

Approved

Minutes of the Civil Procedure Rule Committee

Friday 5th June 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 Pepperall
Master Sullivan
His Honour Judge James
Her Honour Judge Emma Kelly
District Judge Clarke
District Judge Johnson
Isabel Hitching KC
Tom Montagu-Smith KC
Campbell Forsyth
Elisabetta Sciallis
Ben Roe
Greg Cox

Apologies

Members: The Hon Mr Justice Trower; Kelly Stricklin-Coutinho; Ian Curtis-Nye

Non-Members/Officials: John Cuss, Civil Justice Council link member (observer)

Item 1 Welcome, Apologies, Minutes of the last meeting and Action Log

1. The Chair welcomed everyone in attendance (online and in person) and opened the meeting. Specific welcomes were extended to two new legal members of the committee:
 - **Greg Cox** (a solicitor; solicitor-advocate; High Court assessor and mediator) who joined in May 2026, succeeding David Marshall. Mr Cox introduced himself. He is CEO of Simpson Millar LLP and has extensive experience of running and advising law firms on mergers and acquisitions. He is a contributing author to the Law Society Litigation Funding Handbook and a member of the Bar Council Remuneration Committee.
 - **James Willan KC** (a barrister at Essex Court Chambers, with a broad commercial practice both before the courts and in arbitration). Mr Willan's term officially starts in October 2026 (succeeding Isabel Hitching KC). Mr Willan also sits as a Crown Court Recorder and is the Bar Council's nominated Trustee of the Access to Justice Foundation.
2. It was further **NOTED** that Mr Justice Trower's term on the committee comes to an end in the autumn and **Mr Justice Green has been appointed** to succeed him on the committee with effect from 1st November 2026.
3. The **minutes of the last meeting on 8th May 2026**, were **AGREED**.

4. **Action Log and any matters arising not covered by later items:** The following items were raised and **NOTED**:

- **AL(26)34 Upating the Interim Payment for Mesothelioma Claims:** Master Sullivan provided a brief oral update. The consultation (which was on the rate only) has been conducted. It was sent to the Mesothelioma User Group, with encouragement to send it on to anyone else who may be interested. None of the seven replies were negative. One from the Defendant community was neutral but saw the sense in the proposal. Two responses suggested it should be a higher standard interim payment rate. In addition, Master Eastman has confirmed that they have never encountered a litigant in person mesothelioma case in 18 years and have not heard of one from the others. However, the Forum of Insurance Lawyers (FOIL) and the Association of Personal Injury Lawyers (APIL) are a good means of communication for the mesothelioma community. It was **AGREED** that (i) there was no need to modify the amendment approved at the last meeting (paragraph 36 of the minutes of 8th May 2026 meeting refer) and (ii) Master Sullivan will update FOIL and APIL. It was **NOTED** that the interim payment rate is issued by the Master of the Rolls, not the CPRC. **Actions:** (i) 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 update FOIL and APIL.
- **AL(26)03 CJC Civil Enforcement Report:** Campbell Forsyth and the sub-committee are finalising the drafting amendments and plan to return to the July meeting.
- **AL(25)41 Costs Sub-Committee and Fixed Recoverable Costs Post Implementation Review:** MoJ policy are in discussions with the Costs Sub-Committee on this and will be reporting the full committee in due course, provisionally at the July 2026 meeting.

Item 2 Housing Conditions (England) Pre-Action Protocol (PAP) CPR(26)20

5. Master Dagnall, Nicole Bickerdyke, Eleanor Bridger-Wilkinson and Lucy Hancock (Ministry of Housing, Communities and Local Government (MHCLG)) and Liam O'Flynn (MHCLG Legal) were welcomed to the meeting.
6. The Chair made some introductory remarks and expressed **THANKS** to the Sub-Committee, comprising, Master Dagnall (Chair), His Honour Judge Hywel James, David Marshall and Elisabetta Sciallis and to the officials and lawyers who supported the work.
7. This matter was introduced to the committee on 6th February 2026 (paragraphs 4-10 of the minutes of that meeting refer) and returned on 27th March 2026 when it was agreed to extend the scope of the work to make some wider, structural changes to the PAP to provide for greater consistency in language and usability (paragraphs 23 - 27 of the minutes of that meeting refer).
8. The revised PAP intends to: improve the overall structure and usability of the PAP; reflect the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 (the '2025 Regulations') (more informally known as "Awaab's Law"); emphasise the use of alternative dispute resolution (ADR) and highlight urgent

exceptions to the PAP; the Sub-Committee have also been careful to respect the findings within the Civil Justice Council's Report on PAPs and this was **NOTED**.

9. Master Dagnall presented the matter.
10. The Chair observed that government had conducted a range of consultation activity from August 2023 to October 2025. Consultees included, housing industry Associations (tenant, landlord and associated professions), Ombudsmen, Local Authorities, practitioners and the advice sector. Further, informal consultation, had also, very recently, been undertaken by MHCLG. A variety of responses were provided, and **THANKS** were noted for the time individuals had spent submitting their views.
11. The proposed amendments were reviewed in detail, together with stakeholder feedback. The responses broadly support the amendments, however, there were several points of detail to review. Each was discussed and resolved.
12. It was **RESOLVED to amend the Housing Conditions (England) PAP, subject to the following points and to finalise drafting and RECOMMEND APPROVAL to the Master of the Rolls:**
 - not to include a pre-amble to the PAP, the introduction was sufficient;
 - add an additional sentence to section 4 to amplify ADR and the court's power to order it and recast 4.2(b) to remove reference to "arbitration" because it may imply other forms of ADR are excluded;
 - remove the last sentence in 3.1 regarding "licensors" because they are already included within the PAP;
 - recast 7.6 regarding access, to make clear that, "parties must co-operate to ensure appropriate work is done promptly and the property is made safe as soon as possible";
 - make various other minor drafting tweaks in the interests of simplicity and clarity;
 - not to include speculative changes aimed at future proofing the PAP. However, as/when wider reforms are finalised, consideration can be given, at that time, for the PAP to be reviewed and amended accordingly;
 - the link to the costs form must take the user to the prescribed N260 form;
 - the intended implementation date for the PAP updates is autumn 2026;
 - programme in a review of the Housing Disrepair Cases (Wales) PAP.
13. It was **FURTHER NOTED** that MHCLG also intend to share the approved version of the PAP changes with the stakeholders and undertake further engagement with the sector to inform the development of the accompanying guidance with MoJ.
14. **Actions:** (i) In consultation with Master Dagnall, MHCLG and MoJ to finalise the PAP text (ii) Drafting Lawyers and Secretariat to assemble the PAP Making Instrument for referral to the MR to consider final approval and promulgation (iii) HHJ James to

commence a review of the Welsh PAP, engaging MoJ Legal as needed (iv) Secretariat to update the work planner in consequence.

Item 3 Renters Rights' Act 2025 CPR(26)21

15. Rebecca Manson (Ministry of Housing, Communities and Local Government, MHCLG) was welcomed to the meeting.
16. An update on the expected sequencing and scope of future CPR changes arising from the Renters' Rights Act 2025 and their interaction with digital possession reform was **NOTED**. Essentially, the reforms will follow a staged implementation approach in which possession processes will gradually shift from the CPR to Online Procedure Rules (OPR) over time. No CPR changes are proposed at this stage. The matter is due to return early next year (2027), with the intention of any rule amendments being settled by June 2028 for an October 2028 in-force, subject to Ministerial approval. Co-ordination between MHCLG, MoJ, HMCTS and the rule committees continues.
17. **Action:** MHCLG/MoJ Officials to keep the Secretariat apprised for programming purposes.

Item 4 Domestic Abuse Protection Orders Pilot PD51ZF CPR(26)22

18. Maja Vojnovic (Ministry of Justice) was welcomed to the meeting.
19. The Chair provided some introductory remarks, explaining the DAPO pilot commenced in November 2024 for two years (until 24th November 2026). It operates in specific pilot areas, initially, in Greater Manchester and the London Boroughs of Croydon, Bromley and Sutton; before being extended to parts of the North East and then to the whole of North Wales. Breaches are a criminal offence. The pilot is underpinned by the Pilot Practice Direction PD512Z, which largely mirrors the corresponding Family Procedure Rules PD. The DAPO pilot is part of a package of measures provided for by Part 3 of the Domestic Abuse Act 2021 and other reforms to combat violence against women and girls.
20. An update was provided on plans to extend the DAPO pilot across England and Wales for specified purposes. It was **NOTED** that:
 - Government intend to bring the updated, national, pilot PDs for family and civil proceedings into effect from November 2026;
 - the pilot areas are set out in separate Commencement Regulations. As such, MoJ intend to update the Commencement Regulations in time for November 2026 roll out;
 - an external research organisation has been appointed to carry out an evaluation of the pilot;
 - no further consultation is currently planned, because the amendments are expected to be minor;
 - Mrs Justice Knowles is leading the work for the Family Procedure Rules Committee (FPRC) and will co-ordinate civil input from the civil judges who were previously involved in developing the initial pilot PD with an aim of

returning to the July and/or October CPRC meeting/s with developed drafting for final approval.

21. The proposed way forward was **AGREED**, and it was confirmed that the civil judges previously involved in the cross-jurisdictional working group were His Honour Judge Graham Robinson and District Judge (now Master) Byass.
22. **Actions:** MoJ and Knowles J to liaise with the civil judges out-of-committee and keep the Secretariat apprised for programming purposes.

Item 5 Respect Orders CPR(26)23

23. Joanna Bain and Katharine Wilson (Home Office) were welcomed to the meeting.
24. The Chair provided some introductory remarks. It was **NOTED** that Ministers have now **agreed that the reforms will be introduced on a national basis** and as such a pilot scheme under the CPR was not required. The proposed amendments provide the procedure for Respect Orders in the civil courts. The substantive law is contained in the Crime and Policing Act 2026, which provides a new set of measures to tackle anti-social behaviour (subject to a commencement order) including the Respect Order (essentially replacing injunctions currently provided for by Part 1 of the Anti-social Behaviour etc Act 2014). A breach of a Respect Order is a criminal offence.
25. **THANKS** were reiterated to everyone involved with preparing the draft amendments at pace. In particular, the Sub-Committee, comprising Her Honour Judge Emma Kelly (Chair), His Honour Judge Hywell James and Elisabetta Sciallis.
26. HHJ Kelly, advised that much work has been carried out since the last appearance on 8th May 2026 (paragraphs 21 – 29 of the minutes of that meeting refer). The proposed amendments now include provisions covering the procedure for, on-notice and without notice applications, service and provide the distinction between an interim and final order. Some signposting has also been included because elements of procedural law are contained in the Act itself.
27. A discussion followed, in which various points of detail were raised.
28. It was **RESOLVED to approve the amendments to CPR Part 65 (Anti-Social Behaviour and Harassment), the supplementing PD65 and consequential amendments to PD2B (Allocation), subject to the following points and final drafting:**
 - add text to PD65, paragraph 17.1(2) to make clear that the witness statement must state that service has been carried out;
 - include a new sub-rule within r.65.51 regarding vulnerability;
 - recast r.65.53(2) to include, “and any order made at the without notice hearing...”
 - remove r.65.54 because it was unclear why requirements should be expressly provided for, but prohibitions are not; it was **AGREED** to make this clear in the form of order;
 - recast 65.55(1)(b) “after service...” in the interests of clarity and brevity;
 - retain the text, “deliver ...to...police station” because it is consistent with wider established procedure, for example in the Family Procedure Rules;
 - amend r.65.56 to include service upon the defendant;

- make various other minor drafting tweaks in the interests of simplicity and clarity;
 - the intended in-force date is 1st October 2026
29. It was **FURTHER RESOLVED** that the draft proposed new forms/model order/s will be presented to the next meeting on 3rd July 2026.
30. **Actions:** (i) In consultation with HHJ Kelly and MoJ Legal, the Home Office is to (a) finalise the draft amendments for clearance by the Chair before incorporating into the draft amending instruments as part of the October 2026 common-commencement cycle (b) prepare draft forms/model order/s by 19th June for consideration at the 3rd July meeting (ii) Subject to the Chair's clearance, Drafting Lawyers and Secretariat to include in the October CPR Update.

Item 6 Changes to Senior Courts Act: creation of the Business and Property Division CPR(26)24

31. The Chair introduced the matter, observing the Lady Chief Justice's recent announcement which can be viewed online ¹and **NOTED** the Deputy Prime Minister, Lord Chancellor and Secretary of State for Justice's Written Ministerial Statement to Parliament². Both set out the plans to modernise the High Court, through the establishment of the Business and Property Division.
32. **THANKS** were expressed to the Sub-Committee, comprising Mr Justice Trower (Chair), Mr Justice Pepperall and King's Bench Master Sullivan along with co-opted members, His Honour Judge Cadwallader and Chancery Master McQuail. Insolvency and Companies Court (ICC) Judge Greenwood has also assisted with any ICC related issues. This has been an extensive and time-consuming task, undertaken at rapid pace. Thanks were also extended to officials, in particular, Ravi Patel (Judicial Office) for providing invaluable assistance throughout.
33. Mr Justice Pepperall presented the matter on behalf of Mr Justice Trower.
34. Most of the draft rule and PD provisions which needed amendment were before the committee meeting on 27th March 2026 (paragraphs 50 – 60 of the minutes of that meeting refer). Further work has been carried out in consultation with the Chancellor of the High Court and the President of the King's Bench Division. Their comments have been taken into account in the latest drafts. The senior judiciary have made clear that the reforms are not intended to make material changes in practice, and this was **NOTED**. Consultation has also been undertaken with the senior Business and Property Court Judges in the regions to ensure that the way in which Business and Property work is dealt with in the High Court District Registries is reflected in the language proposed.
35. Mr Justice Pepperall highlighted the level of repetition, recognising that there was no collective noun other than "lists". The drafting form "BPD DR" has also been adopted, as an equivalent formulation to the established acronym "BPC DR". A lack of symmetry also exists in respect of the CPR containing a definition for the Business and Property Courts, pursuant to Part 57A, but a definition for the King's Bench Division is not defined in the rules. This is a current issue and one which may be revisited later.

¹ www.judiciary.uk/the-lady-chief-justice-and-lord-chancellor-announcements

² parliament.uk/written-statements/2026-06-02/hcws79.

36. A discussion followed, in which attention was drawn to draft r.58.16 providing for enforcement of Commercial Court orders being exercised by a King's Bench Master or District Judge. A similar provision for the Admiralty and Technology and Construction Court does not presently exist and it was **AGREED** that one should. It was **FURTHER AGREED** that PD 57AA, draft paragraph 4.1 and 4.2, should be recast to ensure consistency with current practice regarding interaction with County Court work.

37. It was **NOTED** that:

- Court Guides will be updated in due course. To support the authors in this work, an advance copy of the approved suite of amendments will be shared out-of-committee.
- Any changes to the Insolvency Proceedings PD require the expertise of the Insolvency Rule Committee; likewise, the Directors Disqualification Proceedings PD may require review. This is a standalone PD under the CPR for which the underlying policy responsibility sits with the Insolvency Service.

38. It was **RESOLVED** to:

- **APPROVE, subject to the above points and to final drafting**, a suite of rule and PD amendments required for the introduction of the Business and Property Division. This includes one further consequential amendment to PD51ZB, as tabled and the adoption of a transitional provision, for the avoidance of doubt;
- **INCLUDE** the amendments in the imminent CPR amendment cycle as part of the October 2026 common-commencement date, subject to a related Order in Council (OIC). The CPR amendments may have a coming into force date linked to the OIC commencement date.

39. Master Sullivan has overseen the work to review and update court forms. **THANKS** were extended to Mr Justice Constable, Mr Justice Birt, Master Julia Clark, Master Davison, His Honour Judge Bird and Adam Zahid (Judicial Assistant) for their valuable input. Approximately 120 related forms have been reviewed.

40. It was **FURTHER NOTED** and **AGREED** that changes to court forms will include the following:

- The Chancery Masters have been doing a project to update the Chancery forms for some time and some of the existing forms were obsolete. The intention is to delete some forms and renumber the remaining ones. This is a very helpful exercise and complements the BPD reforms.
- Headings will be updated with the aim is to simplify and rationalise them, by using the minimum number of lines in the headings;
- Addresses will also be rationalised (using either "Admiralty and Commercial Court Listing Office" or "The Court Office at the Rolls Building" as appropriate (the regional ones have the same as the main N1 claim form used by all other courts, and a weblink to look it up.
- The "CH" prefix will make no sense once the BPD is established and the Chancery Division will no longer exist. It will inevitably take some time before

people stop referring to the Chancery Division. Keeping reference to Chancery in the forms will only exacerbate that. The forms will, therefore, be re-labelled (CH1 to 33) to become BPD1-33.

- Between Master Sullivan and the Secretariat, the principal publishers will be updated. Industry wide communications can be expected to flow from that. All stakeholders are encouraged to sign up for alerts from the web site/s to receive notifications as soon as any updated or new form is published.
- The committee is not responsible for wider operational implications (updating staffing guidance, external subscriber services linking to web pages/other content etc.

41. **Actions:** (i) In consultation with the Sub-Committee and Ravi Patel, Drafting Lawyers and Secretariat to include in the October 2026 common-commencement update (ii) In consultation with Master Sullivan, the Secretariat and MoJ/HMCTS to facilitate the publication of the revised forms (iii) Ravi Patel to provide an advance copy of the approved suite of amendments to those responsible for the Court Guides.

Item 7 Simplified Costs Budgeting: Proposed amendment to PD 51ZG1 Pilot for Cost Budgeting in Certain Business & Property Courts & Certain Business and Property Work in the County Court CPR(26)25

42. The Chair introduced the matter.

43. The pilot PD 51ZG1 was introduced in April 2025 to improve proportionality in costs budgeting. It currently applies in certain Business & Property Courts in England and Wales and certain Business and Property work in various County Court venues.

44. In October 2025, the then Supervising Judge for the North, proposed extending the pilot to Liverpool and Newcastle, noting positive feedback from judges and practitioners in that area.

45. Initially, the committee expressed caution about expanding the PD too quickly and suggested gathering further views, possibly considering a wider rollout instead. At the December 2025 meeting, an update was provided and it was agreed in principle to consider a nationwide rollout, subject to consultation with the relevant Supervising Judges. It was **NOTED** that this consultation has now taken place and the judges are content.

46. A discussion followed in which various drafting options were considered. It was **AGREED** that it was not intended for general county court work to be included in the pilot PD. The challenges of data collection to assess the pilot's effectiveness, and whether or not it saved costs, were acknowledged. Pragmatically, the most useful measure is likely to be user feedback.

47. It was **RESOLVED, subject to final drafting, to:**

- **extend** the geographical scope of PD51ZG1 nationwide, using terminology consistent with the wider Business and Property Division amendments (resolved up at Item 6 above). Drafting to be settled out-of-committee and be cast to provide for its use in Business and Property Division claims and certain Business and Property work in the county courts; and to expressly list the applicable county court centres, in the interests of clarity and useability.

- **changes to apply** to relevant claims issued on or after 1st October 2026

48. **Action:** Drafting Lawyers and Secretariat to include in the upcoming common-commencement amendment cycle for October 2026.

Item 8 Pilot PD 51ZD Costs Capping in Patent Cases

49. The Secretariat explained that the pilot PD expires on 31st December 2026, unless varied or extended. PD51ZD was introduced on 1st January 2024 for three years. Mr Justice Mellor has discussed the matter with Chancellor and Mr Justice Meade. Although take-up has been limited, there has been some use of the scheme, and the judges think further time is warranted to engage with user group and to see if the profession are receptive to making greater use of it.

50. A discussion followed, which highlighted a desire for more information before deciding whether to extend the pilot PD. Campbell Forsyth observed that there is also a wider context of work concerning Patent Court proceedings.

51. It was **AGREED to defer the matter** to gain further information before making a definitive decision. If the PD was revised, a standalone Update would be needed to ensure there was no gap in the schemes operation.

52. **Action:** (i) Mr Forsyth to discuss with Mellor J and report back no later than the October meeting (ii) Secretariat to provisionally allocate time to the October meeting.

Item 9 Digital Services CPR(26)26

53. Lucy Astle-Fletcher (HM Courts & Tribunals Service) was welcomed to the meeting. This item comprised the following two elements.

Extension of pilot PD 51ZB for the Damages Claims Service

54. Pilot PD 51ZB expires on 1st October 2026. HMCTS request that it be extended to April 2027 to align with the Online Civil Money Claims (OCMC) pilot PD 51R and to allow for Online Procedure Rule readiness.

55. Although the pilot PDs for the digital services have been in place for some years this has been part of the plan in support of the developing digital platforms. Ultimately, the rules which underpin a digital justice system will be governed by the Online Procedure Rule Committee (OPRC). At present, the priority is the work required for the digital possession service.

56. It was **RESOLVED to extend PD51ZB** (The Damages Claims Pilot) to 6th April 2027.

57. **Action:** Drafting Lawyers and Secretariat to include in the upcoming common-commencement amendment cycle for October 2026.

Removal of the Crown Exemption within the Online Civil Money Claims and Damages Claims pilot services

58. Currently, there is an exemption that prohibits claims being issued by and against the Crown in both the Online Civil Money Claims (OCMC) and Damages Claims services. This was a safeguard introduced when the pilots were introduced, in particular to

protect against national security risks. With the passage of time and improved processes, the existing carve out is considered outdated.

59. It was **NOTED** that:

- the proposal follows consultation (with the Government Legal Department, Designated Civil Judge Online, the National Crime Agency, HMRC, the Government Communications Head Quarters (GCHQ) and others.
- the most sensitive claims will remain being issued on paper, as they are typically ineligible for the OCMC or Damages services in any event.

60. A discussion followed, in which Elisabetta Sciallis asked a question and HMCTS confirmed that impact assessments were carried out as business as usual.

61. It was **RESOLVED** to:

- **Agree in principle** to remove the Crown exemption carve out and to settle the amendments out-of-committee in consultation with the Damages and Money Claims Committee (in the usual way) and to promulgate the changes via a standalone PD Update in due course, subject to MR and Ministerial availability and approval. If any matters of principle or substance arise, which require further consideration by the CPRC, the matter can be programmed into the agenda plan in the usual way.

62. **Action:** HMCTS and MoJ Legal to work with the DMCC in the usual way and keep the Secretariat appraised so that a promulgation timetable can be agreed out-of-committee.

Item 10 Open Justice: amending the overriding objective

63. Isabel Hitching KC provided an oral update on work following the presentation by Mr Justice Nicklin, and resolution at, the 27 March 2026 meeting (paragraphs 4 – 13 of those minutes refer).

64. It was **NOTED** that, the sub-committee has been considering three main areas:

- possible draft amendment to Part 1, in particular, to include some express reference to the principle of open justice within in CPR 1.1(2) with the other characteristics that support the concept of dealing with a case justly and at proportionate cost;
- consequential amendments;
- other potential topics which interact with open justice;

65. A discussion followed, which highlighted several issues. These included the need to liaise with other rule committees, the timing for introducing any changes, the impact of ongoing pilot schemes such as the Public Domain Document pilot and potentially wider implications. All these factors require careful consideration.

66. It was **AGREED** that, work to formulate the initial draft amendment/s should continue. When that is cast, it can form the basis of cross-jurisdictional work with the other rule committees. The Chair will update Nicklin J.

67. THANKS were expressed to Isabel Hitching KC, Ian Curtis-Nye and Campbell Forsyth for their careful consideration and work to date. It was FURTHER NOTED that Greg Cox is willing to support the sub-committee as its work develops.

68. **Actions:** (i) Chair to update Nicklin J (ii) Matter to return when ready.

Item 11 Contempt Working Group CPR(26)27

69. Mr Justice Pepperall provided an update on the work of the cross jurisdictional Contempt Procedure Rules Working Group chaired by Lord Justice Edis.

70. The origins of this work flow from the Law Commission's review of the law of contempt.

71. This matter was last before the committee on 5th December 2025 (paragraphs 42 - 49 of the minutes of that meeting refer). The committee supports the ambition of achieving greater alignment in the rules for contempt proceedings but expressed reservation that a single set of rules was the right way forward and, in any event, that the work was premature because the Law Commission's Part 2 report (on procedural law) was not complete. The Report is not due to be published until sometime next year (2027).

72. A discussion following on a collection of points for which a steer was required to report back to the Law Commission and the Working Group.

73. It was **RESOLVED** that:

- A universal permission filter should be recommended. It is best practice to restrict any penal notice (and ,therefore, equally any oral contempt warning) to the relevant part of the order prohibiting or mandating conduct and not to ordinary case management directions. This is the usual practice in the civil courts when making freezing or search orders. However, it was acknowledged that it is not universal and some orders endorsed with a general and unlimited penal notice also contain case management and other orders that should not be enforced by committal. Any abuse of committal proceedings could be controlled if there is also a universal permission filter.
- Statutory powers already exist to make contempt procedure rules. The Civil Procedure Act 1997 gives the CPRC the power to make rules governing the practice and procedure in civil proceedings. When Part 81 was last reformed, it was important to carefully distinguish between matters that were issues of substantive law and matters that were limited to practice and procedure. If the Law Commission is in any doubt as to whether implementation of its recommendations might trespass into areas of substantive law, then it would be helpful to have a discrete power bestowed upon the CPRC (and other rule-making bodies) to make further rules for that purpose. It remains the CPRC's strongly held view that it retains authority to make appropriate rules in respect of all areas of practice and procedure in the civil courts, including contempt of court. This is established and uncontentious.
- Other technical points: (i) Contempt by disrupting proceedings: the CPRC consider it important that contempt captures deliberate conduct that interferes with the administration of justice even if such conduct was not itself abusive, threatening or disorderly (ii) Contempt by breach of court order or undertaking:

the CPRC would be concerned if committal were available in respect of all orders just because they were sealed (iii) Sequestration: the preliminary responses provided by Mr Justice Pepperall were endorsed (iv) Prohibition on the same judge hearing a matter: the CPRC agrees that very often it may be prudent for a judge to recuse themselves, but a strict requirement for recusal would be open to obvious abuse and cause real disruption and delay.

74. It was **NOTED** that two recent Court of Appeal (CA) decisions may require further consideration in due course:

- *Turk v Legal Aid Agency* [2026] EWCA Civ 469 confirms the High Court's power to make a recovery of defence costs order under the criminal legal aid regulations. It does not appear as though any amendment to the CPR is required, but this can be considered more fully as time allows and return to a future meeting if needed.
- *Re Rajiv Menon KC* [2026] EWCA Civ 573 determines that the Crown Court (here a High Court Judge) has no jurisdiction to refer a contempt application to the High Court and that the matter must either remain within the Crown Court or be referred by the Attorney General. The general view is that there would be value in creating (in primary legislation) an express power of referral to the High Court whether from the Crown Court or any other courts and tribunals and this was **AGREED**.

75. It was **FURTHER NOTED** that, Lord Justice Edis has invited rule committees to raise any other matters they wish to be drawn to the attention of the Law Commission.

76. **Actions:** (i) In consultation with the Chair, Pepperall J to relay the Committee's views to the Law Commission/working group (ii) Pepperall J to consider the CA decisions as time allows and revert as needed (iii) Pepperall J to raise the value in creating (in primary legislation) an express power of referral to the High Court, during his meeting with the Law Commission (iv) Any members wishing to raise additional items for consideration by the working group/Law Commission to raise them with the Chair and Pepperall J direct.

Item 12 Items of Possible Future Business & Any Other Business

Independent Inquiry into Child Sexual Abuse – removal of limitation period

77. It was **NOTED** that:

- In line with the Independent Inquiry into Child Sexual Abuse (IICSA) findings (Recommendation 15), the Government is amending the law regarding the limitation period in child sexual abuse claims. The reform will come into effect on 29th June 2026, pursuant to Section 96 of the Crime and Policing Act 2026 which removes the limitation period for child sexual abuse personal injury claims (previously under the Limitation Act 1980), except where claims were already settled or dismissed before 29th June 2026. A rebuttable presumption is introduced so claims are expected to proceed, with the burden shifted to defendants to show a fair trial is not possible.
- The Government does not consider any amendments to the CPR are necessary but has engaged the Judicial College on potential guidance.

- Consideration is also being given on whether to introduce a specific Pre-Action Protocol (PAP) for such claims, but MoJ policy will first assess the impact on case volumes, before considering this, and engagement with the MR, further.

Summer SI and PD Update

78. The Chair provided an overview of the anticipated content and timetable of the next mainstream CPR amendments. The instruments were, subject to Ministerial approval, due to be published on/soon after 15th July 2026, being the anticipated parliamentary laying date for the SI, to enter into force as part of the 1st October 2026 common-commencement date (save for any other specific in-force dates, required during the final drafting stage).

79. **Action:** In liaison with the Chair and members (to secure the requisite signatures), Drafting Lawyers and Secretariat to facilitate promulgation.

Feedback from the open meeting on 8th May 2026

80. The Chair was very pleased to **NOTE** the positive feedback to the first open meeting held outside London. An article can be read online³.

81. **Action:** CPRC members to suggest further ideas for future out of London venues and/or engagement activity to the Secretariat/Chair out-of-committee.

Whiplash (Official Injury Portal) Sub-Committee

82. The Whiplash Sub-Committee has undergone some routine membership changes, and this was **NOTED**; membership now comprises the following:

- Her Honour Judge Emma Kelly, Judicial Member and Chair,
- District Judge Hennessy, Judicial Member,
- Stuart Hanley (Minster Law), Co-opted Legal Member, serving as a representative of the claimant solicitor perspective,
- Paul Brandish (Horwich Farrelly), Co-opted Legal Member, serving as a representative of the defendant solicitor perspective,
- Officials from the MoJ and Motor Insurance Bureau (MIB) also attend.

C B POOLE
June 2026

Attendees

Carl Poole, Committee Secretary
Kate Aujla Deputy Committee Secretary & Policy Advisor
Andy Caton, Judicial Office
Ravi Patel, Judicial Office
Amrita Dhaliwal, Ministry of Justice (MoJ)
Andrew Currans, Government Legal Department (MoJ)
Katie Fowkes, Government Legal Department (MoJ)
Faye Whates, HM Courts & Tribunals Service (HMCTS)
Master Dagnall (Item 2)

³ [Milestone meeting for civil justice group - Courts and Tribunals Judiciary.](#)

Nicole Bickerdyke, Ministry of Housing, Communities & Local Gov't (MHCLG) (Item 2)
Eleanor Bridger-Wilkinson, MHCLG (Item 2)
Lucy Hancock, MHCLG (Item 2)
Liam O'Flynn, MHCLG Legal (Item 2)
Rebecca Manson, MHCLG (Item 3)
Maja Vojnovic, MoJ (Item 4)
Katharine Wilson, Home Office (Item 5)
Joanna Bain, Home Office Legal (Item 5)
David Hamilton, MoJ (Item 5)
Daniel Spillman, Judicial Office (Item 6)
Aliza Catlin, Judicial Office (Item 6)
Rebecca Heywood, MoJ Policy (Item 6)
Lucy Astle-Fletcher, HMCTS (Item 9)
James Willan KC, new CPRC member, designate (observing)