 (or much later if the claimant is a patient) will still proceed for many years to come under the pre-2023 rules. The CPRC has decided that that issue should be looked at again.</p>
19	<p><b>Part 36 and Attersley</b></p> <p>The Court of Appeal decision in <a href="#">Laura Attersley v UK Insurance Limited [2026] EWCA Civ 217</a> addresses the relationship between Part 36 and Part 45 under the pre September 2023 rules.</p> <p>At paragraphs 72-75, the COA identified two prospective issues:</p> <ul style="list-style-type: none"> <li>a) Consequences where a Part 36 offer is made pre-allocation but the relevant period expires post allocation to the Multi-Track.</li> <li>b) Consequences where a Part 36 offer is made after allocation to the Multi-Track but had commenced previously in the MOJ Portal.</li> </ul> <p>The Committee were asked by the Court of Appeal to consider these issues. However, the Court of Appeal judgment did not draw the distinction for post-October 2023 matters.</p> <p>For example, the COA Judgment places stock on the phrase:</p> <p><i>"for as long as the case is not allocated to the multi-track [...] in a claim stated under</i></p>	<p>District Judge Clarke (Chair, Lacuna Sub-Committee) explained that the judgment in <i>Attersley</i> was referred to the Lacuna Sub-Committee (LSC) at the meeting on 6 March 2026.</p> <p>The LSC has been engaged with other referrals, but the issues arising from this case will be considered by the LSC over the coming weeks. We cannot say at this stage what areas our deliberations will focus on, but it is likely that the issue will outgrow the LSC and will have to be considered by the Costs Sub-Committee or another sub-committee set up specifically to review the point.</p>

	<p><i>the [RTA. EL/PL or Pre-Action Protocol for Resolution of Package Travel claims".</i></p> <p>This arises from another Court of Appeal decision, that of Qader <a href="#">v Esure [2016] EWCA Civ 1109</a>.</p> <p>This phrase, however, is not present in Part 45, post October 2023.</p> <p>This appears to give greater stock on the issue of prospective allocation for ex-Protocol matters, notwithstanding the issues around wording within Part 36.23, specifically those rules addressing ex-Protocol claims which could conceivably encapsulate ex-Protocol claims which move to the Multi-Track.</p> <p>It is clearly a complicated issue given in <i>Attersley</i> the Court of Appeal had to contend with the previous iterations of both Part 36 and Part 45 and there have been some significant changes.</p> <p><b>Can the Committee provide an update</b> as to the considerations on these issues after <i>Attersley</i> and provide assurance that the issues will be considered with regard to the pre-September 2023 rules and the post-October 2023 rules, noting that there are differences in the rules and provisions.</p>	
20	<p><b>Part 36 and Exceptional Circumstances / Vulnerability tests</b></p> <p>This was an issue flagged last year but it feels prudent to reflect this once more, given <i>Attersley</i> has reaffirmed the notion that Part 36 trumps Part 45.</p> <p>Part 45.9 and 45.10 allow parties to seek costs exceeding fixed recoverable costs i.e. on an assessment basis where vulnerability and/or exceptional circumstances apply.</p> <p>36.23(1) provides that a Claimant is entitled "<i>the fixed costs</i>" and "<i>any applicable additional fixed costs</i>".</p> <p>This could be given a narrow interpretation in that neither 45.9 or 45.10 can be said to be 'additional fixed costs'. Additional fixed costs may be something akin to unreasonable behaviour which is a percentage uplift.</p> <p>We have seen such narrow interpretations historically, see for instance in <i>McGreevy v</i></p>	<p>Mr Justice Pepperall answered.</p> <p>Thank you for raising this issue.</p> <p>You refer to r.36.23 (the rule setting out the costs consequences of acceptance of a Part 36 Offer in fixed-costs cases) but the same point can be made about r.36.24 (the rule setting out the costs consequences following judgment in such cases).</p> <p>The CPRC agrees that - as and when there is capacity to take on this limited project - there is merit in looking at this discrete issue further and considering whether the position can be clarified.</p>

	<p><i>Kiramba [2022] EWHC 2561 (SCCO) (26 September 2022).</i></p> <p>Whilst the Committee did advise that there was no intention to create such a curtailment, a simple amendment to remove the 'fixed' from 'any applicable additional costs allowed under Section I, Section VI, Section VII or Section VIII incurred in any period for which costs are payable to them" would provide the necessary scope under 36.23 to avoid any prospective satellite litigation.</p>	
21	<p><b>Ministry of Defence Reforms</b></p> <p>In the CPRC Minutes from 5 December 2025 there is reference at P96 that the Ministry of Defence (MoD) are considering reforms which may necessitate engagement with the Costs Sub-Committee. Can the CPRC provide any additional details around these prospective reforms?</p>	<p>DHCJ advised that this work is paused unless or until the Ministry of Defence (MoD) revert with anything for the CPRC.</p>
22	<p><b>Fixed Recoverable Costs (FRC) Stocktake</b></p> <p>Can you provide any update on the likely timescales for reporting back of the FRC consultation which closed at the start of the January and the awaited Stocktake / Interim review?</p>	<p>Mr Justice Trower J (Chair, Costs Sub-Committee) explained that this is a matter for the Government. MoJ officials are continuing to analyse the responses, and they are hoping to publish a response as soon as possible.</p> <p>As/when the matter returns to the CPRC, the minutes of that meeting will be published publicly in the usual way.</p> <p>Sorry a timetable can not be given now.</p>
23	<p><b>Cost benefits of changes</b></p> <p>Certain changes to the CPR introduced are designed, amongst other aims, to produce efficiencies in litigation and therefore reduce costs.</p> <p>Costs can be more easily tracked and analysed quantitatively than more qualitative changes.</p> <p>Does the Civil Procedure Rules Committee analyse costs filed by court users before and after changes to the CPR to see if the desired efficiencies and reduction in costs have been achieved?</p>	<p>DHCJ answered.</p> <p>Monitoring and evaluation of changes is led by policy leads rather than the committee itself.</p> <p>Perhaps, if a more specific example was provided, a more focused answer could be given.</p> <p>But, a recent example of where evaluation data has been considered by the committee, is the evaluation conducted by HMCTS on the pilot scheme which tested the system of determining small claims on paper. Next week, a consultation on draft amendments for substantive changes</p>

		to Part 27 and PD27A will be published, along with data from the evaluation, so you can see the kind of data available.
24	<p><b>Practice Direction 51ZH - ACCESS TO PUBLIC DOMAIN DOCUMENTS</b></p> <p>Have there been any issues identified so far with the pilot scheme providing easier public access to documents? If not and given the importance of the open justice principle is there any intention to expand the pilot to operate in other courts?</p>	<p>The DHCJ was pleased to say that the pilot, which has been in operation since January this year (and runs until end 2027) is working well, with very few issues identified. Some clarificatory issues may need to be considered, but overall it is working well.</p> <p>It is too soon to say what further developments may be undertaken, but other schemes are also helping expand open justice, such as the livestreaming pilot in the Court of Appeal.</p>
25	<p><b>Alternative Dispute Resolution (ADR)</b></p> <p>The case Backlog in the Civil courts is at record highs. The quickest way to begin to reduce this effectively is by implementing the ADR recommendations of the Civil Justice Council's Pre-Action Protocol Review Final Report, Parts 1 and 2. When does the Committee intend to recommend to the MR that the appropriate measures be taken to do so.</p>	<p>The MR considered that the "backlog" referred to had much improved with thanks to HMCTS, judges, MoJ and others. Highlighting that the positive impact of the Small Claims Track Automatic Referral to Mediation Pilot (CARM).</p> <p>PAPs need to be considered in line with the broader landscape and developments with the Online Procedure Rule Committee. Where changes can be made they are being made.</p> <p>The CPRC has made important amendments to the civil procedure rules to promote the use of ADR in all cases.</p> <p>The CPRC does not presently consider that further rules are needed to promote the use of ADR.</p> <p>In parallel with this the CPRC fully supports, and members are engaged in, educating judges and court users about ADR.</p>
26	<p><b>Future Work</b></p> <p>What are the CPR Committee's priority areas of work for the next year and is it possible to provide an indication of upcoming consultations?</p>	<p>DHCJ said that, as regular observers know, the work of the committee can change and the ensuing agenda is under constant review.</p> <p>Competing priorities means that it is not always possible to identify, well in advance, the core topics to be considered.</p>

Primary or other legislation is often required on a timetable outside the committee's direct control or that of the Ministry of Justice (MoJ) and we always try to ensure that other topics on issues of concern to the judiciary, practitioners, litigants and other users feature throughout the year.

Issues such as urgency, scale of (potential) injustice, political imperative and the extent of difficulties being encountered in practice, all form part of the process to manage the programme of work to best effect.

As such, future topics are likely to include a mixture of projects already started, alongside new strands of work. Some examples include:

- Extending Fixed Recoverable Costs (FRC) – post implementation review
- Service – in particular work flowing from the consultation regarding email service
- Welsh Language reforms, following the recent consultation
- Liaison and overlapping work with the Online Procedure Rule Committee (OPRC)

Additionally:

- The CPRC held a strategy planning discussion at the 6<sup>th</sup> March 2026 meeting, which raised several topics. These covered some wide-ranging subjects as well as small but important points, such as:
  - review of Part 51 (Pilot Schemes) to consider a new approach/committee guidance for officials considering proposing a CPR pilot and to provide more structure and clarity over the numbering conventions and how they are presented online.
  - establish a new standing committee on transitional provisions
- Various topics originating from the Civil Justice Council (current and future), including:

		<ul style="list-style-type: none"> <li>○ Recommendations from the CJC's Enforcement Report</li> <li>○ Recommendations from the CJC's Report on Mental Capacity</li> <li>○ Possible future work in response to the CJC's consultation on Artificial Intelligence and potential future work on County Court Track Limits. This is likely to be a potentially large project for the CPRC, albeit not imminent.</li> </ul> <p><u>Consultations:</u></p> <p>The next consultation (as mentioned at the start of the meeting) will be a public consultation on proposed amendments to Part 27 and PD27A to provide for judges to order that small claims can be dealt with on their papers, without the consent of the parties. This follows a successful pilot which ended in the autumn 2025. The consultation is due to be published next week (11 May) for comments by 22 June 2026.</p> <p>An additional consultation is also planned (although no date is yet fixed) on proposed changes to PD5A regarding provision for electronic signatures.</p> <p>Other consultations are yet to be decided and public consultations are published online <a href="https://www.gov.uk/government/organizations/civil-procedure-rules-committee/about">https://www.gov.uk/government/organizations/civil-procedure-rules-committee/about</a>. Anyone can set up alerts to receive automatic notifications. Please see the "get emails" link on the home page of the CPRC webpages on Gov.uk via the above link.</p>
27	<p><b>CJC Report of PAPs</b></p> <p>We appreciate that it is for the Master of the Rolls to direct the CPRC concerning the Civil Justice Council's Pre-Action Protocol report, but we wonder if there have been any developments in relation to this work that the CPRC is able to share?</p>	Please see the answer to Q.25 above.

28	<p><b>FRC in lower value clinical negligence claims</b></p> <p>Is the CPR Committee able to provide an update on the work on fixed recoverable costs in lower value clinical negligence claims?</p>	Please see the answer to Q.8 above.
29	<p><b>Recoverability of interpreters' fees</b></p> <p>Is the CPR Committee able to provide an update on the work of the Lacuna Sub-Committee relating to recoverability of interpreters' fees in small claims proceedings on the grounds of vulnerability?</p>	<p>District Judge Clarke explained that this is no longer a Lacuna Sub-Committee matter.</p> <p>It was brought to the main Committee in October, when an ad hoc sub-committee was formed to consider the matter further.</p> <p>Work on the issue has been put on hold while it is under review by the MoJ Policy team.</p>
30	<p><b>Electronic Service consultation</b></p> <p>Is the CPR Committee able to provide any update in relation to timings for the CPRC's response to their consultation on electronic service?</p>	DHCJ confirmed that this was covered by the action log updates item at the last meeting on 27 <sup>th</sup> March 2026 (the minutes of which will be published imminently) – essentially work is ongoing and the aim is for a sub-committee report to be forthcoming before summer recess.
31	<p><b>Joint Working with OPRC</b></p> <p>The CCUA is keen to understand how the CPRC envisages working with the OPRC as streams of work are transferred to the auspices of the OPRC and, in particular, how claims started under one set of rules might (or might not) migrate from CPR to OPR. Is the committee able to share its views in this regard?</p>	<p>MR explained that the OPRC's core rules will make the position clear and where it is possible to take cases off line, it is likely that the analogue rules (such as the CPR) will apply. The concept is digital from start to finish with paper alternatives mainly available on vulnerability grounds. Regular dialogue takes place between both committees through a variety of channels and working parties. The MR is Chair and the DHCJ also attends. The most recent example of cross-working is a new joint working group examining the migration – in time - of OCMC and Damages from the CPRC to the OPRC.</p>
32	<p><b>Part 36</b></p> <p>In light of <i>Smithstone v Tranmoor Primary School</i> [2026] EWCA Civ 13 confirming that liability-only Part 36 offers can in principle engage CPR 36.17, <b>is the Committee considering a targeted amendment to Part 36 to clarify when a liability-only offer has been “beaten”?</b></p>	Mr Justice Pepperall said that, the short answer is no. The decision in <i>Smithstone</i> is not novel although it is helpful clarification decision that appeared to reject the possibility of making an effective Part 36 offer on a percentage basis.

Rule 36.2(3) makes clear that offers can be made in respect of “the whole, or part of, or any issue that arises in (a) a claim, counterclaim or other additional claim; or (b) an appeal or cross appeal from a decision made at a trial”.

Percentage offers on liability as in Smithstone can therefore be made. Indeed, offers can be made in respect of the whole or part of any issue.

As to how that works in r.36.17, it has always been the case that the fundamental test as to the costs consequences of an offer after judgment is whether the judgment is more or at least as advantageous as the Part 36 offer. That is easy to judge in the case of a monetary offer ever since the CPRC reversed the effect of the controversial 2008 decision in Carver v BAA as part of our implementation of the Jackson reforms. The Carver reversal rule is now r.36.17(2) and insists on a straightforward monetary comparison between the amount of the offer and the amount of the award.

The CPRC considers that cases where a percentage offer is made in respect of liability will not usually cause any difficulty. Of course a percentage offer may be made to predict a likely finding of contributory negligence or the extent of a likely contribution claim between tortfeasors, but very often it is made to reflect some discount for litigation risk. In the usual case, the judge will simply have to weigh the percentage offer against the judgment.

There are, however, more complicated cases where declaratory or injunctive relief is sought.

The CPRC looked at this issue with some care as part of the 2015 reforms and concluded that there really wasn't more that could be done to assist the court in weighing whether a particular judgment is more advantageous than a defendant's offer or at least as advantageous as a claimant's offer.

		<p>The CPRC remains of the view that greater guidance cannot be given on this issue.</p> <p>Should you disagree and wish to write to the committee with a specific proposal, I will of course look at it and consider the matter further.</p>
33	<p><b>Simplifying Part 36</b></p> <p>More generally, does the Committee consider that Part 36 has become too complex, and that a simplified approach to costs relating to offers to settle may now be preferable?</p>	<p>Mr Justice Pepperall observed that this question highlights the challenge for rule makers. Generally, there is a real tension between drafting rules that are concise and provide only general principles and rules that are more detailed. The advantages of the first approach are simplicity and, at least in theory, accessibility, but only at the price of uncertainty. What then happens is that the gaps get filled in not by rules that can be easily accessed on the internet but by court decisions. Experience shows that this is a particular problem in hard-fought areas of practice. Given the potentially enormous consequences of an effective Part 36 offer after an expensive trial, Part 36 issues have always been hotly contested.</p> <p>The advantage therefore of greater detail is that the rules are more likely to provide the answer to the particular case. When they do, that answer will be more accessible than if it can only be found by diligent research into the caselaw. The price, however, of this second approach is that the rules are longer, more complex and therefore can also become less accessible. Furthermore, it is a fool's errand to think that the rules can or should ever seek to anticipate every possible situation.</p> <p>I led the 2015 rewrite of Pt 36. I can assure you that we tidied up some matters that had been causing problems in practice. We tried to simplify the formal requirements, and we removed some of the technical elephant traps.</p> <p>Of course, further amendments have added to the length and complexity of Pt 36 in the intervening 11 years.</p> <p>It may be that in due course the CPRC will wish to look again at whether Pt 36 can be simplified. It</p>

		would not, however, be a simple project and there is no current intention - or indeed resource - to undertake a root and branch review of Pt 36.
34	<p><b>Interaction with OPR</b></p> <p>As Online Procedure Rules are introduced for specified civil proceedings, how does the Committee envisage this working alongside the CPR, particularly to avoid confusion or inconsistency where users are required to navigate both the online procedure rules and the CPR at the same time, and to ensure clarity about which regime applies?</p>	MR noted that this relates to Q.31 above. He felt there was an underlying misapprehension with the question, but recognised that the development of the OPR and the digital justice system is at an early stage. This is subject to a lot of careful consideration. Once the OPR core rules are promulgated, work will advance on specific rules and the position will become clear to users.
35	<p><b>CJC Report on PAPs</b></p> <p>We understand that consideration of the Civil Justice Council's report on the Pre-Action Protocols remains ongoing, but is the Civil Procedure Rule Committee able to share an update at this stage (or any current expectations of when an update might be provided)?</p>	Please see the answer to Q25 above.
36	<p><b>Draft reserved judgments</b></p> <p>In the minutes of the Civil Procedure Rule Committee minutes meeting held on 5 December 2025, it was reported that an enquiry relating to draft reserved judgments had arisen as part of a MP's enquiry to the Justice Secretary. The minutes indicate that the secretariat of the CPR Committee would discuss this with the Chair. Without going into any details about the particular concern raised, <b>is the CPR Committee able to indicate whether changes to the court rules regarding sending draft judgments to parties/advisers in advance of hand-down are in contemplation and, if so, the likely timescale for implementation.</b></p>	The matter was discussed out-of-committee, and no changes are being made.
37	<p><b>Legal Representative (Mazur judgment)</b></p> <p>In the light of the Court of Appeal's judgment in the <i>Mazur</i> case, does the CPR Committee have any plans to consider modification to any of the court rules about representation, including the definition of 'legal representative' in CPR 2.3(1)?</p>	Please see the answer to Q.5 above. The MR added, that it would be unwise for the CPRC to react prematurely. Time needs to be given to see how the industry responds. The law has been made clear in the Court of Appeal's judgment.
38	<p><b>JR - Nationally Significant Infrastructure Projects (NSIP)</b></p>	<i>This is a substantive item on the main agenda. Please see the minute of item 6 above.</i>

	Are you able to confirm that the in-force timetable for CPR changes in respect of judicial review of Nationally Significant Infrastructure projects is still on track for October 2026?	
39	<p><b>Filing Modification Orders (PD 51ZH - ACCESS TO PUBLIC DOMAIN DOCUMENTS)</b></p> <p>Recognising that it is still in its infancy as a pilot, does the CPR Committee have any early indications about the number of <b>filing modification orders</b> being sought by parties under paragraph 13 of the practice direction widening access to public domain documents -CPR PD 51ZH? Is the number more or less than was envisaged when the pilot was being proposed last year?</p>	<i>To be considered/responded to out-of-committee</i>
40	<p><b>Service</b></p> <p>Following the consultation on service by electronic means, is the CPRC able to provide an update on progress and the target date for implementation of the reforms.</p>	Please see the answer to Q.30 above.
41	<p><b>Service</b></p> <p>The approved minutes of the February CPRC meeting referred to potential changes regarding postal service. Can you share details of what might be changing?</p>	<p>Master Sullivan (Service Sub-Committee member) explained that HMCTS, as part of a wider reform and sustainability goals, is looking at ways of reducing HMCTS's reliance on first-class and physical post. Any changes will be made by amendment to the CPR and would go through the usual CPRC procedures. One example currently being looked at is in the Online Money Claims service; where a Defendant has replied online, court orders and notices are routinely sent by post even though they are visible in the portal. That is not how, for example CE file works, where, if a litigant has registered as a user on a particular case, notices are sent by email. The proposed changes to the online money claims service are to allow PD51R to provide that, once parties are engaging digitally, service of documents would ordinarily be effected by upload to the OCMC portal, with service deemed at the point the system notification is issued, unless the court directs otherwise. That would require both rule change and supporting technical changes, including suppressing paper service</p>

		<p>for digitally engaged parties and ensuring appropriate safeguards for vulnerable users and those who cannot or do not wish to engage digitally. More broadly, the work is currently about clarifying scope and options, ensuring consistency across digital Civil court services, and identifying where targeted rules or PD amendments could safely support reduced postage.</p>
42	<p><b>PAP for Housing Conditions Claims and Possession Claims by Social Landlords</b></p> <p>Is it expected that there will be further amendments to the Pre-Action Protocol for Housing Conditions Claims and the Pre-action Protocol for Possession Claims by Social Landlords in the light of the implementation of the Renters' Rights Act 2025? Part two of the CJC's final report on Pre-Action Protocols stated that the Chair of the Sub-Committee believed the group's Interim Report recommendations remained applicable and should be adopted in full, but may need to be re-evaluated once the Renters' Rights Act 2025 was implemented, given its wide ranging changes to the housing regulatory regime.</p>	<p>Master John Dagnall (CPRC Housing Possession Sub-Committee) answered Questions 42, 43 and 44 together due to time constraints. These minutes provide a fuller response for completeness of the record.</p> <p>In relation to this question, I am wearing two hats. The first is as Chair of the Housing Possession Sub-Committee. The second as Chair of the Sub-Committee liaising with the relevant department MCHLG which I am going to call "MHCLG" and MoJ with regard to revising the Housing Conditions Claims PAP in particular with regard to the new section 10A of the Landlord and Tenant Act 1985 which activates the Housing (Prescribed Requirements) (England) Regulations 2025 which Lady Justice Cockerill reminded us earlier is better known as "Awaab's Law". I should emphasise that the Housing Conditions Claim PAP only applies to England; while Wales has its own Housing Disrepair Cases PAP. So, the Government published its Renters' Rights Act Roadmap in 2025, and which provides for a phased approach to implementation. It is not envisaged that any amendments to these Pre-Action Protocols will be required for phase 1. I understand that the government is working to commence the extension of the new possession regime to the social rented sector in October 2027 as part of phase 2 implementation. MHCLG are going to review whether any amendments to these Protocols are needed prior to that implementation; and I suspect that the Housing Possession Sub-Committee, at least, will be likely to be engaged. As I have said, the Housing Conditions PAP is in a process of</p>

		<p>revision the moment, in particular to incorporate matters relating to Awaab's law But where section 10A presently only applies to Social rented sector tenancies. I understand from MCHLG that the application of Awaab's Law to Private rented sector tenancies will be part of Phase 3 implementation, and that the approach to implementation, including timescales, will be confirmed following a public consultation, which I understand that MCHLG intends that that will be published as soon as possible. MHCLG will review whether any changes need to be made to the Pre Action Protocol for Housing Conditions Claims prior to any extension of Awaab's Law coming into force, and, again, I suspect that one or both of my Sub-Committees will be likely to be engaged at that point. With regard to the CJC's November 2021 Interim Report, we have discussed it and are bearing it, as well as the limited housing conditions matters in the Renter's Rights Act, in mind in relation to the present process of revising the Housing Conditions Claims PAP. The Master of the Rolls answered earlier a question regarding the CPRC and the CJC's PAP Report and I can say no more than to remind you of that answer.</p>
43	<p><b>Renters' Rights Act 2025</b></p> <p>The Renters' Rights Act 2025 is largely due to come into force for the private rented sector on 1 May 2026. This will involve some changes regarding possession proceedings.</p> <p>Our understanding is that the CPRC previously indicated that there is no need for major changes to CPR 55 or PD 55 under Stage 1 of the government's implementation roadmap (given that the accelerated procedure will remain available for those subject to the transitional provisions (primarily social landlords, but also for those in the PRS where section 8/section 21 notices have been served before 1 May)), but that there will be a new Form N5 and Form N119 for those subject to the new regime.</p> <p>We would be grateful if the CPRC could confirm the position. We would be particularly grateful for confirmation of</p>	<p>Master John Dagnall (CPRC Housing Possession Sub-Committee) answered.</p> <p>As set out in the Renters' Rights Act implementation roadmap published in November 2025, the tenancy reforms apply initially to the private rented sector, with the new possession regime not extending to the social rented sector until a later phase. In light of this, the view is that no amendments to CPR 55 or Practice Direction 55 are required for Phase 1 of implementation. You are right that the existing accelerated possession procedure will also continue to be available for cases falling within the transitional provisions. There are intended to be some minor changes to the accelerated possession procedure form, essentially to make clear whether the claimant is a social landlord. There is also intended to be</p>

	<p>when, and where, any new or amended forms (or rules and guidance) will be published.</p> <p>It would be extremely helpful if drafts could be shared in advance of 1 May, so that practitioners can prepare for these changes.</p> <p>Previously, there have been instances when updates appear to have been released through bodies such as the Property Litigation Association or the Court at Central London users' group, which has made it difficult for others to access this information. It would be appreciated if any information could be shared widely with all practitioners.</p>	<p>a limited change to the general possession claim form N5 in the light of the new grounds for possession introduced by the Renter's Rights Act. However, it is not common practice to share draft forms ahead of them coming into use. The up-to-date forms should appear on the gov.uk website.</p> <p>As far as the future phases of implementation are concerned, any consequent changes to the rules will be published in the usual way on the CPR website in advance of the changes coming into effect; although this is subject to the jurisdiction and work of the Online Possession Rule Committee.</p> <p>I have noted your point about communication of updates and will discuss it, in particular with Master Lisa Sullivan who is chair of the Forms Sub-Committee.</p>
44	<p><b>Renters' Rights Act 2025</b></p> <p>We would be grateful for any information regarding the next stages of the government's implementation roadmap/any indication of the anticipated timetable the CPRC is working to. For example, are any changes to CPR 55, PD 55 or the relevant court forms envisaged when the PRS database becomes mandatory for all PRS landlords in 2026/2027? If the timing is not yet clear, when does the CPRC anticipate being able to provide an update on this?</p>	<p>Master John Dagnall (CPRC Housing Possession Sub-Committee) answered.</p> <p>The position here is that the relevant department which here is MCHLG will need to consider and identify any changes required to the rules as a result of their legislation. This will be done in collaboration with the CPRC and the new Online Procedure Rule Committee.</p> <p>I am told that based on current policy development and operational planning, no changes to the Civil Procedure Rules or Practice Directions are expected by MCHLG to be required in the near term. Any consideration of future procedural changes will depend on how later phases of implementation develop, including the extension of the new possession regime to the social rented sector, which the government is working to commence in October 2027. Consideration of any associated rule changes is at an early stage. However, the Online Procedure Rule Committee is responsible for making rules for online procedure in the civil, family and tribunal jurisdictions and it is the OPRC which will be making rules for the new digital end to end court possession service being developed for resolving all possession</p>

		<p>claims in the County Court in England and Wales.</p> <p>Nevertheless, MHCLG say that they will continue to engage with the CPRC as policy work progresses and will provide updates in due course. Any future procedural changes would be subject to the usual scrutiny and appropriate notice.</p> <p>With regard to the Private Rented Sector database, section 90 of the Renter's Rights Act provides that the Court cannot make a possession order except on certain grounds where a landlord is in breach of any of various PRS matters. At first sight, that simply seems to create a new defence. However, I suspect that it is going to be the OPRC which deals with the procedural consequences of that rather than the CPRC, but I think we will just have to wait and see.</p>
45	<p><b>Disclosure</b></p> <p>A Disclosure Working Group, chaired by Mr Justice Butcher, has been considering how PD 57AD (Disclosure in the Business and Property Courts) has been working in practice.</p> <p>Is the CPRC aware of the current status of this review? Is there any possibility that the procedures under PD 57AD might be extended to replace the CPR 31, PD 31A and PD 31B regime?</p>	<p>The DHCJ indicated that there will be further information forthcoming in due course.</p>
46	<p><b>Disclosure and changes to the wording of CPR 31.5.</b></p>	<p><i>To be considered/responded to out-of-committee</i></p>
47	<p><b>Disclosure (relates to above)</b></p>	<p><i>To be considered/responded to out-of-committee</i></p>
48	<p><b>PD31B (Disclosure of Electronic Documents)</b></p> <p>As a separate point, with the introduction of the intermediate track, should PD 31B.3 (which currently provides that "Unless the court orders otherwise, this Practice Direction only applies to proceedings that are (or are likely to be) allocated to the multi-track") be revised so that it also extends to intermediate track claims?</p>	<p><i>To be considered/responded to out-of-committee</i></p>
49	<p><b>AI</b></p> <p>We are aware that the Civil Justice Council is consulting regarding the use of AI for</p>	<p>Ben Roe (Solicitor member of the CPRC) explained that, at the CPRC</p>

	<p>preparing court documents. Does the CPRC have current plans to introduce any AI-specific provisions into the rules, or is this something that might be considered by a sub-committee?</p>	<p>meeting on 6<sup>th</sup> March 2026, it was agreed to establish a standing sub-committee on artificial intelligence. Its core remit is twofold: (i) to keep the CPR under review in light of the rapidly evolving use of AI in litigation; and (ii) to explore how AI tools might assist the Committee's own work.</p> <p>The establishment of the sub-committee was prompted in part by the Civil Justice Council's work on the use of AI by legal representatives in preparing court documents. The sub-committee will consider the CJC's interim and final recommendations, together with aspects of the CPR that fall outside the scope of the CJC project. This does not assume that any AI-specific provisions will necessarily be introduced into the rules, but reflects the importance of ensuring that these issues are considered fully.</p> <p>The sub-committee also proposes to explore the use of AI to support the CPRC's own work, for example by assisting with the identification and removal of outdated references, and with identifying gaps or potential inconsistencies that have emerged as the rules have evolved over time.</p>
50	<p><b>Future CPRC work programme</b></p> <p>What are the key issues expected to keep the CPRC busy over the next six months or so?</p> <p>Will the Simplification Sub-committee be continuing the exercise to simplify the CPR and, if so, which rules will be reviewed next?</p>	<p>Please see Question 26 which answers the first part of the question. For the more specific point as regards simplification work:</p> <p>The Simplification Sub-Committee was formed in 2021. It conducted the most comprehensive review of the CPR's main generic parts (Parts 1 – 30) since their inception.</p> <p>The project came to a natural conclusion last year (2025) with the review of Part 25 and developments with the OPRC.</p> <p>The simplification principles are now applied as business as usual.</p> <p>This year (2026) it was decided to introduce a new standing committee on transitional provisions (Chaired by Mr Justice Pepperall. Whilst this is being approached as a separate piece of work, it nonetheless, supports and</p>

		enhances the work of the simplification sub-committee, which is also designated a standing committee.
51	<p><b>Intermediate Track</b></p> <p>Will CPR 26.16 be amended to exclude personal injury claims from Band 1 of the Intermediate Track, to:</p> <p>(a) reflect the substantive work required on quantum (and liability up to admission) in liability-admitted intermediate track cases settling pre-issue or post-issue up to service of the defence (currently limited to £1,652 plus 3% of damages); and</p> <p>(b) address the anomaly whereby more costs are recoverable in a pre-issue fast-track, liability-admitted case settling at £17,500 than in an intermediate track, liability-admitted case settling for up to £60,000 at the same stage (or indeed post-issue up to service of the defence)?</p> <p>Alternatively, will IT Band 1 costs to be significantly increased (CPR 45.50, Table 14)?</p>	Mr Justice Trower (Chair of Costs Sub-Committee) said this was very helpful feedback and explained that this is a matter for the Government to consider, taking into account stakeholders views expressed in the FRC stocktake and any responses to the future post-implementation review. MoJ officials are continuing to analyse the responses from the stocktake and will engage with the CPRC in due course.
52	<p><b>Interaction between Part 36 and the FRC costs regime</b></p> <p><b><i>Attersley v UK Insurance Ltd [2026]</i></b> <b>EWCA Civ 217</b></p> <p>Following the Court of Appeal's decision in <u><i>Attersley v UK Insurance Limited [2026]</i></u> <u>EWCA Civ 217</u>, the interaction between Part 36 and the fixed recoverable costs regime has been clarified in certain respects but remains unresolved in others.</p> <p>Is the CPRC considering any amendments to the Rules to address the issues identified by the Court of Appeal, including the scenarios expressly left open, such as where a Part 36 offer is made prior to allocation to the multi-track but the relevant period expires after allocation (as referred to at paragraph 72 of the judgment)?</p>	<i>To be considered/responded to out-of-committee</i>
53	<p><b>CPRC Records</b></p> <p>I appreciate this question may not be suitable for answering at the public meeting, but I would welcome any insight or guidance members of the committee might be able to provide about how best to get the most out of our committee's time and any other hints and tips they may consider beneficial.</p>	<i>To be considered/responded to out-of-committee</i>

	<p>In particular, I have been trying to find copies of minutes of the CPRC between 2009 and when they first started being published on the website [from 2020 onwards] – I would be really grateful for copies of these if they are capable of being accessed and the CPRC felt it acceptable to share them.</p>	
--	--	--

## Item 8 Any Other Business from Committee members & Close

49. The following items of anticipated future business were **NOTED**:

- **Cross-Jurisdictional Contempt Working Group.** Further developments mean that a number of issues require CPRC considerations. **Action:** Secretariat to provisionally allocate time in June / July 2026.
- **Nuclear Regulatory Taskforce Review recommendations and requested amendments to the CPR regarding the Environmental Costs Protection Regime.** **Action:** MoJ Costs Policy to consult the Costs Sub-Committee, out-of-committee.
- **Beckett -v- Graham Neutral Citation Number: [2026] EWHC 920 (KB).** The appeal of the Senior Master's judgment in the case of Beckett -v- Graham, has now been decided (the Senior Master was correct) and it raises a need for the CPRC to consider a clarificatory rule amendment regarding amended claim forms. **Action:** Secretariat to liaise with Master Sullivan and Kelly Stricklin-Coutinho to programme the matter in when ready.
- **FH Holding Moscow Ltd -v- AO UniCredit Bank and UniCredit S.p.A Neutral Citation Number: [2026] EWCA Civ 468.** This judgment concerns service out of the jurisdiction of England and Wales in arbitration claims. The issue is whether the Part 6 gateways are or should be available for service out of the jurisdiction, in light of the Arbitration Act 2025. **Action:** Volunteers to consider the matter should contact the DHCJ/Secretariat out-of-committee

## Closing Remarks

50. The DHCJ closed the meeting by reiterating sincere thanks to the venue hosts and to everyone for attending whether on-line or in person.

51. After the meeting, an engagement event took place for local junior lawyers and students (from Aston University, Birmingham City University, Newman University, University of Birmingham and University of Law, Birmingham).

C B POOLE  
May 2026

## Attendees

Carl Poole, Committee Secretary  
Kate Aujla, Deputy Committee Secretary & Policy Advisor  
Andy Caton, Judicial Office  
Ravi Patel, Judicial Office  
Smita Shah, 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)  
John Cuss, Civil Justice Council link member (Observer)  
Katharine Wilson, Home Office (Item 4)  
Harry Colman, Home Office (Item 4)  
Jo Harrison, Home Office (Item 4)  
David Hamilton, MoJ (Item 4)  
Mr Justice Mould, Planning Liaison Judge (Item 6)  
Lam Tran, MoJ (Item 6)  
Jennifer Tugman, MoJ Legal (Item 6)  
Master Dagnall (Item 7)