

**Approved**

## **Minutes of the Civil Procedure Rule Committee**

Friday 3<sup>rd</sup> July 2026, conducted in a hybrid format, namely, at The Rolls Building (Royal Courts of Justice), Fetter Lane, London and via video conference.

### **Members attending**

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

### **Apologies**

**Members:** Campbell Forsyth

**Non-Members/Officials:** Master Byass, Enforcement Sub-Committee, Item 2;  
Ms Fowkes, Government Legal Department (MoJ)

### **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. A specific welcome was extended to the following new legal member of the committee, due to formally commence their three-year term on the committee from October 2026:
  - **James Egan** (a barrister at Ten Old Square Chambers). Mr Egan specialises in traditional and commercial chancery, property, and landlord and tenant law, with a focus on private client disputes, particularly contentious trusts and estates. He was appointed to the Attorney General's Civil Panel (London B Panel) in 2025.
2. The **minutes of the last meeting on 5<sup>th</sup> June 2026**, were **AGREED**.
3. **Action Log and any matters arising not covered by later items:** The following items were raised and **NOTED**:
  - **AL(26)16 AI Sub-Committee:** Ben Roe provided a brief oral update to advise that the Civil Justice Council (CJC) has published an update on their consultation, the work is ongoing and the Council aims to publish a final report later in the year. Initial findings from the CPRC sub-committee's informal preliminary pilot test of an AI tool has demonstrated some

emerging benefits on how such technology may assist in keeping the CPR up to date, for example, by swiftly identifying areas which require updating, such as discontinued or obsolete statutory provisions. The MR has also convened a cross-jurisdictional meeting for representatives from each rule committee. Mr Roe will attend that meeting, with the DHCJ and the Committee Secretary. Subject to that, the CPRC sub-committee intends to prepare a report for the autumn.

- **AL(26)53 Open Justice:** Isabel Hitching KC provided a brief oral update on the meeting held with Lord Justice Dove (Tribunal Procedure Committee). This reinforced the view that a common cross-jurisdictional approach, was merited and that whilst the broad principle of open justice could likely be reflected in the overriding objective relatively simply, it did not address what is meant by open justice in practice and in the context of specific rules. Wider changes to the rules beyond the overriding objective need to be carefully considered. The plan is to hold a further meeting before the end of the legal term to consider where concrete rule changes might be needed. The context of vulnerability and the interface with specific privacy provisions are particularly significant topics. It is also important not to pre-determine the outcomes of existing open justice related pilots, such as PD51ZH which is testing a scheme for parties and non-parties to access certain court documents.
- **AL(26)54 Contempt Procedure Rules Working Group:** Mr Justice Pepperall explained that, pursuant to the resolution at the last meeting and with the consent of the Chair, the committee's views had been relayed to the Law Commission. **Action:** If members have any additional issues to be raised, they should be provided to Pepperall J before the end of July.

## **Item 2 Enforcement Sub-Committee CPR(26)28**

4. **THANKS** were recorded to the sub-committee, comprising: Tom Montagu-Smith KC (Chair), Campbell Forsyth and Master Byass (co-opted).
5. The Chair set out the background. The origins were the CJC's report on civil enforcement, published in April 2025. The CJC's Working Group was chaired by Her Honour Judge Karen Walden-Smith. It is an extensive report. Given its breadth, recommendations are directed towards various bodies, including HMCTS, MoJ, other government departments and others. 17 recommendations were directed to the CPRC. The sub-committee's comprehensive analysis was presented to the February 2026 meeting (paragraphs 11 – 23 of the minutes of that meeting refer), when it was agreed to adopt some of the CJC's suggested changes.
6. Tom Montagu-Smith KC presented the matter.
7. Since the February meeting, the Service Sub-Committee and Forms Sub-Committee Chairs have been consulted. Drafting proposals have been developed to (a) update the Pre-action Protocol for Debt claims (the Debt PAP), which are mainly intended to improve communication with debtors by encouraging creditors to send the Letter of Claim electronically, as well as by post and (b) update various court forms to add in text regarding vulnerability and to include a box for the Defendant's email address.
8. The CJC suggested (recommendation 9(a)) that compliance with the Debt PAP be positively proved before default judgment may be obtained in a relevant claim. Although the committee did not endorse that recommendation, it did consider it may

be helpful to amend the Debt PAP to require that the letter of claim be sent by electronic means to any known contact details of the debtor, because this might assist in ensuring that claims came to the attention of debtors before they were issued.

9. One of the main drivers for the reforms, is that it had been highlighted that often parties are unaware of court action, until the Bailiff arrives to enforce the judgment debt. However, there are some sensitivities with electronic communication and therefore the drafting has been cast to emphasise email as the primary means of electronic communication. Views expressed during the CJC's work that postal service is less reliable than electronic means, has been considered, but there has not been any change of approach in principle, because this is subject to ongoing work by the Service Sub-Committee and any wider policy implications for government to consider.

10. A discussion followed, after which it was **RESOLVED** to:

- **RECOMMEND to the Master of the Rolls** that the Pre-action Protocol for Debt claims be updated, as drafted.
- **APPROVE IN PRINCIPLE**, subject to final drafting, liaison with HMCTS and ratification by Master Sullivan as Chair of the Forms Sub-Committee the proposed changes to forms:
  - N1 (Claim form)
  - N1A (Guidance notes for the claimant in completing the claim form)
  - N1C (Guidance for responding to the claim)
  - N9A (offer to pay)
  - N9B (Defence or Counterclaim – specified amount of money)
  - N9C (Admission)
  - N9D (Defence or Counterclaim – unspecified amount of money)
- **AGREE** that an internal focused consultation has been successfully conducted. In light of this, the narrow nature of the amendments and the composition of the sub-committee, no further consultation is considered necessary.

11. **Actions:** (i) In consultation with the sub-committee, Drafting Lawyers and Secretariat to assemble the necessary PAP Update and facilitate promulgation by the MR in due course (ii) MoJ and HMCTS to prepare the updated forms (and guidance) for ratification by Master Sullivan prior to publication and in co-ordination with any interacting IT changes by HMCTS.

### **Item 3 Costs Sub-Committee CPR(26)29**

12. Ms Brannigan and Mr Halkou (Ministry of Justice) were welcomed to the meeting.
13. The Chair made some introductory remarks, observing the Costs Sub-Committee's busy work programme.
14. Mr Justice Trower presented the matter, providing an update on the responses to the Fixed Recoverable Costs (FRC) stocktake, MoJ's plan for a fuller post implementation review (PIR) and the approach to be taken to review vulnerability in the FRC context and a review of the inflationary uplifts. A discussion followed.
15. The extension of FRC (for most claims up to £100,000) was introduced in 2023 and included the introduction of a new Intermediate Track. The stocktake was conducted

in collaboration with MoJ which ran from 31<sup>st</sup> October 2025 to 5<sup>th</sup> January 2026. It received 47 responses. A draft response, setting out a summary of the points raised by respondents and the way forward considering the consultation, has been prepared by MoJ. This was reviewed and **APPROVED** for publication on the CPRC website.

16. The overwhelming view of respondents is that the stocktake has taken place too early for stakeholders to provide meaningful responses. MoJ have, therefore, made the decision to delay the PIR until 2027 to allow cases currently in the system to conclude and this was **NOTED**. The stocktake will help inform the design of the PIR, which is intended to be a more comprehensive evaluation of how the policy has been operating in practice.
17. MoJ also plan further work on vulnerability, inflationary uplifts to the FRC figures, and – in response to feedback from the stocktake – noise induced hearing loss claims (NIHL) in an FRC context. A further report will be forthcoming on NIHL. Before that, MoJ intend to issue an open consultation in the coming weeks on the vulnerability provisions, to understand the related issues and obtain additional evidence on how CPR 45.10 is operating. A draft list of intended consultees was reviewed together with a draft list of consultation questions. District Judge Clarke said it would be helpful to understand the balance of additional work users are required to carry out due to vulnerability. MoJ will revise the consultation question/s in light of this.
18. The existing FRC regime figures were taken from the 2017 report by Sir Rupert Jackson and were uprated before implementation using the services producer price inflation (SPPI) index to January 2023 and a further uprating in April 2024 which applied the SPPI from January 2023 to October 2023; the figures are rounded to the nearest pound in the interest of clarity.
19. The approach to uprating should preserve the regime's predictability while balancing value for money considerations. Greg Cox highlighted, amongst other points, that uprating the figures in January each year would be consistent with when guideline hourly rates (GHR) are updated by the MR. This suggestion garnered support. MoJ explained their initial rationale was to propose uprating in line with the CPR common-commencement date/s but saw the merit in aligning it with GHRs and would investigate this further. Ian Curtis-Nye drew attention to the need to also review various sets of fees, which is a matter for government, not the CPRC.
20. It was **RESOLVED** to:
  - **APPROVE** the extension of FRC stocktake response, for publication;
  - **NOTE** that MoJ have deferred the PIR, which will take place in 2027;
  - **NOTE** the proposed list of consultees for the consultation on vulnerability under CPR 45.10, together with the draft consultation questions, subject to final drafting, to include question/s which obtain evidence from users on the balance of additional work required due to vulnerability;
  - **NOTE** a further report from MoJ regarding the way forward on inflationary uplifts will be forthcoming, provisionally in the autumn;
  - **NOTE** items of future business are expected to include further work on how NIHL claims may be reformed without undermining the FRC regime.

21. **Actions:** (i) MoJ to (a) prepare the stocktake response document for publication on the CPRC website (and other platforms), in liaison with the Secretariat (b) revise the consultation question/s (Q.5) to obtain evidence from users on the balance of additional work required due to vulnerability, and prepare the consultation for publication (c) keep the Secretariat and Costs Sub-Committee apprised of timelines for publishing the PIR in 2027 (d) proceed with further work on vulnerability, inflationary uplifts, and NIHL (ii) Secretariat to update the future work plan and provisionally allocate time on the agendas from October – December 2026.

#### **Item 4 Small Claims Automatic Referral to Mediation Pilot CPR(26)30**

22. Mr Helal (Ministry of Justice) was welcomed to the meeting.
23. The Chair provided some introductory remarks, during which, her visit to the Civil National Business Centre (CNBC) and the insightful discussions held with HMCTS mediators, was **NOTED**.
24. An update on the emerging evaluation findings of the Small Claims Track Civil Automatic Referral to Mediation (CARM) pilot (PD 51ZE) and the related, but separate, Road Traffic Accident (Non-Personal Injury) “bent metal” Mediation pilot within Online Civil Money Claims (OCMC) (PD 51R) was outlined and discussed.
25. In summary, the evaluation data shows that mediation has been successfully embedded at scale, but effectiveness is uneven and outcomes are heavily driven by case mix and user type. Early policy considerations are being developed, ahead of further work on the post-pilot way forward and further representations to the committee, after the summer recess.
26. The committee provided the following steers:
- Avoid creating tension between the overriding objective that alternative dispute resolution is universally suitable and designing a scheme limited for certain claim types;
  - Provide that parties receive relevant information earlier in the process so that mediation can be as effective as possible;
  - Data analysis should not focus solely on the number of claims that settle at mediation. As some parties require additional time to consider their position, the number of cases that proceed to trial after mediation should also be reviewed as an important measure of effectiveness;
  - Early access to the full evaluation data should be shared with the committee.
27. Elisabetta Sciallis has some expertise in this area and offered to discuss matters with officials, out-of-committee. This was **NOTED** with thanks.
28. It was **RESOLVED** to **NOTE** the report. As the end dates of both pilot PDs had been harmonised to 6<sup>th</sup> April 2027, the matter will need to return in the autumn and sufficient time will be required to settle post-pilot amendments before the PDs expire. The deadline for the April common-commencement date update cycle is the December 2026 meeting.
29. **Actions:** (i) Secretariat to (a) provisionally allocation time at the October – December 2026 meetings and (b) relay Ms Sciallis’ details to MoJ (ii) MoJ/HMCTS to (a) keep

the Secretariat apprised for programming purposes (b) circulate the full evaluation data out-of-committee at the earliest opportunity.

#### **Item 5 Domestic Abuse Protection Orders (DAPO) Pilot PD51ZF CPR(26)31**

30. Ms Vojnovic (Ministry of Justice) was welcomed to the meeting.
31. The Chair made some introductory remarks. This matter was at the last meeting on 5<sup>th</sup> June 2026 (paragraphs 18 - 22 of the minutes of that meeting refer).
32. Ms Vojnovic confirmed that Mrs Justice Knowles has liaised, out-of-committee, with the civil judges who were previously involved in devising the DAPO pilot. The proposed amendments to the Civil DAPO PD were tabled. The revisions largely mirror those made to the Family DAPO PD, and are relatively minor. However, the discussion highlighted a concern that there was no longer any provision in the PD for positive requirements (PR), reflecting the position that positive requirements will not be available in family and civil jurisdictions at the start of DAPO national rollout and the committee registered their disappointment with this situation. Ms Vojnovic explained that the triage model that supported PR delivery across jurisdictions during the pilot stages is not scalable for national delivery but that it will be possible for police to continue to support some PR referrals relying on their existing referral pathways for offender management, where local provision exists. Whilst the Ministers have accepted this position and decided to proceed with the November rollout on that basis, every effort is being made to consider how PR may be made available in family and civil jurisdictions in the longer term.
33. It was also **NOTED** that the Minister is discussing the pilot's operation with the Senior Presiding Judge.
34. It was **FURTHER NOTED** that, (i) North Wales is included in the pilot but North Wales does not have a perpetrator programme, so this has not been available during the pilot stages, although mental health and substance misuse interventions are available (ii) a point of detail regarding paragraph 14 of the draft PD was clarified (iii) the anticipated date for commencement of DAPO national rollout is 25<sup>th</sup> November 2026.
35. It was **RESOLVED** to, **approve the amendments to DAPO Pilot PD 51ZF in principle**, subject to the forthcoming meeting of the Family Procedure Rule Committee, at which the CPRC's concern regarding the removal of PR is relayed.
36. **Actions:** MoJ DAPO policy team to (i) feedback to the FPRC meeting (on 6<sup>th</sup> July 2026) and (ii) manage the promulgation process for civil and family amendments, subject to FPRC's approval of the FPR PD (iii) keep the CPRC Secretariat updated, so that the CPR rules online can be published in line with the FPR.

#### **Item 6 Respect Orders: forms CPR(26)32**

37. Ms Wilson and Ms Bain (Home Office) were welcomed to the meeting, along with Mr Hamilton (Ministry of Justice).
38. The Chair expressed **THANKS** to Her Honour Judge Kelly, Master Sullivan and others for their continued focus and hard work on this important topic. This sentiment was reiterated by the Home Office. However, the Chair emphasised that member time and resources are extremely limited, given their heavy judicial workloads. The following discussion reiterated this point and the need for detailed scrutiny before any new CPR prescribed form can be approved.

39. It was **NOTED** that government has requested that the CPR amendments (agreed in principle at the last meeting and included in the imminent CPR Update) will have a commencement date of 26<sup>th</sup> October 2026. This affords a little more time to settle and publish the forms before the rule changes are enacted.
40. It was **RESOLVED** that an urgent meeting would be convened out-of-committee, to review the latest iteration of the proposed new draft claim form – application for Respect Order and the proposed new draft model Respect Order. If the forms are not approved before the new legal year, the matter will need to return to the full committee on 9<sup>th</sup> October 2026.
41. **Actions:** (i) MoJ facilitate a meeting as soon as practicable with HHJ Kelly, Master Sullivan, Home Office officials, HMCTS and the senior forms designer (ii) Secretariat to provisionally allocate time at the 9<sup>th</sup> October meeting.

#### **Item 7 Lacuna Sub-Committee (LSC) CPR(26)33**

42. This item comprises three matters; each was discussed.
43. **Service out of the jurisdiction: Chabra claims (LSC2026/06).**  
Tom Montagu-Smith KC explained that the issue arose in *Gilbert v Broadoak [2026] EWHC 153 (KB)*, where it was found that there was no available service out gateway for a post-judgment application for a Chabra injunction (a freezing order against a third party who is not a defendant to the substantive claim). This is a complex area and requires careful consideration by a specifically constituted sub-committee and in liaison with the Service Sub-Committee. Mr Justice Trower raised whether the sub-committee's remit could include a broader review to consider whether any other type of commercial order requires consideration and this was **AGREED**.
44. It was also **NOTED** that, subject to the sub-committee's deliberations, engagement with the Lord Chancellor's Advisory Committee on Private International Law, may also be required.
45. It was **RESOLVED to establish a sub-committee**, comprising: Ben Roe, James Willan KC and Tom Montagu-Smith KC. Master Dagnall may also wish to be involved as he referred the matter to the committee. The matter will return when ready.
46. **Actions:** (i) Secretariat to liaise with Master Dagnall, (ii) Tom Montagu-Smith KC to co-ordinate the sub-committee and prepare a report in the usual way and to keep the Secretariat apprised for agenda planning purposes.
47. **Relationship between Part 36 (offers to settle) and Part 45 (fixed costs) (LSC2026/07).** District Judge Clarke presented the matter. It arises from the Court of Appeal decision in *Attersley v UK Insurance Ltd [2026] EWCA Civ 217* as to whether a claimant in a case commenced under the road traffic accident (RTA) protocol is entitled to fixed costs or costs to be assessed upon acceptance of a Part 36 offer, after allocation to the multi-track. Given the timeline in the underlying proceedings, the court's decision was based on pre-October 2023 rules. Lord Justice Miles invited the committee to consider the matter further. In particular, whether the same conclusion would be reached if a Part 36 offer had been made either after allocation to the multi-track or before allocation to the multi-track, but with the expiry of the relevant period falling afterwards. Miles LJ suggested that fixed costs would not apply in these situations because of rule 45.29B, and suggested that rule 36.13 would then govern any Part 36 offers rather than rule 36.20.

48. While the sub-committee is inclined to agree with this analysis and recognises the coherence of the proposal, the picture is rather clouded by the significant amendments to Part 36 and Part 45 in October 2023. Although there will be many cases still subject to the earlier rules, the sub-committee observes that there are difficulties in now making amendments to those rules.
49. The most obvious way that this could be done is by introducing new transitional arrangements, but that raises its own issues. For example, it is likely that Part 36 offers will have been made after 1<sup>st</sup> October 2023 and any new transitional rule would have to have retrospective effect if it were to be coherent. On balance, the sub-committee considers that such an approach is impractical, and that any issues arising in cases subject to the old rules will have to be determined by the court.
50. Another question is whether the Court of Appeal's decision affects the current Parts 36 and 45. Some commentators have identified what they believe to be a more general tension between Part 36 and Part 45, arising from a concern that there remains a lack of clarity where a case is re-allocated to the multi-track from the fast or intermediate tracks. The sub-committee considers that rule 45.14 addresses that issue comprehensively and does not propose any amendment.
51. Essentially, because the rules have been changed, the problem in Attersley should not reoccur.
52. Mr Justice Trower, commented that as both Part 36 and Part 45 were raised by respondents to the FRC stocktake, whether MoJ should be invited to have regard to this as part of the PIR. Greg Cox, wondered whether there is value in looking at the track boundaries before the PIR. Mr Justice Pepperall added that the sub-committee established to review transitional provisions was aiming to report in the new legal year with the intention of preparing material for consultaion; as such he did not think a new workstream was necessary at this stage.
53. It was **RESOLVED** to ratify the recommendation that no amendment/s are required.
54. **Requirements in certain Patent appeals (LSC2026/08).** District Judge Clarke presented the matter, which was raised by Lord Justice Arnold in *Abbott Diabetes Care Inc -v- Dexcom Inc. & Others* [2025] EWCA Civ 1633. In this case a patent held by the claimant ("Abbott") was revoked by the court following a challenge by the defendant ("Dexcom"). Abbott appealed against that decision to the Court of Appeal. Before the hearing of the appeal, Abbott and Dexcom agreed terms of settlement, but Abbott nonetheless continued to pursue the appeal. This was not a unique situation and indeed paragraph 14.1 of PD52D expressly caters for it. However, the appeal was allowed. The judgment highlighted four specific issues and invited the committee to reconsider paragraph 14.1 of PD52D.
55. A focused consultation has taken place with the Chancellor, Arnold LJ and the Intellectual Property Office ("IPO") in developing the proposed amendment and this was **NOTED**.
56. The proposed amendment intends to bring the rules up to date, expand the range of documents to be provided to the Comptroller, shift the burden from the respondent to the applicant to provide documents, clarify the timeframe for the appellant to obtain the transcript of the proceedings and gather the other documents from service of the respondent's notice of non-attendance, and clarify the duties of the Comptroller. Three

significant differences between the existing paragraph 14.1 and the proposed draft were explained:

- The proposed amendment broadens the range of material to be supplied to the Comptroller, in line with the *Abbott* judgment. Whereas Arnold LJ recommended the provision of a transcript of the oral evidence, the IPO has suggested that a transcript of the entire proceedings would enable its lawyers to understand better what arguments might be pursued as *amicus curiae*.
- The proposed amendment moves the responsibility for supplying documents from the respondent to the appellant. Although it is the respondent's decision not to attend, it remains the appellant's appeal and it is for the benefit of the appellant that the appeal is pursued.
- The addition of paragraph 7 "If the Comptroller attends the hearing in accordance with paragraph (6)" is intended to place a "soft" duty on the Comptroller. In these cases, the Comptroller performs a public duty and has never been under an express duty to act as a party might. The proposed amendment clarifies the Comptroller's obligation.

57. It was **RESOLVED** to amend PD 52D (statutory appeals and appeals subject to special provision) as drafted, to include the provision that the appellant must, within seven days, serve copies of the specified documents on the Comptroller; final drafting is subject to adopting gender neutral language.

58. **Actions:** Drafting lawyers and Secretariat to incorporate into the next mainstream CPR Update (to be settled in December), as part of the April 2027 common-commencement cycle.

#### **Item 8 Service Sub-Committee CPR(26)34**

59. Mr Justice Richard Smith was welcomed to the meeting, together with His Honour Judge Bird, who also serves on the sub-committee. **THANKS** were expressed to them both for their time and care and this gratitude was extended to the other members of the sub-committee: Master Sullivan, Tom Montagu-Smith KC, Chief ICC Judge Briggs, Dr Anja Lansbergen-Mills and Alasdair Wallace.

60. This phase of the sub-committee's work was last before the committee in March 2025 (paragraphs 49-56 of the minutes of that meeting refer).

61. Essentially, the purpose of the project is to promote greater use of email service on represented parties and provide that where a legal representative is instructed to accept service, service includes email. Proposed amendments to Part 6 and PD6A were tabled and discussed. The aim is for the rules to be simple, flexible and practical, with a conscious decision not to over legislate. Given the significance of the procedural framework for service, the amendments import retained provisions from PD6A into the body of the main rules and introduce a new rule 6.2A. It was observed that, many people already use email and successfully; these reforms represent a change in emphasis within the CPR.

62. A public consultation took place last year (between 7<sup>th</sup> July 2025 and 12<sup>th</sup> September 2025). 27 responses were received; a schedule of which was **NOTED**. The responses were generally supportive of the proposals, albeit, with some areas of disagreement. The responses ranged widely, with some considering the committee

should go further in amending the rules, by making the use of email compulsory. However, this was a point of principle which the committee had previously considered and was not minded to pursue at this stage, due to unintended consequences, particularly for litigants in person and the lay advice sector. Nonetheless, the sub-committee has considered all the points in detail.

63. It was **FURTHER NOTED** that the sub-committee has not directly addressed every single response raised in the consultation but has focused on those areas which are significant and consistent with the general approach already decided by the committee. Four core areas arise: references to fax; rules for the provision of email addresses; technical limitations on emails and email bounce-back.
64. In response to these points, two conditions for service by electronic means and circumstances in which consent will be deemed to have been given for service by email are included in the proposed changes. The amendments also impose an obligation on the party and their solicitor/legal representative to specify an email address at which service can be effected.
65. The sub-committee did consider proposing “fall-back” provisions where an email address is not provided. Ultimately, it was decided not to make express provision for this in the interest of simplicity, concluding that the Court can expect legal representatives to comply, and this was **AGREED**.
66. The proposed changes retain the obligation to also provide a postal address for service. This was considered as important because the reforms are not proposing that the rules require email service and there is a need for a physical address to anchor the place of service within the jurisdiction geographically. Where a legal representative is instructed to accept service, the claim form must still be served on the legal representative, but the party may choose whether to serve by delivery in hard copy or by email.
67. Email “bounce-back” has also been carefully considered. The sub-committee’s preliminary view is that these sorts of provisions may result in over complex drafting. It may even encourage defensive use of bounce-back protocols on email accounts designated for service. Ultimately, it will be open to legal representatives to provide an email address which is properly functional and monitored. In those circumstances, complex rules may well be unnecessary and could give rise to unintended consequences, and this was **AGREED**.
68. Mr Justice Pepperall highlighted the use of the text “reasonable limit [to email size]” in draft rule 6.2A(7) and questioned how that is consistent with the principle of certainty in the context of service. The sub-committee acknowledged there were challenges, not least with the pace of technological changes, making it very difficult to set an appropriate figure in the rules. Legal practitioners will need to exercise judgment for it to work sensibly. File sharing services may also offer an alternative, to avoid prescribing what is or is not reasonable. However, they are not without their inherent risks. The risk of non-delivery is a current issue within the traditional paper-based system.
69. Various other detailed drafting points were identified and **AGREED**, including: correcting a drafting slip in draft rule 6.2A(9) to remove the erroneous “(1)(a)” in the first line and adding “postal [address]” to draft rule 6.6(2) and to consider any wider changes in consequence.
70. Ian Curtis-Nye raised whether the language in draft rule 6.2(g) regarding the interpretation of electronic means was sufficiently clear for a litigant in person. It was

**RESOLVED** to review it out-of-committee and to make it consistent with draft rule 6.2(f), possibly by using the text, “but not limited to”.

71. The Chair **NOTED** the separate, but potentially linked, work by HMCTS’ Postal Reduction Project and County Court digitalisation. Master Sullivan will discuss with officials out of committee. If the project necessitates any CPR amendments, the matter will need to come before the committee in due course.
72. It was **RESOLVED** to **agree the amendments in principle, subject to the above points and to final drafting**. The matter is to return in the autumn, if ready.
73. **Actions:** (i) Secretariat to provisionally allocate time in the agenda programme for October – December 2026 (ii) Richard Smith J to keep the Secretariat apprised (iii) Master Sullivan to liaise with HMCTS officials involved in the HMCTS Postal Reduction Project (iv) HMCTS to keep Master Sullivan, MR’s Legal Advisor and the Secretariat updated on progress and any proposed rule changes.

## **Item 9 Welsh Language**

74. His Honour Judge James provided an oral update.
75. The CPR provides a variety of provisions specifically directed to matters concerning Wales and the Welsh language, which have been introduced and amended piecemeal over time. Following a review, proposed changes were published for consultation.
76. The changes included amendments to the Devolution PD and the Welsh Language PD, including the practice and procedure relating to listing provisions within the PD and the practice and procedure in circumstances where there is an issue as to interpretation of Welsh language text.
77. The consultation closed on 30<sup>th</sup> January 2026. The work was then paused due to the Senedd elections, earlier this year.
78. The consultation has received around 25 responses. Some are from statutory bodies and others from a wide range of interested parties. Various detailed points have been raised which require careful consideration. A brief discussion followed.
79. It was **RESOLVED** to:
- Expand the sub-committee membership and potentially establish a standing sub-committee to consider Welsh Affairs;
  - Engage MoJ legal’s assistance in reviewing issues arising from the consultation responses as required;
  - Plan in a wider review to consider the current PD and whether others need to be included in the review.
80. **Actions:** (i) Secretariat to commission input from MoJ legal in time to update the Chair in advance of the October CPRC meeting (ii) Volunteers to join the/a new standing sub-committee to contact the Chair/Secretary direct (iii) Sub-Committee to consider wider review and report back when ready.

## Item 10 Topics of Possible Future Business & Any Other Business

81. The following items were raised by the Chair and **NOTED**.

82. **October agenda:** MoJ are expected to report to the committee on work relating to District Registries. It was **AGREED** that Master Sullivan and the MR's Legal Advisor be assigned to work with officials in advance. **Action:** MoJ to liaise out-of-committee.

83. **Members' Register of Interests:** In accordance with the Commissioner of Public Appointments' best practice, members are requested to keep their register of interests updated and that the register be reviewed annually. The Chair explained there are different options for how this is done and the matter would return in due course. **Action:** Secretariat to provisionally schedule in a standing item at each of the October and April meetings.

84. **Sub-Committee membership:** The following sub-committee appointments have been made:

### **Mental Capacity Sub-Committee:**

- Greg Cox
- Daniel Clarke who co-chaired the CJC Mental Capacity Report Working Group (co-opted)

### **Costs Sub-Committee:**

- Greg Cox

### **Transitional Provisions Sub-Committee:**

- Greg Cox

85. **Valedictory Remarks:** The Chair was pleased to express **THANKS** and to mark the following members' exceptional service, both of whom joined amidst the Covid-19 Pandemic, in October 2020 and reach their maximum six-year terms of office in the autumn. Throughout this time, they have brought insight, wisdom, hard work and experience from their respective areas of distinguished practice. This expertise has been applied to the committee's wide range of business and helped address issues of both principle and practical application. Some notable achievements include:

- **Isabel Hitching KC** has played a leading role in the committee's simplification programme, which has been one the most significant projects in recent years. First as a member of the inaugural sub-committee working under the chairmanship of Mr Justice Kerr and then as chair herself and a prominent member of the Costs Sub-Committee. A champion of Open Justice and a keen advocate of ADR, including presenting on the subject at the Law Society's CPRC Anniversary event last year, as well as performing other ambassadorial activities.
- **Tom Montagu-Smith KC** has skilfully overseen the ambitious programme to modernise and simplify the service gateway rules on service out of the jurisdiction of England and Wales. He has also handled many technical items as a member of the Lacuna Sub-Committee and as Chair of the Enforcement Sub-Committee, amongst many other responsibilities.

86. Members and officials joined the Chair in expressing their sincere thanks and good wishes.

C B POOLE  
July 2026

**Attendees**

Mr Carl Poole, Committee Secretary  
Ms Aujla, Deputy Committee Secretary & Policy Advisor  
Mr Caton, Judicial Office  
Mr Patel, Judicial Office  
Ms Dhaliwal, Ministry of Justice (MoJ)  
Mr Currans, Government Legal Department (MoJ)  
Ms Whates, HM Courts & Tribunals Service (HMCTS)  
Master Dagnall  
Ms Brannigan and Mr Halkou, MoJ (Item 3)  
Mr Helal, MoJ (Item 4)  
Ms Vojnovic, MoJ (Item 5)  
Ms Wilson, Home Office (Item 6)  
Ms Bain, Home Office Legal (Item 6)  
Mr Hamilton, MoJ (Item 6)  
Mr Justice Richard Smith (Item 8)  
His Honour Judge Bird (Item 8)  
Mr James Willan KC, new CPRC member, designate (observing)  
Mr James Egan, new CPRC member, designate (observing)  
Mr John Cuss, Civil Justice Council link member (observer)