STATUTORY INSTRUMENTS

2025 No. 1229 (L. 9)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment No. 3) Rules 2025

Made - - - -	*24th November 2025*
Laid before Parliament	*25th November 2025*
Coming into force	*31st December 2025*

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(**a**) to make rules under section 1 of and Schedule 1 to that Act and section 67B(1) of the Courts Act 2003(**b**), and after fulfilling the requirements of section 2(6) of the Civil Procedure Act 1997 and section 67C of the Courts Act 2003, makes the following Rules.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Civil Procedure (Amendment No. 3) Rules 2025 and come into force on 31st December 2025.

(2) In these Rules a reference to a Part or rule by number alone means the Part or rule so numbered in the Civil Procedure Rules 1998(**c**).

Amendments to the Civil Procedure Rules 1998

2. The Civil Procedure Rules 1998 are amended in accordance with rule 3 of these Rules.

Amendment of Part 77

3.—(1) In the table of contents to this Part, after the entry for rule 77.15 insert—

"SECTION 3 – REFERRAL OF RELEASE DECISIONS

SUB-SECTION 1 – GENERAL

Scope	Rule 77.16
Part 8 procedure	Rule 77.17
Proceedings under this Section	Rule 77.18
The application	Rule 77.19

(**a**) 1997 c. 12. Section 2(1) was substituted by the Constitutional Reform Act 2005 (c. 4), section 15 and Schedule 4, Part 1. Section 1(3) was substituted by section 82(1) of the Courts Act 2003 (c. 39) and further amended by the Constitutional Reform Act 2005, sections 15 and 146 and Schedule 4, Part 1, paragraphs 261 and 262 and Schedule 18. Section 1(1) was amended by the Crime and Courts Act 2013 (c. 22), section 17(5) and Schedule 9, Part 3, paragraph 67(a). Schedule 1 to the 1997 Act was amended by the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), section 3, Schedule, Part 1, paragraph 19, the Crime and Courts Act 2013, section 175, Schedule 9, Part 3, paragraph 67(b).

(**b**) 2003 c. 39. Sections 67B and 67C were inserted by section 3 of and paragraph 32 of the Schedule to the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33).

(**c**) S.I. 1998/3132. There are relevant amendments in S.I. 2007/3543 and S.I. 2010/1953.

Service on the defendant	Rule 77.20
SUB-SECTION 2 – NON-DISCLOSURE	
Applications for non-disclosure	Rule 77.21
Applications under Part 2 of the 2013 Act	Rule 77.22
Applications other than under Part 2 of the 2013 Act	Rule 77.23
Relevant material and statement of reasons to be filed	Rule 77.24
Consideration of the application	Rule 77.25
Hearings	Rule 77.26
Special advocates	Rule 77.27
Special advocates – communicating about proceedings	Rule 77.28
Consideration of the claimant's objection under rule 77.27(7)(b)	Rule 77.29
Failure to comply with directions	Rule 77.30
Orders under the 1997 Act and 2003 Act	Rule 77.31
Supply of court documents	Rule 77.32
Appeals	Rule 77.33".

(2) In rule 77.1—

(a) in paragraph (a), at the end, omit "and"

(b) in paragraph (b), at the end, for "." substitute "; and"; and

(c) after paragraph (b) insert—

"(c) in Section 3, referrals of release decisions under section 32ZAA of the Crime (Sentences) Act 1997(**a**) and section 256AZBA of the Criminal Justice Act 2003(**b**)".

(3) After rule 77.15 insert—

"SECTION 3

Referral of Release Decisions

SUB-SECTION 1

General

Scope

77.16. This Section applies where the Secretary of State directs the Parole Board to refer a release decision to the High Court under section 32ZAA of the Crime (Sentences) Act 1997 ("the 1997 Act") or section 256AZBA of the Criminal Justice Act 2003 ("the 2003 Act").

Part 8 procedure

77.17. The Part 8 procedure applies to proceedings under this Section with the following modifications.

Proceedings under this Section

77.18. In proceedings under this Section—

(a) the referral of a release decision shall be treated as an application by the Secretary of State;

(b) the Secretary of State is the claimant;

(c) the prisoner is the defendant;

(**a**) 1997 c. 43. Section 32ZAA was inserted by section 61 of the Victims and Prisoners Act 2024 (c. 21).
(**b**) 2003 c. 44. Section 256AZBA was inserted by section 62 of the Victims and Prisoners Act 2024.

(d) the Parole Board and any victim (as defined in section 1 of the Victims and Prisoners Act 2024) of an offence to which the referral relates are not parties;

(e) rules 8.7 and 8.8 shall not apply.

The application

77.19.—(1) The claim form must—

(a) state that the Parole Board has been directed by the claimant to refer the release decision to the court because the claimant considers that—

(i) the release of the defendant would be likely to undermine public confidence in the parole system; and

(ii) if the case were referred, the High Court might not be satisfied that it is no longer necessary for the protection of the public that the defendant should be confined;

(b) identify the provisions in the 1997 Act or the 2003 Act under which the direction was made; and

(c) state that the claimant will file and serve all further material in accordance with paragraph (2).

(2) Rule 8.5(1) is modified such that, not later than two days after the date on which the claim form is filed, the claimant must file with the court and, together with the claim form, serve on the defendant—

(a) the claimant's reasons for considering why the court might not be satisfied that it is no longer necessary for the protection of the public that the defendant should be confined;

(b) any representations regarding the directions the court may include as to the conditions to be included in the defendant's licence on release;

(c) the Parole Board's decision letter;

(d) all information and reports served on and considered by the Parole Board; and

(e) any further information the claimant considers relevant to the application.

(3) Paragraph (2) is subject to rule 77.21.

(4) In any proceedings under this Section, the claimant may not rely on any written evidence or information unless—

(a) it has been served in accordance with—

(i) a rule or practice direction under this Section; or

(ii) a direction of the court; or

(b) the court gives permission.

(5) Without prejudice to Sub-section 2, until the proceedings to which this Section applies are concluded, the claimant must file and serve on the defendant any material which—

(a) adversely affects the claimant's case; or

(b) supports the defendant's case.

Service on the defendant

77.20.—(1) Except where rule 6.7 applies—

(a) the claim form must be served personally in accordance with rule 6.5; and

(b) the time within which a certificate of service must be filed under rule 6.17(2)(a) shall be within 7 days of service of the claim form.

(2) Except where the defendant has given an address for service under rule 6.23(2)(a), a document other than the claim form must be served on the defendant personally in accordance with rule 6.22.

SUB-SECTION 2

Non-disclosure

Applications for non-disclosure

77.21. Any application under section 6(2) of the Justice and Security Act 2013 ("the 2013 Act") or rule 77.23 must be made—

(a) when the claimant files material under rule 77.19(2); or

(b) if they have filed their material under rule 77.19(2), when the claimant files any additional material in respect of which they wish to make an application.

Applications under Part 2 of the 2013 Act

77.22. Where Part 2 of the 2013 Act applies to proceedings under this Section, Part 82 shall apply.

Applications other than under Part 2 of the 2013 Act

77.23.—(1) This rule applies where, on application by the claimant, the court considers that—

(a) the disclosure of any information or any report ("the relevant material") would adversely affect—

(i) the prevention of disorder or crime; or

(ii) the health or welfare of the defendant or any other person; and

(b) withholding the relevant material is a necessary and proportionate measure.

(2) Where this rule applies, the court must direct that the relevant material—

(a) be withheld from the defendant and their legal representative;

(b) be withheld from the defendant, but disclosed to their legal representative, in full or in a summary or redacted version, subject to the legal representative undertaking to the court not to disclose the relevant material or the summary or redacted version (as the case may be) to the defendant, or to any other person except as directed by the court and provided in the undertaking;

(c) be disclosed to the defendant and their legal representative in a summary or redacted version; or

(d) be withheld from the defendant and their legal representative, but disclosed to a special advocate.

(3) The court may vary or set aside a direction under paragraph (2) on application or of its own motion.

Relevant material and statement of reasons to be filed

77.24.—(1) An application under rule 77.23(1) must—

(a) include the relevant material;

(b) identify the persons from whom the relevant material should be withheld;

(c) set out the reasons for withholding the relevant material and explain why it is a necessary and proportionate measure;

(d) if the claimant proposes disclosure in a summary or redacted version, include a draft of that document; and

(e) state whether the claimant will withdraw and no longer rely on the relevant material in the event of the application being refused.

(2) When an application is made under rule 77.23(1), the application need not be served on the defendant, but the claimant must, at the same time as filing the application—

(a) notify the defendant that an application has been made, whether or not a special advocate has already been appointed;

(b) if the application proposes disclosure to the defendant in a summary or redacted version, include with the notification a draft of that document; and

(c) if one has been appointed in respect of an earlier application under rule 77.23(1), serve on the special advocate the application and accompanying material under paragraph (1).

(3) Where paragraph (2)(c) applies, the special advocate may file and serve on the claimant written submissions regarding the application within 14 days of service of the application.

Consideration of the application

77.25.—(1) Where the court considers an application under rule 77.23(1) it may—

(a) determine the application without a hearing; or

(b) direct a hearing of the application.

(2) Rule 23.8(3) is modified to provide that, under this rule and rule 77.29, a party includes a special advocate if one has been appointed.

(3) Where the court makes a direction under rule 77.23(2)(b), within 7 days after the date on which the defendant is notified of the court's decision or such other period as the court may direct, the legal representative must—

(a) file and serve on the claimant the required undertaking; or

(b) inform both the court and the claimant of their decision not to do so.

(4) Where the legal representative—

(a) gives the required undertaking under paragraph (3), the claimant must, within two days of the date on which it is served on them—

(i) serve on the legal representative the relevant material in full or as directed; or

(ii) inform both the court and the defendant of their decision not to rely on it; or

(b) does not give the required undertaking within the time specified in paragraph (3) or informs the court of their decision not to give undertakings, the claimant must seek further directions from the court.

(5) Where the court does not give permission to withhold relevant material from the defendant, or has made a direction under rule 77.23(2)(c), within seven days after the date on which they are notified of the court's decision or such other period as the court may direct, the claimant must—

(a) serve on the defendant the relevant material in full, or as directed; or

(b) inform both the court and the defendant of their decision not to rely on it.

(6) Where the claimant has informed the court of their decision not to rely on the relevant material in full or as directed—

(a) the claimant shall not be required to serve the relevant material on the defendant or comply with the direction; but

(b) the court may, at a hearing on notice, if it considers that the relevant material or anything that is required to be summarised or redacted might adversely affect the claimant's case or support the case of the defendant, direct that the claimant is not to rely on such points, or that the claimant makes such concessions or takes such other steps, as the court may direct.

Hearings

77.26.—(1) Where the court considers it necessary to exclude the defendant from any hearing or part of that hearing to ensure that relevant material subject to a direction under rule 77.23(2) is not disclosed to them, the court must direct that the hearing, or that part of it from which the defendant is excluded, be conducted in private.

(2) Unless the court directs otherwise, the court shall serve notice of the date, time and place fixed for a hearing on every party and, if one has been appointed for the purposes of the proceedings, the special advocate or those instructing the special advocate.

Special advocates

77.27.—(1) In any proceedings to which this Sub-section applies, the court may at any stage direct the claimant to request the Attorney General to appoint a special advocate to represent the interests of the defendant.

(2) The function of a special advocate is to represent the interests of the defendant by, for example—

(a) making submissions to the court at any hearing from which the party and that party's legal representative are excluded;

(b) adducing evidence and cross-examining witnesses at such a hearing;

(c) making applications to the court or seeking directions from the court where necessary; and

(d) making written submissions to the court, including whether relevant material withheld under rule 77.23(2) should be disclosed in full or in a summary or redacted version.

(3) Where the court makes a direction under paragraph (1), the claimant—

(a) must within seven days of receipt of notification of their appointment, serve on the special advocate, copies of—

(i) the claim form and further material specified in rule 77.19(2), and any further evidence served on the defendant;

(ii) the acknowledgement of service and any further evidence served by the defendant;

(iii) the application under rule 77.23(1) and the relevant material and documents specified in rule 77.24(1); and

(iv) if applicable, the court's direction under rule 77.23(2); and

(b) may not rely on the relevant material which is the subject of the application under rule 77.23(1) unless a special advocate has been appointed, and the relevant material has been served on them.

Special advocates – communicating about proceedings

77.28.—(1) A special advocate may communicate with the defendant, or their legal representative, at any time before the claimant serves the relevant material on the special advocate.

(2) After the relevant material has been served on the special advocate, they must not communicate with any person about any matter connected with the proceedings, except in accordance with paragraphs (3), (4) or (8)(b) or with a direction of the court pursuant to a request under paragraph (5).

(3) The special advocate may, without directions from the court, communicate about the proceedings with—

(a) the court;

(b) the claimant;

(c) the Attorney General and any persons acting for the Attorney General;

(d) any other person, except for the defendant or their legal representative, with whom it is necessary for administrative purposes for the special advocate to communicate about matters not connected with the substance of the proceedings.

(4) The special advocate may communicate with the defendant or their legal representative with the express agreement of the claimant.

(5) The special advocate may request directions from the court authorising them to communicate with—

(a) subject to paragraph (6), the defendant or their legal representative; or

(b) with any other person.

(6) Where the special advocate wishes to communicate with the defendant or their legal representative, the special advocate may not, without good reason, request directions under paragraph (5)(a) unless the claimant has refused their request under paragraph (4).

(7) Where the special advocate requests directions under paragraph (5)—

(a) the special advocate must notify the claimant of the request; and

(b) the claimant must, within two days or such other period as may be directed by the court, file and serve on the special advocate notice of any objection to the proposed communication, or to the form in which it is proposed to be made.

(8) Paragraph (2) does not prohibit the defendant or their legal representative communicating with the special advocate after the claimant has served relevant material on the special advocate, but—

(a) they may only do so in writing; and

(b) the special advocate must not reply to the communication other than in accordance with directions given by the court, except that the special advocate may, under paragraph (4) or without such directions, send a written acknowledgment of receipt.

Consideration of the claimant's objection under rule 77.28(7)(b)

77.29.—(1) If the claimant objects to a proposed communication under rule 77.28(7)(b)—

(a) the special advocate may file and serve on the claimant a reply to the objection;

(b) the claimant and the special advocate must file with the court a schedule identifying the issues which cannot be agreed between them and which must—

(i) give brief reasons for their contentions on each issue in dispute; and

(ii) set out any proposals for the court to resolve the issues in dispute.

(2) On receipt of the claimant's objection, the special advocate may give notice that they do not challenge it.

(3) The court may—

(a) consider the claimant's objection without a hearing; or

(b) if the court considers that it is necessary before it can determine the matter, direct a hearing.

Failure to comply with directions

77.30.—(1) Where the clamant or special advocate fails to comply with a direction of the court, the court may serve on the claimant or the special advocate a notice which states—

(a) the respect in which they have failed to comply with the direction;

(b) a time limit for complying with the direction; and

(c) that the court may proceed to determine the proceedings before it, on the material available to it, if they fail to comply with the relevant direction within the time specified.

(2) Where the claimant or special advocate fails to comply with such a notice, the court may proceed in accordance with paragraph (1)(c).

Orders under the 1997 Act and 2003 Act

77.31.—(1) Where the court makes an order in any proceedings to which this Sub-section applies, it may withhold any, or any part, of its reasons if and to the extent that it is not possible to give those reasons without disclosing material, the disclosure of which would adversely affect—

(a) the prevention of disorder or crime; or

(b) the health or welfare of the defendant or any other person.

(2) Where the court's judgment does not include the full reasons for its decision, the court must serve on the claimant, the defendant's legal representative if appropriate, and, if appointed, the special advocate, a separate written judgment giving those reasons.

Supply of court documents

77.32. Unless the court otherwise directs, rule 5.4B (supply of documents from court records – a party) and rule 5.4C (supply of court documents – a non-party) do not apply to any proceedings to which this Sub-section applies.

Appeals

77.33.—(1) Part 52 (appeals) applies to an appeal to the Court of Appeal—

(a) against an order of the High Court on or in relation to an application under rule 77.23(1); and

(b) where the order under appeal was not made on or in relation to a matter within sub-paragraph (a) but the appeal proceedings involve such a matter.

(2) Paragraph (1) is subject to—

(a) this Sub-section; and

(b) paragraph (3) of this rule.

(3) The appellant must serve a copy of the appellant's notice on any special advocate.

(4) Unless the court directs otherwise, an appeal to the Court of Appeal in proceedings under paragraph (1), must be determined at a hearing.".

Lady Justice Cockerill
Mr Justice Trower
Mr Justice Pepperall
His Honour Judge Hywel James
Her Honour Judge Emma Kelly
District Judge Clarke
Isabel Hitching KC
Kelly Stricklin-Coutinho
David Marshall
Ben Roe
Ian Curtis-Nye

I allow these Rules.
Signed by authority of the Lord Chancellor

Levitt
Parliamentary Under-Secretary of State
Ministry of Justice

24th November 2025

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend Part 77 (provisions in support of criminal justice) of the Civil Procedure Rules 1998 (S.I. 1998/3132) by inserting a new Section – Section 3 – setting out the procedure to be followed where, under section 32ZAA of the Crime (Sentences) Act 1997 (c. 43) or section 256AZBA of the Criminal Justice Act 2003 (c. 44), the Secretary of State directs the Parole Board to refer its direction to release a prisoner to the High Court. The new Section also sets out the procedure for applying for non-disclosure of information which would adversely affect the prevention of disorder or crime, or the health or welfare of the defendant or any other person.

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