

Title: Courts & Tribunals (Online Procedure) Bill: Online Procedure and Procedural Rules Committee. IA No: MoJ008/2017 RPC Reference No: Lead department or agency: Ministry of Justice Other departments or agencies: HM Courts and Tribunals Service (HMCTS)	Impact Assessment (IA)			
	Date: 1 st July 2019			
	Stage: Final			
	Source of intervention: Domestic			
	Type of measure: Primary legislation			
Contact for enquiries: Naheed Aziz. Naheed.Aziz@justice.gsi.gov.uk				
Summary: Intervention and Options				RPC Opinion: Not Applicable

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANDCB in 2014 prices)	One-In, Three-Out	Business Impact Target Status
£70k	N/A	N/A	Not in scope	Qualifying provision
What is the problem under consideration? Why is government intervention necessary? The Courts and Tribunals (Online Procedure) Bill will establish an Online Procedure Rule Committee ('OPRC') which will provide simplified rules to support online procedures in civil, family and tribunal proceedings. This approach will help to facilitate the use of technology to enable the public to resolve disputes more effectively. Government intervention is required because parliamentary authority is required to establish online procedure supported by a new online procedure rules committee.				

What are the policy objectives and the intended effects? This approach will help people resolve disputes more swiftly and efficiently. The OPRC will provide simpler rules for online procedures, which will benefit all court users, especially those who are representing themselves as they will be able to follow the rules, and therefore navigate the court system, more easily. These rules will be drafted specifically for court users who may not require legal assistance. Those who need help with online engagement will be provided support through the Assisted Digital programme which is independent of the Bill. The OPRC will cover online procedures in civil, family and tribunals jurisdictions where the requirement for such a procedure has been established and authorised by regulation. In addition, the government has agreed that a new OPRC will enable a culture change in the way rules are developed, that would better fit with the evolving nature of technology.						
What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) Option 0: Deliver new online procedures through existing jurisdictional rules committee; Option 1: Establish a new Online Procedure Rule Committee for Civil Money Claims; Option 2: Establish an Online Procedure Rule Committee for the civil, family and tribunals jurisdictions. The government has concluded that neither Option 0 nor Option 1 will guarantee the improvements in user experience and system efficiency required. Therefore Option 2 is the preferred option.						
Will the policy be reviewed? There is no plan to review this specific policy. However, these measures enable the benefits of the wider Court reform programme which is subject to a programme level evaluation						
Does implementation go beyond minimum EU requirements?			No			
Are any of these organisations in scope?			Micro Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded:		Non-traded:	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

David Gauke

Date:

1/7/2019

Summary: Analysis & Evidence - Policy Option 1

Description. Establish an Online Procedure Rule Committee for Civil Money Claims.

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low:	High:	Best Estimate: - £70k
14/15	18/19	10			

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	0	£10K	£70K

Description and scale of key monetised costs by 'main affected groups'

It will cost Ministry of Justice (MoJ) approximately £10k per annum to run the new OPRC.

Other key non-monetised costs by 'main affected groups'

There will be costs to HM Courts and Tribunals Service (HMCTS) from some of the process changes (such as retaining paper channels and assisted digital support to engage online) as part of ensuring access to courts and tribunals is maintained as part the Court Reform Programme. The costs are part of the Court Reform Programme and cannot be isolated or directly attributable to this legislation.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low			
High			
Best Estimate	0	0	0

Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits for the main affected groups.

Other key non-monetised benefits by 'main affected groups'

The introduction of the OPRC will enable the digitisation of an entirely new procedure governed by a new set of rules which will provide the environment to deliver the full benefits of online working. The Government's intention is that this approach will help to simplify processes and enable benefits for the affected groups. There may also be a potentially modest reduction in costs of the actual rule making process becomes both simpler and more efficient. through a single online rules committee capable of making simple rules across civil, family and tribunals.

Court users should find that their cases are resolved earlier due to a simplified system with an increased emphasis on online triage, Online Dispute Resolution and mediation, and indirectly due to simpler rules and digitisation. This should lead to reduced costs for both parties and less need to attend a physical Court to access justice. Whilst not entirely contingent on this legislation, these changes are likely to be made easier by it.

HMCTS will benefit from a reduced administrative workload and costs as a result of the digitalisation. Whilst not entirely contingent on this legislation, these changes are likely to be made easier by it.

There will be a reduced judicial workload as a result of digitisation which should result in fewer hearings using a more streamlined online process. This may lead to reduced judicial costs to the MoJ. While not absolutely contingent on this legislation, these changes are likely to be made easier by it.

Key assumptions/sensitivities/risks

The analysis assumes current caseloads are maintained. No significant risks have been identified around this option.

Discount rate

3.5

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m: N/A	Score for Business Impact Target (qualifying provisions only) £m: N/A
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Summary: Analysis & Evidence - Policy Option 2

Description. Establish an Online Procedure Rules Committee for the Civil, Family and Tribunals jurisdictions

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low:	High:	Best Estimate: - £70K
14/15	18/19	10			

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	0	£10K	£70K

Description and scale of key monetised costs by 'main affected groups'

It will cost MoJ approximately £10k per annum to run the new OPRC.

Other key non-monetised costs by 'main affected groups'

There will be costs to HM Courts and Tribunals Service (HMCTS) from some of the process changes (such as retaining paper channels and assisted digital support to engage online) as part of ensuring access to courts and tribunals is maintained as part the Court Reform Programme. The costs are part of the Court Reform Programme and cannot be isolated or directly attributable to this legislation

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low			
High			
Best Estimate	0	0	0

Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits for the main affected groups.

Other key non-monetised benefits by 'main affected groups'

The introduction of the OPRC will enable the digitisation of an entirely new procedure governed by a new set of rules which will provide the environment to deliver the full benefits of online working. The Government's intention is that this approach will help to simplify processes and enable benefits for the affected groups. There may also be a potentially modest reduction in costs of the actual rule making process as this becomes both simpler and more efficient.

Court users should find that their cases are resolved earlier due to a simplified system with an the increased emphasis on online triage, Online Dispute Resolution and mediation and indirectly due to simpler rules and digitisation. This should lead to reduced costs for both parties and less need to attend a physical Court to access justice. While not absolutely contingent on this legislation, these changes are likely to be made easier by it. With option 2, the OPRC will draft rules across civil, family and tribunals enabling more court users to benefit unlike with option 1 where only court users with civil claims would benefit from the new simplified processes and where the benefits would be confined to one area of civil jurisdiction.

HMCTS will benefit from a reduced administrative workload and costs as a result of the digitalisation of processes. While not absolutely contingent on this legislation, these changes are likely to be made easier by it.

There will be a reduced judicial workload as a result of digitisation which should result in fewer hearings using a more streamlined online process. This may lead to reduced judicial costs to the MoJ. While not absolutely contingent on this legislation, these changes are likely to be made easier by it.

Key assumptions/sensitivities/risks

The analysis assumes current caseloads are maintained. No significant risks have been identified around this option.

Discount rate

3.5

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m: N/A	Score for Business Impact Target (qualifying provisions only) £m: N/A

Evidence Base (for summary sheets)

A. Background

1. The Government is investing over £1 billion to transform the courts and tribunals system. We will deliver a service that is just, proportionate and accessible to all and works better for everyone, from judges and legal professionals, to witnesses, litigants and the victims of crime. This Bill is part of a wider legislative agenda that underpins the court reform programme and collectively contributes to benefits of approximately £237 million per annum at steady state from 2024/25. The Government has already delivered the Court and Tribunals (Judiciary and Functions of Staff) Act 2018 which will enable more flexibility in judicial deployment and effective deployment and utilisation of our staff. The Government has committed to introduce further court reform legislation when Parliamentary time allows.
2. The courts and tribunal system is the key mechanism through which we provide access to justice. They provide the basis for resolving disputes that delivers the legal security that businesses need in order to invest, regulators need to oversee markets, and citizens need to enforce their rights and that guarantees that authorities obey the rule of law.
3. Currently the civil courts are responsible for handling civil disputes and issues across two main branches of operation: the County Court and the High Court. Both deal with a wide variety of cases, including money claims, consumer complaints, housing disputes, international business disputes, and patent and contract law. In respect of civil claims, over 98% are handled by the County Court¹.
4. The Civil Courts Structure Review (CCSR) was a judicially-led review conducted by Briggs LJ and commissioned – in part – to complement the Government’s consideration of broader court reform. In July 2016, Briggs LJ published his final report in which he advocated the increased use of technology and recommended the establishment of a new and distinct “online court” to resolve most money disputes up to the value of £25k. He argued for a design that provided litigants with effective access to justice without having to incur the disproportionate cost of instructing lawyers.
5. On 15 September 2016, the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals published a joint statement of intent on transforming the justice system² As part of the ‘transforming our justice system’ joint statement and following the publication of the CCSR, Ministers agreed to establish a new and simpler pathway to justice supported by a new online procedure. An earlier Bill (the Prison and Courts Bill), which included similar provisions, was introduced into the House of Commons on 23 February 2017, but did not complete Committee stage before the dissolution of Parliament prior to the general election.
6. The proposed Online Procedure Rules Committee (OPRC) will deliver simplified rules that make it easier for parties to resolve disputes earlier using effective triage services and online dispute resolution, or via a mediated settlement, so reserving judicial time for only the most complex cases. The OPRC will do this by making rules easier to understand and navigate by focussing on three core areas:
 - (a) Devising new rules that will focus on users being able to solve grievances and resolve their issues online at the earliest opportunity, that is, to categorise their difficulties, and understand both their entitlements and the options available to them. It is also expected that being better informed will help court users to resolve difficulties or complaints before they develop into substantial legal problems.

¹ This is based on 1.62m claims being issued by County Courts in 2014 compared to fewer than 25,000 proceedings started in 2014 across the Queen’s Bench and Chancery Divisions in the High Court. Source: MoJ Civil Justice Statistics Quarterly.

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/553261/joint-vision-statement.pdf

- (b) Enabling the development of new rules to express a greater emphasis on online facilitation and early resolution. This facilitation is in the spirit both of ADR (alternative dispute resolution) and of EDR (early dispute resolution).
 - (c) Open up the opportunity for the OPRC to build on existing digital pilots to continue to identify opportunities, where appropriate, for more streamlined hearings that reflect the needs of the users and are more proportionate to the case. This could, where appropriate, be largely on the basis of papers submitted electronically as part of a structured process of making and responding to an online claim and the broader use of technologies such as video hearings and teleconferencing (where separately provided for in existing legislation and rules). This process will be supported, where necessary, by assisted digital support.
7. The Government have agreed that the OPRC, in addition to civil money claims, should be capable of applying to family and tribunal proceedings from the outset, with one committee having responsibility for making separate, bespoke rules for each jurisdiction. It is also envisaged that the OPRC will have the power to appoint members as necessary to advise and, if required, draft rules for consideration and making by the rules committee, with the Lord Chancellor retaining the power to allow or refuse the rules. The OPRC will not have responsibility for online rules in the criminal jurisdiction.
 8. This Impact Assessment (IA) assesses the options available to allow for the creation of an OPRC to meet the government's wider policy objectives.

B. Policy Rationale and Objectives

9. The conventional economic rationale for government intervention is based on efficiency or equity arguments. Government intervenes if there is a perceived failure in the way a market operates ("market failures") or if it would like to correct existing institutional distortions ("government failures"). Government also intervenes for equity ("fairness") reasons.
10. The rationale for intervention in this instance is efficiency: managing outdated processes are costly for both the Government and court users, including businesses. Working with the senior judiciary, the government has concluded that continuing gradual reform of the justice system based on individual jurisdictions will not be sufficient to deliver the level of change needed and at the pace required, either in terms of delivering the system-wide improvements needed by court users or the reduced costs needed to ensure that the system delivers justice in a proportionate and sustainable way. Instead it is seeking to take forward a radical and ambitious programme of reform that will apply common online design features and principles across the Civil, Family and Tribunal Jurisdictions.
11. The associated policy objective is to allow the development of online procedural rules through the OPRC which will fundamentally change the user experience and reduce costs by providing online rules which will be more accessible, intelligible and simple to navigate. This will help to create a court and tribunal system that will proactively help people to navigate their online claims based on the core principles of early facilitation, containment and early resolution which has the minimum number of steps possible that people need to go through to obtain justice while improving access to justice.
12. The online procedure will allow us to launch straightforward digital services that allows everyone to access and understand the system. As online rules develop across the Civil, Family and Tribunal Jurisdiction, we expect that many more cases will be resolved entirely online, with clear information about what is happening and what to do next, as well as openness and scrutiny by the public regarding the nature of rules being applied.

C. Affected Stakeholder Groups, Organisations and Sectors

13. The following groups would be most affected by the options analysed in this Impact Assessment (IA).
 - HM Courts and Tribunals Service (HMCTS);
 - Court Users, including litigants in person;
 - The Judiciary;

- Solicitors and other legal services providers.

D. Description of Options Considered

14. To meet the policy objectives, the following options have been analysed in this IA:

- **Option 0/Baseline: Deliver the online procedure through existing rules;**
- **Option 1: Establish a new Online Procedure Rule Committee for civil money claims only;**
- **Option 2: Establish an Online Procedure Rule Committee for the civil, family and tribunals jurisdictions.**

15. Option 2 is the preferred option as it best meets the government's policy objectives.

Option 0: Baseline

16. Under this option, the new online procedures would be established within the scope of the current powers and through the existing jurisdictional rules committees.

17. There is, however, a concern that this option would not provide the sort of cultural change required to get the most benefit from the new online approach. In particular there is a need for a set of simple, common rules which would set out the process by which people will be able to engage with the online procedures, providing users with clarity on their obligations. In order to be successful, the online procedures must also be designed to be accessible to those without legal assistance.

18. The government does not believe, however, that the current rules committees are well placed to deliver such a new approach to court rules. While the current rules committee have the expertise to make rules in the more traditional court system we believe that a fresh approach is required which will make rules that complement and facilitate the increasing use of technology in the court system that has the full backing of Judiciary and which builds upon the tradition of existing rule making.

Option 1: Establish a new online procedure rule Committee for civil money claims only.

19. Under this option an OPRC would be set up with initial responsibility only for the area where the requirement for online rules has already been articulated – the online procedure for civil money cases.

Option 2: Establish an online rules committee for the Civil family and tribunals jurisdictions.

20. This option would expand the scope of the new online procedure rules committee to cover civil, family and tribunals from the very start of its existence. Our intention is to maximise the use of new technology and innovative approaches across different jurisdictions where necessary and appropriate. This option therefore provides for that and is clear from the start about our ambition. It also ensures one jurisdiction (civil) is not favoured above others and provide for the possibility of some core element of standardisation for common rules across jurisdictions.

21. Currently there are separate statutory rule committees for each jurisdiction, with statutory rule making powers. We do not propose to abolish the existing rules committees who will continue to make rules of court in their own jurisdictions. This legislation does not, in itself, create new areas of online working. Regulations made in secondary legislation and subject to the affirmative resolution procedure must stipulate the proceedings in respect of which the Online Procedure Rule Committee may make rules. We expect the committee to start by focusing on the areas of digital working that already form part of our modernisation programme and ensuring these areas are simple, intuitive and accessible for the public.

22. The OPRC will comprise of a core committee supported by sub-committees to provide additional expertise for each jurisdiction – likely, but not necessarily, sitting with at least one member of the

main committee. The sub-committees will not have the power to make rules but will advise and recommend specific rules to the core group for consideration who will then make the rules. This will provide some core element of standardisation for common rules complemented by jurisdiction specific expertise where required. It will also maintain a core group of people, so limiting the actual numbers on the formal committee to provide a relatively small, agile committee structure which we believe is necessary to provide clear and concise court rules.

23. The OPRC should be no larger than is necessary to achieve this purpose. Accordingly, we consider that the committee should consist of 6 members, namely:

- (a) Three judges to be appointed by the Lord Chief Justice;
- (b) One person with legal expertise; and
- (c) Two other persons at least one of whom should have experience of the lay advice sector or consumer affairs, to be appointed by the Lord Chancellor.

24. The Committee will be chaired by a Judicial member (who will have the casting vote should the Committee be tied) and there will also be the power to extend the membership of the OPRC in future if required.

E. Cost and Benefit Analysis

25. This IA follows the procedures and criteria set out in the IA Guidance and is consistent with the HM Treasury Green Book.

26. IAs normally identify both the monetised and non-monetised impacts on the affected individuals and groups with the aim of understanding what the overall impact on society might be from implementing the various policy options. These costs and benefits are then compared to the baseline ('do nothing') option (Option 0). As the 'do nothing' option would be being compared to itself, its costs and benefits would necessarily be zero, as would its Net Present Value (NPV).

27. There are, however, and with the exception of the direct costs associated with the creation of the OPRC, no monetised costs or benefits in this IA. This is because the various options arising from the OPRC would only serve to facilitate the development of rules to underpin the proposed online procedure rather than create benefits and costs of themselves. We also do not feel that, at this stage, it would be appropriate to pre-empt the decisions of the appropriate and independent rules committees.

Option 1: Create a new online Procedural Rules Committee for civil money claims only.

Costs of Option 1

Monetised

MoJ

28. There would be modest costs to the MoJ arising from this option as a result of the need to run the OPRC. It is estimated that these costs would be in the order of £10K per annum on an ongoing basis. The running costs are for travel and subsistence and publications. The £10K figure is based on an extrapolation of the running costs of the existing rule committees.

Non-monetised

HMCTS

29. There may be wider costs associated with implementing the new processes which would be facilitated by this option. Many of these costs will relate to IT and the costs are already part of the wider reform plans to modernise the courts and tribunals system. As we cannot quantify what proportion of these overall implementation costs will be attributable to this legislation, they have not been included in this IA.

Solicitors

30. We expect that the new rule making process would be applied in a way that leads to a more intuitive online court process. This is likely to be the result of establishing a rules committee with different expertise and a specific mandate to open up justice through simpler rules. The online system should improve access to justice for those who would not have legal representation by providing a simple to use online process, underpinned by rules that are more easily understood by those representing themselves which could lead to a reduction in income for solicitors from these cases. However, as is normal in IAs, we have assumed that solicitors and other approved professionals would be able to substitute the time they currently spend on dealing with these cases with other work with the same value resulting in no net loss of income.

Benefits of Option 1

Non-monetised

HMCTS

31. This option would lead to a simplified rule making process which is tailored to deliver simpler and more efficient court processes. It is not possible, however, to quantify the direct monetary benefits to HMCTS arising from the proposed rule making process. Although we cannot pre-empt the content of the actual rules themselves - which would be the responsibility of the OPRC - the intention is that the new rule making process would lead to new digitised processes being introduced in a clearer and more efficient way than is possible under the current rule making process.
32. HMCTS would be in a position to make administrative staff savings as the demand for such staff would be reduced through the implementation of any new digitised processes. Total HMCTS money claims admin staff savings are estimated at approximately £19m for those claims that are less than £25,000. However, as these savings are non-contingent on this specific legislation which only relates to the establishment of the required rules committee they have not been included in this IA.
33. Similarly, we anticipate that the new rule making process would be applied in a way that could lead to efficiencies, including speedier hearings. HMCTS would then be in a position to make judicial savings as the demand for judicial sitting days would be reduced. However, these savings are also non-contingent on this legislation, and so have not been included in this IA.

Court Users

34. We expect that the new rule making process would be applied in a way that leads to a more intuitive online court experience and process that is simple to understand and navigate. This is likely to be the result of establishing a rules committee with different expertise and a specific mandate to create simple rules. This may reduce the need of some claimants to engage lawyers, as one of the design features of the online court is a process which requires less specialist legal knowledge. This could lead to cost savings for claimants and defendants although we have been unable to quantify these.
35. Similarly, the new rule making process would be applied in a way that would lead to an online procedure with a greater degree of mediation and conciliation as a result of new rules being introduced. Cases could then be resolved earlier due to this increased mediation in addition to increased automation and digitisation. This could lead to reduced costs, a less adversarial process and reduced uncertainty. We are, however, unable to quantify any cost reductions resulting from these changes.

Option 1: Overall Impact

36. This option would provide for a new OPRC which will facilitate the introduction of online court procedure for low value civil money claims. The online process, once established, could result in staff savings from reduced staff administrative work, and judicial savings resulting in fewer hearing. Above all, there would additionally be benefits for court users who would experience a simpler, faster and less adversarial process although we cannot quantify these benefits. However, the benefits would

only be delivered in the civil jurisdiction and, therefore, would be less than those which would be delivered if the proposed committee had a wider responsibility for family and tribunal cases.

Option 2: Establish a new Online Procedural Rule Committee for the civil, family and tribunals jurisdictions.

Costs of Option 2

Monetised

MoJ

37. There will potentially be modest costs to MoJ arising from this option as a result of the need to run the new rules making committee. It is envisaged that these costs will be in the order of £10k per annum on an ongoing basis. The running costs are for travel and subsistence and publications. The £10K figure is based on an extrapolation of the running costs of the existing rule committees.

Solicitors

38. For solicitors, the costs will be very similar to Option 1. The only difference is that the potential costs that could result from the process changes facilitated under Option 2 could potentially be greater than Option 1 as some elements of non-money claims, family and tribunals cases could now be in scope. However, as above, we have assumed that solicitors and other approved professionals will be able to substitute the time they currently spend on dealing with these cases with other work of a similar value resulting in no net loss of income.

Benefits of Option 2

Non-monetised

HMCTS

39. For HMCTS these benefits will be similar to Option 1. The only difference is that the potential non-monetised benefits that could result from changes under Option 2 could potentially be greater than Option 1 as some elements of non-money claims, Family, and Tribunals cases will now be in scope.

Court Users

40. For court users, the benefits would be very similar to Option 1. However, under Option 2 there could potentially be a greater number of court users involved depending on which elements of non-money claims, Family and Tribunals cases are added to the list of in scope case types.

Option 2: Overall Impact

41. The overall benefits and costs position under Option 2 would be very similar to Option 1 although the Option 2 non-monetised costs and benefits could both be greater depending on which additional case types are brought into scope.

Preferred Option

42. On the basis of the above assessment, Option 2 - establishing a new online procedure and Online Rules Committee for Civil, Family and Tribunals jurisdictions – is the governments preferred option.

F. Assumptions and risks

Key assumptions

43. The above assessment is based on the following assumptions:

- The OPRC will produce simple rules that are simple to understand by non-lawyers meaning that court users may not need to engage legal expertise as part of their case.
- The three-stage process of the online procedure, set out in paragraph 6, will encourage more people to resolve disputes before they reach the hearing stage. This includes the online facilitation, through mediation/conciliation with a streamlined resolution stage that will be proportionate to the needs of the court user and their case. For those who need help, the assisted digital support programme, will provide assistance to users to engage with the process, which is not contingent upon the Bill.
- There will be the required staff and expertise needed to run the mediation and conciliation parts of the online procedure.
- The existing rules committee will continue and that the regulations setting out what is in-scope of the online rules committee are sufficiently clear so that there is no confusion or duplication.
- There will be no increase in civil money claims or divorce online claims as a result of a simpler and more transparent process.

Risks

44. There are also various risks associated with the options assessed in this IA. Most of these would arise if the assumptions listed above turn out to be different from what we expect.
45. There is also an associated risk that people with the necessary experience and expertise could not be appointed to the OPRC. It must also be borne in mind that responsibility for making the final rules will lie with the new rules committee. We cannot yet know what approach they will take to their rule making responsibilities and what rules, in respect of the online procedure, they may wish to make when they are established.

G. Wider Impacts

Small and Medium Enterprises

46. MoJ and HMCTS officials meet regularly with representatives from the Federation of Small Businesses. HMCTS agreed to work closely with the FSB on the next stages of the Online Civil Money Claims pilot to ensure that the work complemented the requirements of small businesses.

Equalities Impact assessment

47. An Equalities statement is provided in a separate document.

Family Impact Test

48. There is no impact on families.

H. Regulatory Impact

49. There are no direct costs or benefits to businesses arising from the options assessed in this IA.