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Carl Poole
Secretary to the Civil Procedure Rule Committee
c/o Civil Justice and Law Division
Ministry of Justice Post Point 5.25
102 Petty France
London
SW1H 9AJ
United Kingdom

20 February 2025

By email only: CPRCconsultation@justice.gov.uk

Dear Mr Poole,

Consultation on Appellant's Notice: proposed amendment to CPR 52.12(3)

APIL is grateful for the opportunity to provide comments on the proposed amendments to CPR 52.12(3) concerning the appellant's notice.

APIL considers the proposed amendment unnecessary. We have concerns regarding the potential problems it could generate in practice, particularly satellite litigation. APIL understands why, as this is the originating process, it is necessary to serve a sealed copy claim form but the same considerations do not, we consider, apply in relation to appeals. We believe the amendment would make the process of serving an appellant's notice more onerous than necessary.

There is a substantial body of case law illustrating the challenges surrounding time limits for the service of sealed documents, including the appellant's notice. Furthermore, the current time limit for appealing is already relatively short, and the proposed changes could create further hurdles for claimants in the appeal process. We believe obtaining sealed copies of the appellant's notice within the proposed 14-day period will be challenging considering the current delays in courts, which are increasingly problematic and do not seem to be improving.

This amendment would create additional pressure on the court system, which is already overstretched and lacking sufficient resources. An appellant could find themselves in breach of the rules through no fault of their own, simply due to administrative delays.

We hope our comments prove useful.

Yours sincerely,

A handwritten signature in black ink that reads 'Ana Ramos'.

Ana Ramos

Legal Policy Assistant

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