



The Chartered Institute of Legal Executives (CILEX)
Consultation Response:

Proposed Amendment to CPR, Part 6 and PD6A: Service
by Electronic Means

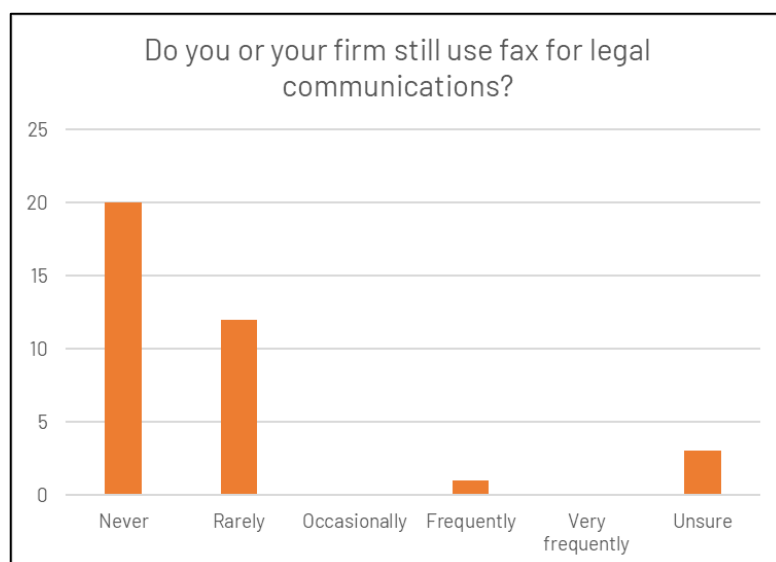
September 2025

Introduction

- 0.1. CILEX would like to take the opportunity to respond to the Civil Procedure Rule Committee's consultation on the proposed amendment to Part 6 and PD6A of the civil procedure rules, relating to service by electronic means. CILEX as both a representative body of a substantial number of legal practitioners who engage with the rules of service welcomes the opportunity to respond.
- 0.2. The Chartered Institute of Legal Executives (CILEX) is the professional association and governing body for Chartered Legal Executive lawyers (commonly known as 'CILEX Lawyers'), other legal practitioners and paralegals. Under the Legal Services Act 2007, CILEX acts as the Approved Regulator (AR) and delegates these regulatory powers to the independent regulator, CILEx Regulation Ltd (CRL).
- 0.3. CILEX represents over 17,500 members of which 77% of the membership are female, 16% of members are from an ethnic minority background, 4% are LGBT and 6% have a disability. Additionally, in terms of social mobility, 77% of CILEX members attended a state-run or state-funded school and 41% have an undergraduate university degree (of which 63% of those members were the first to attend university).
- 0.4. Overall, CILEX supports the amendment to the rules, both in spirit and in the specific wording of part 6 and PD6A as provided. CILEX does however echo the concerns raised, especially concerning email monitoring and the risk of solicitors and others being disincentivised from accepting service.

1. Views of Practitioners

- 1.1. CILEX has surveyed a number of its civil practitioners. This has resulted in broad support for the amendments to Rule 6 and the Practice Direction 6A. CILEX echoes this support and welcomes the amendments to the rule and the practice direction.



- 1.2. CILEX notes that Ofcom no longer requires Universal Service providers (BT and KCOM) to provide fax services under the Universal Service Obligation as of 2023.¹ CILEX recognises

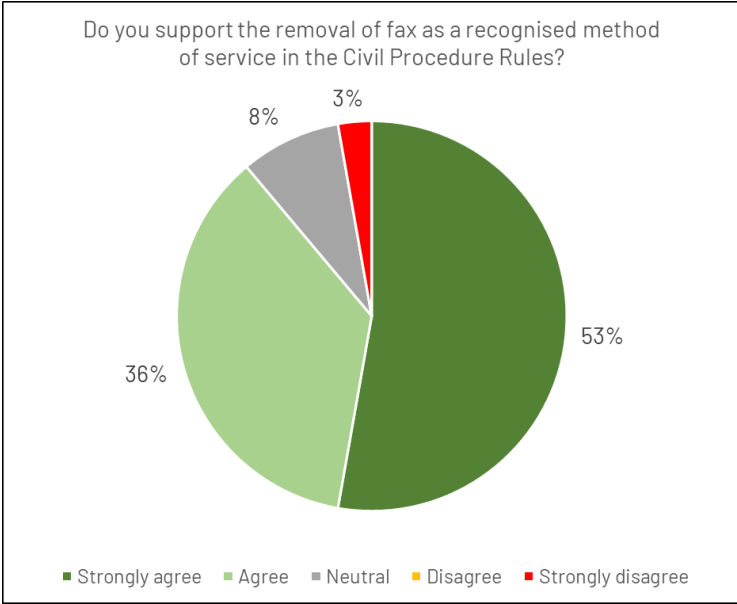
¹ Ofcom, Farewell to the Fax Machine (<https://www.ofcom.org.uk/phones-and-broadband/telecoms-infrastructure/farewell-to-the-fax-machine>), Accessed 11/09/2025

that as the infrastructure supporting the use of fax machines, as well as overall use of fax machines, dwindles, the Civil Procedure Rules must also be updated.

- 1.3. When asked 'do you or your firm still use fax for legal communications?' only 1 individual stated that they frequently use a fax, with the vast majority outlining that they never or rarely use fax as a method of legal communication. Additionally, of those who have used tax in the past, over 50% of those individuals have been practising for over 16 years.
- 1.4. CILEX also asked members when they had last used a fax machine. Of those who responded, 48% outlined that they had used one since 2015, 34% outlined that they had used once since before 2015, 11% outlined that they had never used a fax machine, and 8% could not remember when they had last used a fax machine.

Year of last use	Percentage
2025	6%
2015-2024	42%
2005-2014	28%
Pre 2005	6%
Cannot remember	8%
Never	11%

- 1.5. Additionally, CILEX asked members whether they supported the removal of fax as a recognised method of service in the Civil Procedure Rules. Of the members who responded, 89% either agreed with supporting the removal of fax, or strongly agreed with supporting the removal of fax.

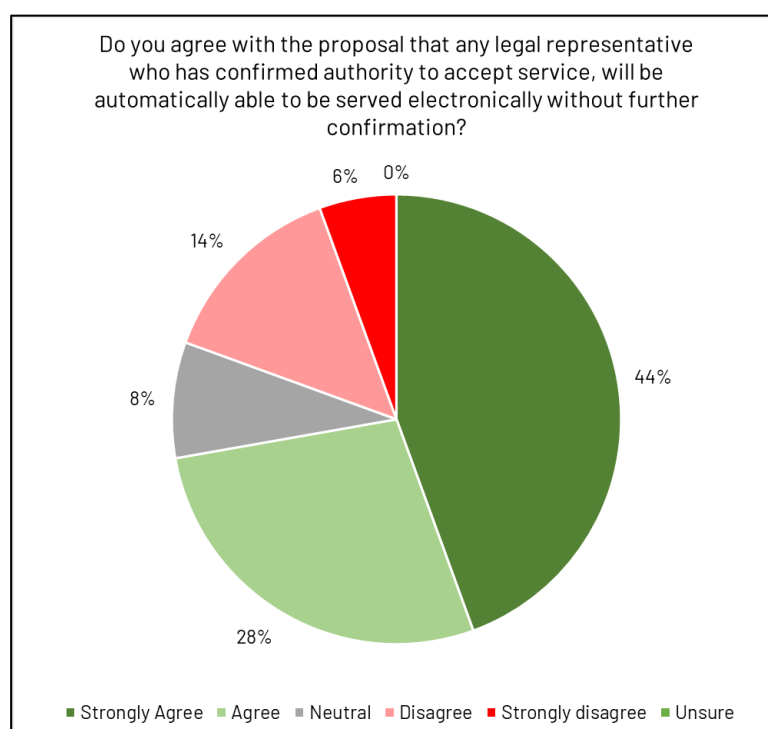


- 1.6. CILEX asked what benefits practitioners believe would derive from the changes to the rules with five prompted options. 75% of respondents believe that faster communication and reduced administrative burden will occur. However, only 42% of practitioners believe that it will result in improved clarity.

What benefits, if any, do you see in this change? Please select all which apply.	Percentage

Faster Communication	75%
Reduced Administrative Burden	75%
Cost Savings	61%
Improved Clarity	42%
Improved Consistency	56%

- 1.7. CILEX believes that the lack of improved clarity will likely arise from the proposal relating to legal representatives confirming authority to accept service. On this issue, CILEX asked practitioners 'do you agree with the proposal that any legal representative who has confirmed authority to accept service, will be automatically able to be served electronically without further confirmation?' Of those who responded, 20% of practitioners either strongly disagreed or disagreed with the statement. By comparison, 72% of practitioners either agreed or strongly agreed with the statement.



- 1.8. CILEX therefore supports lawyers being able to automatically serve on those who have confirmed authority to accept service, electronically.

- 1.9. CILEX does recognise that there is a risk of disincentivising lawyers from accepting service, however CILEX believes that this is unlikely and many lawyers will recognise a benefit in accepting service, in order to provide an efficient and timely service to clients as well as have safe receipt of proceedings. CILEX believes that law firm risk and compliance teams will likely develop mechanisms for ensuring that service is not missed.

- 1.10. In relation to Litigants in Person (LiPs) CILEX notes with concern the potential impact of the proposed amendments to CPR Part 6 and PD6A. The shift toward electronic service may inadvertently disadvantage those without representation, exacerbating existing inequalities in access to justice. This may occur if LiPs struggle to accept service online, through being unable to access and download large documents or access sites which host them. Additionally, CILEX highlights that LiPs are a diverse group—some may have legal experience and tech knowledge, while others may be unfamiliar with court processes and unable to objectively assess their case or understand the implications of procedural missteps. Without adequate safeguards, electronic service could

lead to missed deadlines, unacknowledged documents, and procedural unfairness.

2. Specific Wording

2.1. CILEX supports the proposed amendment to Civil Procedure Rule, Part 6, specifically:

- All references to removing fax as a method of communication from the rules, and
- The non-substantive change to 'electronic method' throughout the rule.

2.2. Additionally, CILEX supports the proposed amendment to Practice Direction 6A, specifically:

- All references to removing fax as a method of communication from the rules, and adding email as a valid method of communication,
- Introducing the caveat created to avoid electronic service by providing a business address within the United Kingdom of the solicitor at Part 4.1(1)(c),
- Confirming that emails provided on a statement of case / response to a claim are sufficient written indications, and
- Outlining that emails sufficient for service are either those confirmed by solicitors or an email set out on the writing paper of the solicitor acting for the party to be served at Part 4.1(3).