

## Civil Procedure Rule Committee

### Proposed amendments to CPR Part 6 and PD6A – service by electronic means



### A response by the Association of Personal Injury Lawyers

August 2025

APIL welcomes the opportunity to respond to the Civil Procedure Rule Committee consultation on proposed amendments to Civil Procedure Rules Part 6, and Practice Direction 6, relating to service by electronic means. The proposed amendments are a positive step towards reflecting modern practices, and have been due for some time. We believe that overall, the proposals provide the correct balance between allowing service by email without specific confirmation where the parties are represented, but also catering for circumstances where there are litigants in person and the additional safeguards needed there. We would suggest, however, that there needs to be further clarity around some of the amendments made to Practice Direction 6A, to ensure that the changes to do not lead to unnecessary satellite arguments or litigation.

#### *CPR Part 6*

We are content with the proposed amendments to CPR Part 6.

#### *Practice Direction 6A*

##### *4.1*

We welcome that PD 6A 4.1 provides safeguards for litigants in person, requiring that the party must previously have indicated in writing to the party serving that the party to be served is willing to accept service by email or other electronic means and the email address or email addresses or other electronic identification to which it must be sent. We also welcome that if solicitor is authorised to accept service, that service can be by email.

However, we would suggest 4.1 section is amended slightly to make clearer the difference when parties are either litigants in person or represented.

We suggest the following amendments:

*Subject to the provisions of rule 6.23(5) and (6), where a document is to be served by e-mail or other electronic means –*

*(1) the party who is to be served or the solicitor acting for that party must previously have indicated in writing to the party serving*

*(a) where the party to be served is a litigant in person*

*(i) that the party to be served is willing to accept service e-mail or other electronic means; and*

*(ii) the e-mail address or e-mail addresses or other electronic identification to which it must be sent*

*(b) where the party to be served has a solicitor acting for them*

*(i) that the party to be served is willing to accept service at a business address for service within the United Kingdom of the solicitor*

#### 4.1(3)(b) – “writing paper”

There should be a definition of ‘writing paper’ – it is unlikely that actual writing paper is used in correspondence in modern times, and most communication is likely done via email (without attaching a separate headed letter). It is not reflective of current practice to rely on a party to either email or post a letter on headed writing paper. We suggest that ‘writing paper’ is defined as, or replaced with ‘any communication from an email address under the domain name of the solicitors’ firm’. This will add clarity and prevent satellite litigation around whether something is deemed to have been served if it is sent to a generic ‘mail@’ email address, for example. We believe that the same principle should apply to email service as to service by post, i.e. that sending an email to an address under the domain name of the solicitors’ firm, is deemed to have been served, even if the email is subsequently not read.

#### 4.1(4) – numerous email addresses

We suggest that the wording of this paragraph should be amended as follows:

*Where a party has indicated that service by e-mail must be effected by sending a document to multiple e-mail addresses, the document may be served by sending it to ~~any~~ at least 2 of the e-mail addresses identified*

This wording was incorporated into the practice direction to address the situation whereby parties were maintaining that if a document was served at more than one email address, it would not be valid service. There is still some uncertainty around how to properly handle a situation where there are three or more email addresses – some would argue that if the document is then served on three email addresses, it is not valid. To avoid ambiguity and to provide clarity, we would suggest that the wording at 4.1(4) is amended to require that the document may be served by sending it to ‘at least’ 2 of the email addresses identified.

#### 4.2

We suggest that 4.2 should be rephrased so that the burden is on the recipient to let the party serving know if there are any limitations to them accepting service by email, and if no limitations are communicated to the serving party, then it is to be assumed that there are no limitations.

We hope that our comments prove useful. If you wish to discuss our response further, please contact Alice Taylor, [alice.taylor@apil.org.uk](mailto:alice.taylor@apil.org.uk) in the first instance.