

# Judicial review update: the right to file a Claimant's Reply

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It has long been customary practice for Claimants to file a Reply document following receipt of a Defendant's Acknowledgement of Service in judicial review proceedings. This is despite there being no provision in the Civil Procedure Rules ("CPR") allowing a Claimant to do so.

As of 06 April 2024, that changes.

Rule 10 of the Civil Procedure (Amendment) Rules 2024 (SI 2024/106) comes into force inserting a new CPR 54.8A into Part 54 of the CPR. CPR 54.8A gives a Claimant, who has been filed with an Acknowledgement of Service, the right to file a Reply.

Any Reply must be filed not more than 7 days after service of the Acknowledgement of Service and served on the Defendant and any other person served with the claim form as soon as practicable and in any event not later than 7 days after it is filed.

Also on 6 April 2024, the 163<sup>rd</sup> Update Practice Direction Amendment amends Practice Direction 54A providing that any Reply must not exceed 5 pages in length and must only be filed if necessary for the court's decision to grant permission. Practitioners are reminded that a Reply is not an occasion to rehearse the matters already referred to in the Claim Form.

This will also give practitioners some reassurance. In the past, Reply documents were hurriedly prepared overnight following receipt of an Acknowledgement of Service, with the risk that the court may make a permission decision prior to receipt of the Reply if not filed quickly enough. The time limit of 7 days inserted into CPR 54.8A puts that risk to bed. It now appears that a permission decision will not until at least 7 days after the filing of the Acknowledgement of Service.

Hopefully this amendment will prevent the, increasingly prevalent, number of procedural arguments being raised about the court taking into account a Reply when making a permission decision.

Overall, in my view, it is a sensible and welcome amendment.

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