



Civil Procedure Rule Committee

CONSULTATION BY THE CIVIL PROCEDURE RULE COMMITTEE (CPRC)

PROPOSED AMENDMENTS TO CPR Part 5, PD5A and PD5B

ELECTRONIC SIGNATURES

Background

The CPRC is responsible, under the provisions of the Civil Procedure Act 1997, for making rules of court governing the practice and procedure to be followed in the Civil Division of the Court of Appeal, the High Court and the County Court. It is to do so with a view to securing that the system of justice is accessible, fair, and efficient, and to try and make rules that are both simple and simply expressed.

Under section 3 of the 1997 Act, the CPRC is, before making rules, to consult with such persons as they consider appropriate.

This public consultation was commissioned following a discussion at the CPRC on 07 March 2025, but has been delayed due to other pressing business; the minutes of the March 2025 meeting can be read online here:

<https://assets.publishing.service.gov.uk/media/67f63f7290615dd92bc90d94/cprc-mins-7-march-2025.pdf>

Overview

Policy and legislative context

The Electronic Communications Act 2000 (the “**Act**”) received Royal Assent on 25 May 2000. The purpose of the Act as expressed in its explanatory note was “*to help build confidence in electronic commerce and the technology underlying it*”, including by “*providing for...the legal recognition of electronic signatures and the process under which they are verified, generated or communicated*”. Section 7 of the Act concerns the admissibility of electronic signatures and related certificates in legal proceedings and has the effect of entitling a litigant to authenticate an electronic court document by electronic signature.

In 2019 the Law Commission published its report on the ‘*Electronic Execution of Documents*’ (Law Com No 386). The report concluded that the uptake of e-signatures was being hindered by uncertainty. It recommended that a multi-disciplinary group of business, legal and technical experts be convened to consider the practical and technical issues involved with e-signatures, and to produce best practice guidelines

and make proposals for further reform and development. The Industry Working Group on Electronic Execution of Documents (“**IWG**”) was formed pursuant to that recommendation. The group started work in 2021. It published its interim report in February 2022 and its final report in February 2023. One of the recommendations of the interim report was that the Government become an “early adopter” of electronic signatures. The IWG was initially chaired by Lord Justice Birss , former Deputy Head of Civil Justice and de facto Chair of the CPRC, who asked the IWG as part of their work to advance a proposal to update CPR 5.3 (signature of documents by mechanical means).

Proposals for consultation

Provisions concerning electronic signatures are scattered throughout CPR Part 5, PD5A and PD5B as follows:

- a. CPR 5.3 – signature of documents by mechanical means;
- b. PD5A §1 - signature of documents by mechanical means;
- c. PD5B §§ 5.1 and 5.2 – Statements of Truth.

The Committee proposes that the provisions as to e-signatures be collected together in one place. We consider that the proper home for those provisions is in PD 5A, reflecting that those provisions do not confer the right to use an e-signature, which is founded in primary legislation as above, but are explanatory and supplemental in nature.

The Committee thus invites views and comments on the proposed amendments to PD 5A as appended.

Readers should note that CPR Part 5 and PD 5B are proposed also to be amended by deletion of CPR 5.3 and PD §5.1 and §5.2; but that red-line versions are not included within these consultation materials given the circumscribed nature of those proposed amendments. The Committee flag that the proposed deletion of PD §5.1 (which specifies that where any replica signature is printed electronically or by other mechanical means, the name of the signatory must also be printed) is informed by the Committee’s view that (i) this is an unprincipled distinction between electronic and ‘wet-ink’ signatures and (ii) the provision is unnecessary where standard court documents direct for the signatory’s name to be printed. The proposed deletion is not informed by any assumption that an electronic signature will be typed and therefore legible.

The Committee further draw to readers’ attention that we have given particular thought to whether it is necessary or helpful to attempt at any definition of an electronic signature, or else to provide a non-exhaustive list of examples. The proposal elects against doing so, given that there is an established body of case law determinative of

that issue and having taken the view that a broad provision is preferable to accommodate emerging online processes. The Committee's preference against providing a non-exhaustive list in like form to that utilised in the Family Procedure Rules at PD 17A §4A.1 and 4A.2 is informed by those considerations and does not constitute any view taken upon the scope and nature of that list.

How to respond

Please send your responses to CPRCconsultation@justice.gov.uk (in word or PDF format) with the subject heading "Electronic Signatures Consultation".

Deadline for Responses

This consultation will close on 13th November 2026.

Questions

If you have any questions regarding this consultation, please use the email address above or email the general enquiries inbox at CPRC@justice.gov.uk.

Welsh Language

Please contact the Secretariat if you require the consultation translated into the Welsh Language.

Next Steps

The matter will be programmed in for CPRC consideration following the conclusion of this consultation. You can follow progress by reading the minutes of CPRC meetings here:

<https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#minutes>).

Data

Data will be handled in line with the CPRC Personal Data Privacy Notice found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707892/cprc-privacy-notice-may-2018.pdf

*Civil Procedure Rule Committee
September 2026*