

Carl Poole  
Secretary to the Civil Procedure Rule Committee  
c/o Access to Justice Policy Division  
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By email: [CPRCRollingConsultations@justice.gov.uk](mailto:CPRCRollingConsultations@justice.gov.uk)

Dear Mr Poole

**Consultation on proposed amendments to CPR Part 25 (Interim Remedies and Security for Costs) including a proposed amendment to CPR Part 4 (Forms) consultation**

APIL is grateful for the opportunity to respond to the CPRC's consultation on Part 25 of the Civil Procedure Rules and the supplementing Practice Directions (PDs). We welcome the proposed amendments overall. We believe merging Practice Directions 25A and 25B into the rule is a positive step, enhancing efficiency and user-friendliness. However, we have highlighted below where the suggested changes may lead to further confusion rather than the clarity aimed for.

The new Part 25.21(2) states that the court must take into account "contributory negligence alleged", whilst the current Part 25.7(5)(a) only requires the court to take account of contributory negligence. We are concerned that this might mean or be interpreted as the court having to take into account contributory negligence if it is alleged whether or not those allegations have any merit.

The proposed Part 25.21(5) requires court permission before making a voluntary interim payment to a child or protected party. While this seems reasonable, there is a concern that a defendant might assert that the court cannot address the permission grant until the standard time limit for making an application for an interim payment, namely the end of the period for filing an acknowledgement of service. On a positive note, we find the proposed Part 25.24 to be considerably clearer than the current Part 25.7.

We hope that our comments prove useful. If you have any queries about our response, please contact Ana Ramos, Legal Affairs Assistant, at the contact information below, in the first instance.

Yours sincerely,

*Ana Ramos*

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