

# CPRC 25<sup>th</sup> Anniversary

Law Society

16 July 2025

1. Welcome everyone to this event. We are here for two things. First to celebrate a bit more than 25 years of the Civil Procedure Rule Committee (CPRC) and then, in the afternoon, to look towards the future and role of the Online Procedure Rule Committee (OPRC). And we are very grateful to the Law Society for hosting this event. So, as I say, for this morning, we will focus on the CPRC.
2. Now some people might ask what is there to celebrate about the Civil Procedure Rules? In 1999, the last year of the previous rules – i.e. the Rules of the Supreme Court – the two volumes of the White book (+ index) were about 5000 pages in length whereas although the White Book today is the same weight, it has about 2000 more pages. And that increase leaves to one side large chunks of the modern White Book being online only and not in print. So, no shorter and not even lighter? That point or a variant of it, is something I have heard very often in my time as Deputy Head of Civil Justice and “day to day” chair of the CPRC. For reasons I will explain in a moment, I will suggest it is a rather reductive criticism and misses some important successes, but I am getting ahead of myself.
3. Let’s begin at the beginning. The person who started this all was Lord Woolf, Master of the Rolls from 1996 to 2000. One might notice that his period as MR – ending in 2000 - seems to have stopped quite soon after the CPR came into force, but I am sure that is just a coincidence.
4. Now today the Master of Rolls (MR) is the Head of Civil Justice and also the formal Chair of the CPRC. A roll call of MRs who have taken this on since Lord Woolf then runs from Lord Phillips, Lord Clarke, Lord Neuberger, Lord Dyson to Lord Etherton, who sadly died recently. This list leads up to the current MR – Sir Geoffrey Vos. All of these MRs put their all into the cause of civil justice, and they deserve our thanks. Also worthy of mention is the then Sir Richard Scott (now Lord Scott), who in 1999 – when the first edition of the new, CPR focussed, White Book was published – was both the Vice-Chancellor (the role now called Chancellor of the High Court) and also Head of Civil Justice.
5. But although these leaders were or are the full de.jure chairs of the CPRC, the role of day-to-day chair of the committee falls to the Deputy Head of Civil Justice (DHCJ). If the MR is the captain of the ship, then the DHCJ might be thought of as the chief engineer, getting your hands dirty, making it go and keeping it running. I think of that as my job today, and I am privileged to have highly illustrious predecessors - Lord Dyson, Lord Neuberger, Sir Martin Moore-Bick, Sir Stephen Richards, Lord Briggs and, the DHCJ before me, Lord Justice Coulson. These men also deserve our thanks for their tireless work. And I can tell you -it is a job and a half.
6. But I hope you have noticed – so far, all the people I have mentioned have been men. Which is not perhaps something to celebrate, and I hope is something which will not take another 25 years to fix.

7. But please don't worry. Although I contemplated it, it would not be practical to name all the members of the rule committee who have given such service to the cause of civil justice over that quarter of a century. Barristers, solicitors, lay representatives and judges. There are too many, even though they all deserve our thanks. All the same if they, and you, will forgive me, I will mention the District Judge (DJ) members. With the importance of the District Bench to civil justice in England and Wales, the DJs are the first among equals in terms members of the committee. Everyone is crucial but the DJs are even more crucial than others.
8. They are District Judges Godfrey Gypps (deceased), Carlos Dabezies, Robert Hill, Suzanne Burn, Chris Lethem, Mike Hovington, Tim Parker (now HHJ), Lawrence Cohen, Paul Clarke and Sam Johnson. My thanks to all of them.
9. However, there is an even more important group of people to mention. More important than all the various judges and other members I have just referred to, without whom there simply would not be any rules for civil justice at all. They are the people with the role of Secretary to the rule committee. More so than anyone else, it is the Secretary of the rule committee who makes it happen. Liz Humphries, Melanie Field and Ruth Speed (who did the first ever CPRC meeting), then Jane Hall, Richard Walley, Stephanie Sandison, then Jane Wright MBE for the ten years from 2008 to 2018. Jane was the Secretary when I joined the committee and she was fantastic -a formidable, friendly and super efficient administrator, who knew why everything which had been done, had been done, and if not why not.
10. After Jane came Carl Poole. Carl has been the Secretary to the rule committee since 2018 (and I hope he's not stopping any time soon). He is a star. Unflappable, effective and wise. Carl, just as his predecessors did, sits beside the chair. And sometimes – when it counts – he leans over and says something polite and, not quite, sotto voce. It will be a calm suggestion that perhaps you didn't mean to say what you said but perhaps intended to say the complete opposite. And so, you think again, speak again and the ship turns back elegantly onto its steady course and keeps off the rocks.
11. So, thank you – to Carl, to Jane and to all the CPRC Secretaries. We could not do it without you.
12. And just one final thank you – to Andrew – Andy – Caton. He is Assistant Private Secretary to the MR and DHCJ and acts as liaison between the private office and the committee. He's been there longer than anyone else, and deserves a great deal of the credit for the smooth operation of the CPRC over such a long period.
13. So why then, the complaints: the CPR is too long, too complicated, the White Book is too heavy and it's all just too much. What were they thinking in 1999 and in all the years afterwards?
14. I suggest that the complaints arise because we have forgotten how far we have come and just how successful the introduction of the CPR was. The revolution has been so successful we have forgotten what a revolution it was.
15. The preface to the first edition of the new White Book (called simply Civil Procedure) is instructive. The point of the new CPRC was to herald and embed new ways of

doing civil justice. Instead of reactive judges, we now had pro\_active judges managing conduct in ways we had not seen across swathes of civil justice. Instead of just detailed rules, we had general principles – the overriding objective - to guide the whole exercise of active case management. These were, rightly, the same across the whole system – to deal with cases justly, and at proportionate cost, to try to ensure parties are on an equal footing and to save expense. The CPRC brought in the idea of directions questionnaires, to give the court the information needed to give directions.

16. These things were not a given, and I do not pretend that they have achieved everything that was hoped. But they have stood the test of time and become entrenched. It is taken for granted that these ideas represent the ideal. That may seem obvious today, but that is thanks to the work of the last 25 years.
17. Now coming back to the comparison of textbooks, it is also fair to note that simply comparing White Books misses another point – that the same principles and the same rules – were to apply in the County Court as much as in the High Court. A fairer comparison therefore would be to put the old White Book (for the High Court) and the Green Book (for the County Court) together on one side – to count their pages and to weigh them, before drawing a conclusion.
18. But there are issues – and I would like to mention one in particular. Although in a sense the bare essential core procedure is the same throughout, really that is not an accurate description of the situation today. In truth the process of civil justice today is heavily Balkanised, with numerous variants across the piece. Let me give some examples.
19. For one thing – despite the rules, in fact the procedure applicable to the vast majority of cases in civil justice is actually specified in one of five different practice directions which are themselves difficult to follow and hard to understand.
20. In volume terms, the million plus Part 7 civil claims issued in the Money Claim Online (MCOL) IT system, including the bulk claims issue process, are not governed by Rule 7 very much. Some are governed by Practice Direction (PD) 7B (which is for the bulk production centre and does not tell you much at all) and others (non-bulk) by PD 7C – which modifies parts of the rules for the cases issued in MCOL.
21. Then PD 51R governs the money claims issued in the HMCTS Reform IT system called OCMC, and PD 51ZB governs the damages claims issued in the HMCTS Reform IT system called DCP. Together these account for 11% of civil claims and will, by the end of the year, incorporate about 25%.
22. Fifth and finally there is PD51O – Electronic working – governs the use of the CE File system in the High Court and the Court of Appeal.
23. All of these five PDs - PD 7B, 7C, 51R, 51ZB and 51O - specify procedures which are different from each other and different from the process in the actual rules. Which is – to be polite – silly.
24. Now to be fair, nobody intended to be here. For example, the plan was to switch off MCOL years ago and use the HMCTS Reform systems. It has not proved possible so far, but with any luck that will happen, and with it will go a large volume of paper in the county court.

25. And we have just managed to retire PD51O as a pilot – a ten-year pilot mind you – so that subject to ministerial approval it will go – albeit a special PD will takes its place in the rules but much of the odd drafting in PD51O – and its pilot status – will cease.
26. Notably, and there will be more to say about this, later this afternoon at the OPRC event, these five PDs are all about IT systems in which the process of justice takes place. But as I say I will leave that for after lunch.
27. However, this problem – of multiple special codes – is not confined to the very largest scale aspects of civil justice. What bedevils the rules is special pleading. Despite our best efforts – and I can tell you we do try – it has not been possible to hold the line and prevent the growth of special sets of procedural provisions for all kinds of places. The rules on appeal differ between the Court of Appeal and appeals in lower courts – Just look at Part 52. I seriously doubt that is necessary. Multiple specialist courts have lots of specialist rules which again are not just different from the mainstream but different from one another – the Patents Court, the TCC, the Commercial Court, the Admin Court, the Planning Court, to name a few. I do not doubt there is a small set of things which do need to be different, but I seriously doubt it is all that much.
28. The problem is one of bandwidth. Everything today has to be done at pace. It is easier and quicker to write a long letter than to write a short one. Looking back over the 25 years, when governments have wished to introduce a new thing, quick wins are needed. Pushing back and saying – for example – that it is already there and all you need is just a small tweak – does not satisfy the imperative. To borrow a phrase about justice – with new a policy - not only must something be done, but it must be seen to be done. And small tweaks often don't cut it.
29. My personal favourite are the rules about the Official Injury Claim (OIC) or Whiplash portal. This is a hugely important piece of civil justice, it took time (although it needed more) and all the people working on it worked very hard to get it right. But we now have a vast pre-action protocol and yet another PD – PD 27B. Both of which were necessary at the time but standing back and looking at them today, they are so intricate as to be virtually unreadable. We must do better. And we can.
30. Now despite what I have been describing, the members of the CPRC in recent years have come up with some great ideas to improve not the rules in particular but rule making itself. Let me mention five.
31. First the lacuna sub-committee, brainchild of Lord Justice Coulson. Never has an obscure Latin tag been used for such a practical and modern innovation. A standing group of the CPRC to field concerns raised about gaps (lacunae), glitches and other points of detail which arise regularly. Like the CPR's immune system, the lacuna subcommittee identifies problems, tags them, and works out how they can be solved. This has improved our rules immeasurably.
32. Second the simplification work. This was started by Mr Justice Tim Kerr. The point was that the CPRC has a statutory duty to make the rules clear and concise and so, why not work though them and do exactly that without changing the procedure itself. A rolling consultation scheme was developed, and large parts of the CPR were improved, clarified and shortened, with many unnecessary Practice Directions put to the sword. It shows what can be done.

33. Third, the idea of actually speaking to another important body with a remit to oversee the rules. Parliament has a committee called the JCSI, the Joint Committee on Statutory Instruments. Their job is to hold the drafters of SIs to account and over the years the relationship was not always a smooth one. But we started to have a pro-active relationship - thanks to the simplification work. This seems simple but it has been very worthwhile. And that provides an opportunity to identify another group of people who have been key participants in the CPRC over the years – the Ministry of Justice (MoJ) drafting team. Past members of the team were Michael Kron, Emma Robinson, Paul Wright, Michelle Valchero, Shelia Bacha and the aptly named Samantha Law. More recently the team was led by Alasdair Wallace (now retired but helping the OPRC) and today we are supported by the brilliant pair of Andrew Currens and Katie Fowkes. It was down to this recent team that the relationship with the JCSI improved.
34. Fourth, a Welsh member of the CPRC – HHJ Milwyn Jarman and now HHJ Hywell James. The CPR applies in England and Wales, but these two nations do not have identical laws. For example, housing law in Wales is different from housing law in England, and the position of the Welsh language is itself an important aspect which needs to be taken into account. Having a Welsh member has been a real success on both counts.
35. And fifth and finally, the odd idea of speaking properly to other rule committees. There always was some liaison with the Family Procedure Rule Committee and the Insolvency Rule Committee, but more recently we have had two real successes which demonstrate the value of proper relationships. For the new Domestic Abuse Protection Orders we have a common PD - common to family and civil - with the same numbering to make it easier for everyone. And for the Retained EU Law Act (albeit the relevant provision did not come into force) we have also had fruitful engagement between a much wider community to rule makers – civil, family, crime, the Supreme Court and also our colleagues in Scotland and Northern Ireland. Why not have the same rules when – in that – we were all implementing rules about the same law?
36. All these ideas bode well for work in the future, I am sure.
37. But look, in the end this is engine room stuff. It is work which needs to be done. It is not glamorous, but it is important and to quote again a remark of Lord Justice Coulson – the work of the CPRC is strangely fascinating.
38. Thank you.