

Approved

Minutes of the Civil Procedure Rule Committee

Friday 31st March 2023, conducted in a hybrid format, namely, at The Rolls Building (Royal Courts of Justice), Fetter Lane, London and via Video Conference.

Members attending

Lord Justice Birss, Deputy Head of Civil Justice (Chair)

Mr Justice Kerr

Mr Justice Trower

Master Cook

His Honour Judge Jarman KC

His Honour Judge Bird

District Judge Clarke

David Marshall

Tom Montagu-Smith KC

Isabel Hitching KC

Ben Roe

Virginia Jones

Ian Curtis-Nye

Apologies

Dr Anja Lansbergen-Mills

Item 1

1. **Welcome:** The Chair welcomed all members and officials to the meeting, remarking that this meeting is in lieu of the usual April meeting, because of the Easter recess period.
2. **Minutes:** The minutes of the meeting on 3rd March 2023 were **AGREED** subject to two modest typographical amendments (in paragraph 28 and 29 respectively).
3. **Action Log:** The following topics was duly **NOTED**:
 - **AL(23)144 Joint Committee on Statutory Instruments (JCSI).** The intention is for a focused meeting to be convened. **Action:** Secretariat.
 - **AL(23)146 Amendments in consequence of the Part 22 reforms.** Proposed amendments were due back at/by the June meeting. **Action:** Drafting Lawyers/Secretariat.

Item 2 Draft consultation concerning Domestic Abuse Protection Orders Pilot Schemes (DAPOs) CPR(23)17

4. The Chair advised that, further to the report at the last meeting (ref AL(22)29), the draft consultation material has been prepared. The proposals comprise important reforms with specific implications for both the family and civil jurisdictions. The consultation is being conducted by MoJ on behalf of the Family Procedure Rules Committee (FPRC). However, it includes a statement that the CPRC's intention is to keep civil specific provisions for DAPOs, where the county court has the power to make a DAPO, to a minimum and to align any civil provisions with the family ones as far as possible. The proposal is to introduce the DAPO Practice Direction (PD) as a pilot scheme in the first instance, to operate in specific police force areas across England only. Following discussion, it was **RESOLVED to:**

- endorse the consultation material, as drafted, subject to ensuring that the intended list of consultees included parties with an interest in civil and as well as family procedure rules;
 - invite the MoJ to include the National Centre for Domestic Violence within the list of prospective consultees.
5. It was **NOTED**:
- Ian Curtis-Nye was recently appointed to represent the CPRC on the cross-jurisdictional working group. District Judge Byass and His Honour Judge Robinson are also co-opted members of the group, to represent civil. The group is chaired by Mrs Justice Knowles of the FPRC.
 - the indicative timetable, subject to the consultation, is for the draft pilot PDs and, any revisions to court forms, to be considered and approved in time for an anticipated implementation of April 2024.
6. **Action:** Secretariat to programme in time (provisionally) for July – December 2023.
7. **Post Meeting Note:** *the focused consultation was issued to the intended audience on 5th April. The material included the following statement, “if your organisation has both family and civil experts or branches, we would be grateful if you could share it with both...” The deadline for responses is 8th June 2023. Responses should be emailed to: FPRCSecretariat@justice.gov.uk and marked, “FPRC stakeholder consultation: Pilot Practice Direction for Domestic Abuse Protection Orders”.*

Item 3 CPR Email List CPR(23)18

8. The Chair set out the background. The origins of the proposal flowed from the last meeting, when it was suggested that there would be merit in introducing a process, which avoided email addresses being expressly included in the body of the CPR. By doing so, it aims to provide maximum flexibility if/when email addresses are changed or created. It also consolidates the information into a single document.
9. **THANKS** were recorded for the assistance of Virginia Jones and officials for contributing to the content of the draft document. It is intended to be a standalone document, not forming part of the CPR, but to be publicly available alongside the rules on the CPR web pages.
10. A discussion ensued. Mr Justice Kerr asked how the hyper-links were intended to work; observing that, if the IT capability allowed, the hyper-links in the document should take the user to the specific CPR provision to which it relates, rather than the CPR Part in which the provision sits. Other feasibility points were raised, such as whether some of the existing emails (for example, those including “gsi” in the address) should be updated as part of the process. Assuming the document is implemented, MoJ Legal proposed that a supportive flagging provision is also introduced, possibly by way of a new paragraph 4.4 to PD 6A (service in the UK). However, District Judge Clarke raised whether PD 5B was more suitable, because it covered the more general ambit of communication and filing of documents by email; additionally, Part 6 was undergoing wider review. It was **AGREED IN PRINCIPLE** to draft an amendment to PD 5B.
11. It was **RESOLVED**:
- the draft document containing a list of CPR Email addresses was **AGREED IN PRINCIPLE**, subject to final drafting;

- introduction of a flagging provision (within PD 5B) was **AGREED IN PRINCIPLE**, subject to final drafting;
 - no formal external consultation is necessary prior to implementation, however, each email address should be tested and naming conventions checked.
12. **Actions:** (i) In consultation with HMCTS and MoJ Digital, the Secretariat is to check useability and naming convention of each email address (ii) Secretariat to facilitate a final draft of the document (iii) Drafting Lawyers to produce flagging provision by 9th June 2023 for adoption and incorporation into the summer Update cycle as part of the 1st October 2023 commencement date.

Item 4 Extending Fixed Recoverable Costs CPR(23)19

13. Mr Justice Trower presented the report, which was discussed. District Judge Middleton and Andrew Parker, co-opted members of the Sub-Committee, contributed to the discussion, as did Robert Wright (MoJ Policy) and Andrew Currans (MoJ Legal).
14. It was explained that most of the amendments, since the last meeting (3rd March 2023), are in Part 45. The following points were highlighted and discussed:
15. Where possible a generic approach has been adopted because of the inherent issues in responding to various special pleadings. Table 2 has also been removed from PD 45, so that, by way of further amendment to rule 45.14, the costs of an application for reallocation to a different track (given effect by this amendment) and an application for reassignment to a different complexity band, now attract the costs set out in Table 1.
16. The transitional provision at rule 45.1(8) has been amended, in the light of comments received at the last CPRC meeting, and further discussions.
17. The proposed new schedule of claims falling within Part 45 has been removed from the beginning of the Part. This is because, when looked at in the light of the drafting developments more generally, it was not considered helpful and compromised clarity.
18. Rule 45.5 (claims where there is more than one claimant) has been amended, together with amendments to rule 26.7 and PD 26. The latest iteration was tabled. This most recent revision was intended to address a technical point, raised out-of-committee, concerning multiple claimants and Part 36. In reviewing the draft amendments, it was observed that rule 45.5(3)(d), required further revision so that, “~~rule~~ shall apply”, be changed to, “paragraph shall apply” and in the penultimate line of rule 45.5(8), “~~the~~ claimants ~~so~~ entitled” should be changed to, “each claimant so entitled”. These amendments were **AGREED**.
19. The drafting for costs consequences arising from preliminary issues and separate trials in the fast track, at rule 45.48, and in the intermediate track, at rule 45.51 were considered. At the request of the Chair, the Sub-Committee undertook to produce a table illustrating the scenarios that might arise with preliminary issue trials.
20. The existing level of figures for applications for interim payments and summary judgments in Part 45 were covered by the fixed costs for ‘pre-action and interim applications’ of £250/£333 and set out in Table 1 of PD 45. Given the amount of work involved for these particular applications, it is proposed to adopt the figure Sir Rupert Jackson recommended (at chapter 5, 5.13 of his 2017 report), namely £750 as a more appropriate figure and this was **AGREED**.

21. The FRC figures in PD 45 have been rounded to two significant figures (as raised at the last CPRC meeting). Future rounding will be decided in due course.
22. It was **AGREED** to remove the text in square brackets following rule 45.58(f), namely the proposed sub-paragraph (g) from the draft rule 45.58 regarding Disbursements – Section IV.
23. A draft public notice had been prepared by the MoJ, in consultation with the Sub-Committee. It is intended to be published alongside the amendments, to provide further information about the FRC reforms and set out developments since the MoJ's September 2021 response to the 2019 FRC consultation. Virginia Jones raised whether the note should include information concerning Part 36 and this was **AGREED**, as was the need to consider including text in relation to wider consequential amendments to CPR forms. DJ Clarke highlighted a passage in the draft text and raised whether the form in which it was currently cast, was consistent with the rules. It was suggested to remove the text at this stage and this was **AGREED**. Kerr J noted that the public notice should state that it had been approved by the CPRC and this was **AGREED**.
24. Noise Induced Hearing Loss (NIHL) claims remain a significant category of claim. Proposed amendments included the Annex to the Occupational Disease and Illness Pre Action Protocol (PAP), and the NIHL letter of claim and NIHL letter of response. The PAP had been revised so that Claims Portal Limited take forward arrangements for holding a list of single defendants in NIHL claims. NIHL standard directions have also been revised and are intended to be placed on the CPR website with other standard directions.
25. Consequential amendments have and continue to be made to Part 45 and PD 45. This includes the incorporation of Welsh language terminology in relation to housing related provisions. Part 26 is also being brought up to date, together with amendments following the Section 2(7) Sub-Committee's simplification reforms to Part 14 (as raised at the last CPRC meeting). In addition, further consequential changes are being made to the Low Value Personal Injury (Employers' Liability and Public Liability) Claims PAP.
26. As an action from the last CPRC meeting, MoJ and the Sub-Committee have considered the correspondence from the Police Action Lawyers Group and Inquest with great care. The correspondence concerned the proposed exclusion clause regarding claims against public authorities and in particular its scope; as to whether it should be expanded beyond "a claim against the police" to encompass "public authority" more widely. This garnered some general sympathy, in particular, where custodial services are concerned. However, it had been considered previously and there were challenges with drafting for every eventuality. It was explained that, having reconsidered the matter, MoJ have concluded that the definition should not be so extended, because it would exclude, from FRC, routine damages claims against detaining authorities such as HM Prison and Probation Service. More complex claims (e.g., with a trial lasting longer than three days, or with more than two expert witnesses giving oral evidence on each side) would be allocated to the multi-track in any event. Nonetheless, MoJ will keep this under review, reverting to the CPRC as appropriate. This was duly **NOTED**. Trower J highlighted that the proposed drafting provides a practical solution now. Ultimately, the policy considerations in relation to a revised definition go beyond the Sub-Committee's remit, mindful that the Government's 2021 response, on this point, was narrow.
27. The Chair raised the issue of timing and publication. The amendments are extensive and require a rule amending SI and both a PD and a PAP Update. In the interests of helpfulness, the reforms will be enacted via a standalone CPR Update. This will be separate from the usual summer amendment cycle. This will provide additional prior notice, before the reforms come into force. The usual practice is to publish the amendments once they have completed all internal approval steps, which includes Ministerial concurrence and upon laying the SI in Parliament. However, on this occasion,

the MoJ and Secretariat were urged to facilitate publication in draft, and thus in advance of the usual timetable, to maximise transparency. MoJ agreed to pursue this.

28. It was **RESOLVED** to:

- **approve, subject to the above points and to final drafting out-of-committee, the amendments to:** Part 26 (Case Management – Preliminary Stage) and PD 26; Part 28 (Fast Track and Intermediate Track) and PD 28; Part 36 (Offers to Settle); Part 45 (Fixed Costs) and PD 45 (Tables of Fixed Costs 2023); Occupational Disease and Illness PAP together with the NIHL letter of claim, NIHL letter of response, NIHL standard directions and Low Value Personal Injury (Employers' Liability and Public Liability) Claims PAP;
- **approve**, subject to final drafting out-of-committee, amendments in consequence of the above;
- **publish the draft amendments at the earliest opportunity**, making clear that the material was draft, subject to approval by the MR, Ministerial concurrence and the usual Parliamentary process. This early publication in draft form is anticipated to be before the end of April, if possible; timetable to be agreed out-of-committee in consultation with the Chair;
- **approve the public notice**, subject to the above points and to final drafting, out-of-committee;

29. The item closed with **THANKS**. Robert Wright expressed his appreciation for the exceptional work of the Sub-Committee, which has been meeting at least fortnightly for the last 12 months. Trower J reciprocated, observing how well served the Sub-Committee had been by MoJ Policy and MoJ Legal.

30. The Chair endorsed these sentiments, reiterating the weight of work and the breadth of complexity involved - the introduction of the extended FRC regime is a major development for civil litigation.

31. **Actions:** (i) DJ Middleton and Andrew Parker to produce a table illustrating the scenarios that might arise with preliminary issue trials [**Post Meeting Note:** this was subsequently shared with the CPRC who had no comments]; (ii) In consultation with the Sub-Committee, Drafting Lawyers, MoJ and the Secretariat are to facilitate (a) early publication of the draft amendments [**Post Meeting Note:** *draft material published on 20th April here [Civil - Civil Procedure Rules \(justice.gov.uk\)](#) and here [About us - Civil Procedure Rule Committee - GOV.UK \(www.gov.uk\)](#)*] (b) promulgation and, (c) publication of the final suite of reforms, including standard directions and, with assistance from HMCTS, amended court forms, in advance of the 1st October 2023 in-force date.

Item 5 Distinguishing between “Judge” and “District Judge” CPR(23)20

32. The Chair provided some introductory remarks. It was noted that, although there is some overlap with Item 6 (below), because the origins of this item flow from the S.2(7) Sub-Committee's Part 23 proposals (at the December CPRC meeting), there is also a clear link with the Lacuna Sub-Committee's report, at Item 7 (below). Accordingly, the LSC referral will be considered as part of this (Item 5) topic.

33. DJ Clarke presented the matter. He reiterated that, on 1st December 2022, the Lord Chief Justice announced that, Masters and District Judges were in future to be addressed in court as “Judge”, to reflect their “important judicial role whilst maintaining the necessary degree of respect”. The December CPRC meeting followed, when, coincidentally, PD 23A was being reviewed and DJ Clarke tentatively raised the possibility of removing the

distinction in paragraph 1 of PD 23A between a Master or District Judge on the one hand and a “judge” on the other. An exercise has now been conducted to identify those instances in the CPR where the same distinction is used.

34. It was emphasised that this exercise relates to terminology and not jurisdiction. However, the potential for wider implications and the need to avoid unintended consequences was readily acknowledged; there is also a natural interplay with the ongoing work of the PD 2B Sub-Committee. All these points were duly **NOTED**.
35. A schedule of preliminary proposals was **NOTED**. In many instances, the context means that no amendment is required, because it is clear to which level of judge the rule refers. Other proposed amendments are straightforward, and could be dealt with simply by using inclusive language, for example, the definition of “judge” in rule 2.3(1) is expressed more clearly in this way, rather than the existing tautology (“‘judge’ means...a judge”). The proposed new wording for PD 23A paragraph 1 (“a judge of a higher level”) is already used several times elsewhere in the rules (for example, in PD 29, paragraph 3.10(2)). This was discussed. His Honour Judge Bird, observed that Part 52 (appeals) set out important distinctions which needed to be preserved.
36. Master Dagnall, summarised the position referred to the LSC by Insolvency and Companies Court (ICC) Judge Mullen. It concerns updating the rules to remove references to, “Registrars”. In respect of Registrars in Bankruptcy, the judicial title became “Insolvency and Companies Court Judges” (“ICC Judges”) by the Alteration of Judicial Titles (Registrar in Bankruptcy of the High Court) Order 2018. However, other references to Registrar (such as the Admiralty Registrar and Probate Registrar) also exist and require consideration.
37. It was **RESOLVED**:
- **in principle**, it is agreeable to remove the distinction in terminology between “Judge” and “District Judge/Master” and to update the rules in respect of other judicial titles were necessary;
 - before any changes were considered it was necessary to consult. **A focused consultation** with a targeted audience is to be conducted. Consultees are likely to include (i) the Chancellor of the High Court (ii) the Association of District Judges and Council of Circuit Judges (iii) the Admiralty Registrar (iv) the Registrar of Criminal Appeals (v) the Senior Master, the Chief Chancery Master and the Senior Costs Judge (vi) the President of the Family Division (as probate registries are technically part of the Family Division) and (vii) HMCTS;
 - consultation material to be finalised out-of-committee, in liaison with the Chair.
38. **Actions:** (i) In consultation with the Chair and with support from the Secretariat and MoJ Legal, DJ Clarke and Master Dagnall to prepare the consultation material, to include a covering paper explaining the purpose of the project and a list of related CPR provisions/draft amendments (ii) Secretariat to facilitate the focused consultation process (iii) In consultation with DJ Clarke and Master Dagnall, the Secretariat is to programme in time for the matter to return, when ready.

Item 6 Section 2(7) Sub-Committee: Part 23 post-consultation proposals CPR(23)21

39. Mr Justice Kerr set out the background. The proposals to simplify Part 23 (general rules about applications for court orders) were agreed in principle and as being fit for consultation at the December 2022 meeting. The public consultation commenced on 13th January 2023 and closed on 24th February 2023. Responses were received from: Linklaters, LexisNexis, and a member of the public, plus comments from HMCTS Policy,

HMCTS Legal and MoJ Legal. All comments have been carefully considered by the Sub-Committee; the central points were presented to the CPRC and discussed in detail.

40. MoJ Legal have identified one consequential so far. A fuller check will be conducted when the substantive amendments are settled. This was duly **NOTED**.
41. Two consultees pointed out that new draft rule 23.8(2) (applications which may be decided without a hearing) should be read together with associated deletion of PD 23A, paragraph 11.2 and with rule 3.3(4) and (5). The same respondents also raised that it may be unclear whether an order made on application by a party, but without a hearing, is an order made on the court's "own initiative". Alternative drafting solutions were provided. The discussion demonstrated the diversity of experience with the current provisions and the natural connection with the principles of open justice. The Chair said that the objective should be to codify what the position is and to reflect the case law. Kerr J undertook to revisit the drafting with the Sub-Committee.
42. Master Dagnall suggested a modest drafting revision to rule 23.7(3)(a), thus, "a copy of any supporting written evidence ~~in support~~; and". This was proposed in the interests of consistency with the reformed rule 23.7(2) and was **AGREED**.
43. The consultation provided comments on PD 23A, paragraph 1 (reference to a judge) and the use of the phrase, "more senior". This highlighted various issues. Questions of terminology and judicial rank arise more broadly and attract sensitivities; some of which were ventilated under Item 5 (above). The amendments are not intended to introduce substantive changes or modify settled policy; they are made in the interests of simplification. Wherever possible, the aim is to use terminology that survives any broader review of the issue. It was **AGREED** to change the title at PD 23A paragraph 1 to, "Referral to a different ~~Reference to a~~ judge". Related points arose regarding the drafting of paragraphs 2.3 and 2.4 where, in response to the consultation, it was proposed to alter the words "a Master, District Judge or judge", to, "a Master District Judge or other judge" to make clear that all are within the generic word, "judge" and this was **AGREED**. The issue of vulnerability was raised under paragraph 3 (applications without service of application notice), whereupon it was **AGREED** to add an additional sub-paragraph (5), thus: "where the applicant is seeking a direction that their address not be provided to a party".
44. The reformed paragraph 6, re-titled, "~~Telephone~~ Hearings" was considered in light of helpful comments from HMCTS. It was suggested that the drafting be re-cast to include express provision for hybrid i.e. partially remote hearings. It was **AGREED** to incorporate, "partially remotely" to PD 23A paragraph 6. However, the comments in relation to setting up remote hearings, were not considered sufficiently necessary for inclusion in the CPR and that the text is sufficiently clear. However, given that the official from whom the consultation response was provided, was not present, the Chair indicated that he would contact them out-of-committee.
45. It was suggested that the proposed paragraph 6.5(b) of PD 23A needs further amendment to reflect the new intermediate track within the FRC reforms, thus, "small, and fast and intermediate track cases if the court so directs." This was **AGREED**, together with any other like amendments in consequence of the FRC reforms.
46. DJ Clarke relayed some points from HM's Association of District Judges regarding the proposed text for PD 23A paragraph 6.3 (hearings to deal with allocation or listing or with a time estimate of two hours or less). It was **NOTED** that the amendments were not intended to compel, recognising that flexibility should remain.
47. Kerr J reminded the Committee that as PD 23B does not relate to proceedings generally. It concerns applications under specific statutes, it would be better located with Part 49. As

such, it was proposed that the first part of PD 23B (applications for use of scientific tests to determine parentage) should become a new PD under Part 49, namely PD 49G (being the next available). The second part of PD 23B (applications in proceedings under s.55 of the National Debt Act 1870) should become a new PD 49H, rather than being dispensed with, as was the initial proposal.

48. It was **NOTED** that no comments or responses were received in relation to PD 23B during the consultation. However, Kerr J explained that s.55 forms part of Part VII of the 1870 Act. Part VII is headed “Unclaimed Dividends”. In July 2004, the Government Stock (Consequential and Transitional Provision) (No. 2) Order 2004 (SI 2004/1662) was made. Inter alia, it amended s.55. Kerr J observed that it did not appear as though the Registrar of Government Stock had been contacted during the consultation and it would be prudent to do so.

49. It may be that the provisions can be removed from the CPR altogether. If that happened and such applications were required, initial views are that the general provisions of CPR Part 8 would be engaged. Alternatively, if a need remains for the current provisions to be retained within the CPR, then the intention to relocate them as a PD (PD 49H) supplementing Part 49 can be advanced.

50. It was **RESOLVED to agree in principle:**

- to **amend the definition of a “hearing”** in rule 23.1. and in consequence, to amend rule 39.1 so that the wording is the same in both:

“‘hearing’ means the occasion on which the making of any interim or final decision is or may be made by a judge, at which a person is, or has a right to be, heard in person, by telephone, by video or by any other means which permits simultaneous communication”;

- to **approve**, subject to the above points and to final drafting, the suite of amendments reforming the substantive rules under Part 23 and the reformed PD 23A;
- to **dispense with PD 23B**, but to retain text therein regarding applications for use of scientific tests to determine parentage, to become a new PD 49G;
- **subject to consultation with the Registrar of Government Stock**, the second part of PD 23B, concerning applications in proceedings under s.55 of the National Debt Act 1870, to either be dispensed with or to become another new PD under Part 49, namely PD 49H, if the provisions merit retention.

51. It was **FURTHER RESOLVED** to:

- **REMIT** the matter back to the Sub-Committee, to reflect the above in a revised draft suite of amendments and to specifically address the points concerning the new draft rule 23.8(2) (applications which may be decided without a hearing).

52. **Actions:** (i) Chair to contact HMCTS regarding the consultation response concerning setting up remote hearings (ii) Secretariat to write to the Registrar of Government Stock [**Post Meeting Note:** In December 2004, the function of Registrar was transferred from the Bank of England (which was responsible for managing government stock on behalf of HM Treasury) to a publicly limited company, Computershare Investor Services PLC] (iii) Drafting Lawyers to complete their check of consequential amendments across the CPR and revert when ready (iv) Matter to return for final determinate at the 12th May 2023 meeting, if ready.

Item 7 Lacuna Sub-Committee (LSC) CPR(23)22

53. Given that the LSC's substantive report (LSC2023/1) concerned a specific referral in relation to Registrars, the matter was taken as part of Item 5 (above) because it was a related topic.

54. In addition, the following LSC business was **NOTED**, from the Chair:

- future LSC Chair - volunteers to work with and then succeed Master Dagnall as LSC Chair was reiterated (this was first aired at the December 2022 CPRC meeting). **Action:** Volunteers to advise the Chair/Secretariat by 26th May.
- the LSC is seized of the recent Court of Appeal decision in R (Isah) v Secretary of State [2023] EWCA Civ 268 which holds that if a summary assessment of costs is ordered then only the judge who ordered it can carry it out. The judgment observed that the CPRC might wish to look at the point (see paragraph 41 in the judgment <https://caselaw.nationalarchives.gov.uk/ewca/civ/2023/268>) as the current rule appears inflexible. Judicial consultation (with the Senior Courts Costs Judge et al) needs to take place. The aim is that the LSC will report back when ready (possibly for the May meeting). **Actions:** (i) LSC to produce the report (ii) Secretariat to provisionally schedule in time for May meeting.

Item 8 Any Other Business and Close

55. It was **NOTED** from the Chair that:

- the calendar of **dates for 2024 meetings** has been circulated.
- the **Industry Working Group's (IWG) Final Report on Electronic Execution of Documents** www.gov.uk/government/publications/industry-working-group-on-esignatures-final-report has been published. The IWG was co-chaired by Mr Justice Peter Fraser and Professor Sarah Green, Law Commissioner for Commercial and Common Law. As yet, the CPRC is not being asked to take any specific action; Government will inevitably need to consider the detail and recommendations in the first instance.
- **Transfer of Functions Order (TFO).** In February 2023, the Prime Minister announced publicly the intention for some functions under the National Security Investment Act 2021 (the "2021 Act") to be transferred from the Secretary of State for (what was) the Department for Business, Energy and Industrial Strategy, to the Chancellor of the Duchy of Lancaster (CDL) at the Cabinet Office. To do so, a TFO is required and is subject to Privy Council and Parliamentary approval processes. In the event that the TFO is approved, it is anticipated that amendments to CPR Part 82 (closed material procedure) will also be enacted, automatically.

C B POOLE
4th April 2023

Attendees:

Carl Poole, Rule Committee Secretary
Peter Clough, Secretariat
Master Dagnall, Chair, Lacuna Sub-Committee
Nicola Critchley, Civil Justice Council
Alasdair Wallace, Government Legal Department
Andrew Currans, Government Legal Department

Katie Fowkes, Government Legal Department.
Amrita Dhaliwal, Ministry of Justice
Andy Caton, Judicial Office
Terry McGuinness, Judicial Office
Faye Whates, HM Courts & Tribunals Service
Robert Wright, Ministry of Justice (Item 4)
Andrew Parker (Item 4)
District Judge Simon Middleton (Item 4)