EXPLANATORY MEMORANDUM TO

THE CIVIL PROCEDURE (AMENDMENT NO. 2) RULES 2026

2026 No. 817 (L. 15)

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Sarah Sackman KC MP, Minister of State at the Ministry of Justice, confirms that this Explanatory Memorandum meets the required standard.

2.2 Steven Jarman, Deputy Director for Civil Justice & Law Policy at the Ministry of Justice, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Amrita Dhaliwal at the Ministry of Justice, email: amrita.dhaliwal@justice.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Civil Procedure Rules 1998 (S.I. 1998/3132) ("the CPR"), which govern practice and procedure in the Civil Division of the Court of Appeal, the High Court and the County Court. References to a Part or rule by number alone are references to the Part or rule so numbered in the CPR.

4.2 The amendments cover four matters, which are explained in paragraph 5, below; in summary they comprise:

i. The Business and Property Division of the High Court. Amendments reflect changes which rename the Chancery Division of the High Court as the Business and Property Division of the High Court and provide for a clearer court structure intended to improve access to justice, simplify language and process, and support the UK's attractiveness to global litigants.

ii. Respect Orders. Amendments are made to provide the procedural rules in support of Respect Orders, which are introduced by the Crime and Policing Act 2026 to tackle anti-social behaviour.

iii. Traffic Enforcement. Amendments are made to align terminology with the Taking Control of Goods Regulations 2013 (S.I. 2013/1894) and to provide for future digital upgrades to operational systems. They also intend to improve efficiency at HM Courts and Tribunals Service's Traffic Enforcement Centre (TEC); and

iv. Some minor amendments. A correction to the last instrument (explained in the final bullet point under paragraph 5.4 below) and general routine tidying up of the Rules.

Where does the legislation extend to, and apply?

4.3 The territorial extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is where the instrument produces practical effect) is England and Wales.

5. Policy Context

What is being done and why?

The CPR are amended for the following purposes —

5.1 Business and Property Division of the High Court – the amendments, as per the Written Ministerial Statement laid before Parliament on 02 June 2026 by the Deputy Prime Minister, Lord Chancellor and Secretary of State for Justice[1], reflect changes which rename the Chancery Division of the High Court as the Business and Property Division and bring together the current collection of courts which make up the Business and Property Courts into the new Business and Property Division. The Business and Property Courts are a collection of specialist civil courts which deal with high-value, complex and often international disputes, including commercial, business, property, technology, construction and intellectual property cases. These courts play a significant role in supporting the UK's legal services sector and wider economy, with a substantial proportion of cases involving international parties. Currently, the Business and Property Courts are spread across both the King's Bench and Chancery Divisions. The amendments, therefore, reflect that the Commercial Court, Admiralty Court, Circuit Commercial Courts and Technology and Construction Court (High Court) are to be within the Business and Property Division. There will also be changes to the judicial title for the senior judge heading the Division, from Chancellor of the High Court to the President of the Business and Property Division, which is reflected in the amendments.

5.2 Respect Orders – amendments, to Part 65 (Proceedings Relating to Anti-social Behaviour and Harassment), provide the procedural rules for Respect Orders, which were introduced by the Crime and Policing Act 2026 to tackle anti-social behaviour (ASB). Respect Orders are new civil behaviour orders enabling courts to impose requirements on individuals including requiring them to engage with support services, such as drug or alcohol treatment or anger management programmes or prohibit adults from specified ASB-related activity.

5.3 Traffic Enforcement – following consultation, several amendments are made to Part 75 (Traffic Enforcement) procedures. The amendments are intended to improve clarity and consistency of practice in the Traffic Enforcement Centre (TEC), which is an office of the County Court. They include:

- Updating the terminology to align with the Taking Control of Goods Regulations 2013 (the 2013 Regulations), including terms such as "taking control of goods" and "notice of enforcement".
- Substituting the term "order for recovery" for "order" when referring to the order drawn up by a charging authority following registration by the TEC of

[1] WMS: https://questions-statements.parliament.uk/written-statements/detail/2026-06-02/hcws79

an unpaid penalty charge, to avoid confusion with various other uses of the term "order" in Part 75.

- Removing the entitlement of a party to request a hearing of a review of a court officer's decision on an application to extend the time in which to file a witness statement or statutory declaration to challenge the registration of an unpaid penalty charge. The amendment provides instead that the matter will be determined without a hearing, unless the court otherwise directs.
- Amending the provisions in relation to local authority warrants of control issued under Part 75, to provide that such warrants will remain valid where the respondent's address changes after issue but before enforcement, provided that a fresh notice of enforcement is given, at the new address. This removes the current requirement under Part 75 to seek reissue of the warrant following a change of address and aligns Part 75 with the general Taking Control of Goods regime.
- Providing that applications under rule 84.5 (which concerns applications to extend the 12-month period permitted for taking control of goods) should now be made directly to the TEC.
- Finally, introducing a revised procedure governing applications for alternative methods of enforcement, requiring such applications to be sent in the first instance to the TEC, so that they may be centrally processed before being sent to the relevant court or the Civil National Business Centre, as appropriate, for issue and determination. As part of that procedure, the rules provide that where an application for an alternative method of enforcement relates to more than one order for recovery, the information required by the TEC must be provided in the form specified in Practice Direction 75.

5.4 Tidying Up - various minor corrections and clarificatory modifications to generally bring the CPR up to date. These include:

- Deletion of rule 3.16(2) regarding the listing of case management conferences, because it is unduly restrictive, outdated, and inconsistent with current practice.
- Amendments responding to caselaw, including RRY v NKX [2025] EWHC 41 (Comm). This judgment concerned the time limit and procedure for seeking leave to appeal to the Court of Appeal following refusal of leave to appeal against an arbitration award under section 69 of the Arbitration Act 1996. The solution is a new rule to Part 62 (Arbitration Claims), rule 62.10A and in consequence, an amended Part 52 (Appeals) to update rule 52.3 to carve out appeals within rule 62.10A from the general permission-to-appeal framework. This is to provide clarity and to amend rule 52.12 to confirm that the usual time limits for filing an appellant's notice do not apply where rule 62.10A governs the appeal.
- An amendment to the table of contents for Part 77 (Provisions in support of criminal justice) so that the entry for rule 77.3 (Applications by third parties to make representations and applications to vary or discharge a Serious Crime Prevention Order made by the High Court) correctly reflects the heading of that rule, by inserting "or" in place of "and". This is a correction to the last instrument, the Civil Procedure (Amendment) Rules 2026 (S.I. 2026/97). Given the nature of the correction and the proportion that it represents of the main operative provisions (excluding the Schedules), it would be

disproportionate to apply the free issue procedure in this instance. In forming this view, the Department has complied with the requirement stated in paragraph 4.7.6 of the Statutory Instrument Practice, to consult with the SI Registrar.

What was the previous policy, how is this different?

5.5 This is explained for each of the amendments in paragraph 5 above.

6. Legislative and Legal Context

How has the law changed?

6.1 Civil Procedure Rules are made by the Civil Procedure Rule Committee (CPRC) under the Civil Procedure Act 1997, section 2(6) of which requires the CPRC before making rules to meet (unless inexpedient to do so) and consult such persons as they consider appropriate. The CPRC meets nine times a year and, except in very rare circumstances, considers any proposed matters for inclusion in the rules in at least one meeting (as it did for the matters in the present instrument). Consultation is addressed in section 7 of this memorandum.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes

7. Consultation

Summary of consultation outcome and methodology

7.1 The Civil Procedure Rule Committee must, before making Civil Procedure Rules, consult such persons as they consider appropriate (section 2(6)(a) of the Civil Procedure Act 1997). The Committee consults, as it considers appropriate to the rules or amendments to rules in question, in a number of ways of differing degrees of formality, including specific correspondence with bodies considered appropriate to be consulted; involving representatives of interested organisations in the work of sub-committees reviewing particular aspects of the rules; inviting and reviewing suggestions and observations solicited by its members from among the groups from which each is drawn; and inviting and reviewing suggestions from relevant Government Departments and other authorities affected by rules of civil procedure.

7.2 For matters in this instrument, differing approaches to consultation were taken. This ranges from consultation of the more informal sort described above (involving seeking the view of HM Courts & Tribunals Service and the judiciary in the specific areas affected) for example, to fuller or more specific consultation (described immediately below).

7.3 More detailed consultation was carried out for the matter set out at paragraph 5.3 Traffic Enforcement (above), where a public consultation took place between 9th October and 21st November 2025[2] to seek views about proposed amendments to Part 75 and Practice Direction (PD) 75 which govern the procedures for the TEC.

7.4 The aim of the proposed amendments was to make the process clearer, more efficient and fairer for both authorities and individuals. 15 responses were received including from local authorities and charging authorities; the enforcement (bailiff) sector; the London Tribunals and Traffic Penalty Tribunals; and an independent debt advice provider.

[2] https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#traffic-enforcement-consultation

7.5 Broadly, respondents to the consultation supported the proposed changes, in particular, amendments to PD 75 to recognise that court officers must provide reasons for rejecting out-of-time applications and to require respondents to address those reasons in any request for a review. There was, however, some disagreement about removing the entitlement of a party to request a hearing of a review of a court officer's decision on an application to extend the time for filing a witness statement or statutory declaration challenging the registration of an unpaid penalty charge. The Tribunals, for example, highlighted that some litigants in person may face barriers to expressing themselves effectively in writing and that hearings were sometimes necessary to allow judges to clarify the issues. This has been addressed by providing that, where a request for review is made, the judge may direct that there should be a hearing if they consider it necessary, for example, where there is concern that the respondent has not understood the reasons provided by the court officer, thereby continuing to provide a safeguard for respondents.

7.6 Support was expressed for the reformed rule 75.7(7) which removes the requirement for a warrant of control to be re-issued where the address of the respondent has changed since the warrant was issued, because the current practice was seen as an outdated and unnecessary administrative burden. The new rules provide that the warrant will remain valid if a new enforcement notice (as prescribed by the 2013 Regulations) is given to the respondent.

7.7 Most consultees supported streamlining the current process for transferring cases from the TEC to a court or HMCTS Civil National Business Centre, viewing the current process as duplicative and ineffective. Charging authorities sought the ability to combine multiple orders for recovery against one respondent (which the amended rules provide).

8. Applicable Guidance

8.1 Amendments to the CPR are drawn to the attention of participants in the civil justice system by correspondence addressed by the CPR Committee secretariat to members of the judiciary, to other relevant representative bodies (for example the Law Society of England and Wales, the General Council of the Bar and the advice sector) and to the editors of relevant legal publications; as well as by publicity within HMCTS. News of changes to the rules, together with the consolidated version of the rules, are published on the Ministry of Justice website.[3]

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no, or no significant, impact on the private, public or voluntary sectors is foreseen.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because no, or no significant impact, is foreseen.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because no, or no significant impact, is foreseen.

[3] https://www.justice.gov.uk/courts/procedure-rules/civil

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is for the amendments to form part of the Civil Procedure Rules which are kept under continuous review by the Civil Procedure Rule Committee and may be subject to amendment accordingly.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument also relates to The Senior Courts (Transfer, Amendment and Consequential Provision) Order 2026 which, when made, amends primary legislation. The Order updates the names of the High Court Divisions and Judicial Office Holder posts referenced in the legislation. Changes to primary legislation are set out in Schedule 1 of the Order and are made under the power conferred by the Senior Courts Act 1981. The Civil Procedure (Amendment No. 2) Rules 2026 are intended, once made, to come into force on the same day as the Order.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument does not relate to withdrawal from the European Union/trigger the statement requirements under the European Union (Withdrawal) Act.