

Online Procedure Rule Committee

Minutes of meeting 15 April 2024 at 14:30 -16:00

Conducted in a hybrid format at The Rolls Building (Royal Courts of Justice), Fetter Lane, London and via video conference.

Members in attendance

- Sir Geoffrey Vos, Master of the Rolls (MR)
- Sir Andrew McFarlane, President of the Family Division (PFD)
- Sir Keith Lindblom, Senior President of Tribunals (SPT)
- Sarah Stephens (SS)
- Brett Dixon (BD)
- Gerard Boyers (GB)

Non-members in attendance

- Lord Justice Baker
- Lord Justice Birss
- Sarah Rose, MoJ
- Helen Timpson, MoJ
- Irram Khan, OPRC Secretariat
- Joshua Gibson, SPT's Private Secretary
- Wan Fan, MoJ Legal
- Alasdair Wallace, MoJ Legal
- Kate Gregory-Smith, MoJ (item 4)
- Marcia Williams, MoJ
- Rosemary Rand, HMCTS (Item 4)
- Jayne Raynor, HMCTS
- Vijay Prakash (TPC Secretariat)
- Nick Lee, Judicial Office
- Joanne Keatley, Judicial Office
- Bee Ezete, PFD's Private Secretary
- Sam Allan, MR's Private Secretary
- Grace Hodges, MR's Deputy Private Secretary
- Crystal Hung, MR's Legal Advisor

Item one - Welcome, Apologies and Introductory Remarks

1. Minutes of the last meeting - approved.
2. Apologies from Mrs Justice Joanna Smith.

Item two – Delivery programme update

3. SR updated the committee about the new Digital Justice System (DJS) programme board set up internally within MoJ Policy to oversee delivery of the programme.
4. HMT have confirmed £28 million capital funding over 4 years for the Family One Stop Shop, including £5 million in financial year 24/25 as part of a package of measures announced in the Budget around the theme of productivity. This will build on the digital exemplar carried out in private family law. The work will be developed in collaboration with family justice policy, and

to ensure alignment between the 'one stop shop' and other family initiatives, family policy have established Private Family Law Delivery Group.

5. The MR inquired about the role of the ORPC in this project. SR responded that the OPRC would have a role in ensuring the design of the digital service aligns with DJS vision.
6. SR confirmed that existing DJS budget (£2.5 million capital for 24/25) will be allocated to the civil jurisdiction. There will be a 6-week phase of identifying possible solutions and options that build on the civil exemplar project. There will be a consultation with the judiciary and stakeholder groups to gather views to shape this next stage.

Item three - OPRC Statutory Instrument update

7. HT provided an update on the timeline for the implementation of the OPRC Statutory Instrument (SI) and informed the committee that she had presented a paper at the Family Procedural Rule Committee meeting earlier in the day on the proposal for financial remedies. HT noted that she will also be engaging with the Civil Procedural Rule Committee and the Tribunal Procedure Committee in May. MoJ will be seeking agreement from the Lord Chancellor on the proposals for the (SI) for property/possession and financial remedies, with the intention for the SI to be laid in parliament shortly before or just after summer recess but highlighted the risk that a general election may impact the timeline.
8. HT confirmed there had been ongoing discussions with MoJ lawyers about the interpretation of Section 24. The committee agreed that they would not require a paper on this but requested to be advised of risks as things progress to ensure the OPRC stays within their statutory remit.

Item four - Approach to rule making for the new HMCTS digital system for possession cases

9. KGS provided an overview of the current work of the civil jurisdiction including the Renters (Reform) bill and highlighted potential issues and time pressures. The MoJ Civil Law Policy team have been working with DLUHC to progress the bill and are anticipating that the bill will receive royal assent by July 2024. The department has received initial funding from DLUHC to start scoping a new digital system for possession claims which will be built by HMCTS.
10. The development of the new digital system will start in September 2024 and the rules will need to be developed alongside the delivery of the digital system. KSG invited the committee for their views on how the OPRC can take rule making forward within the accelerated time scales.
11. Birss LJ suggested the OPRC utilise the CPRC housing sub-committee as a working group for the OPRC. SPT recommended including members of the TPC in the working group as housing/possession would also include the tribunals jurisdiction.

12. The committee agreed on the importance that the new possession system would allow for expansion to other property matters, should that decision be taken.

Item five – The role of the OPRC in relation to CFT governance

13. The MR invited the OPRC to discuss the role of the OPRC in CFT governance, noting that the essential question arising from the paper was the distinction between the digital court system and the pre-action DJS. There would be connections between the pre-action process and court process. The OPRC would set standards for the pre-action DJS under Section 24, and for the digital court process once the areas concerned were identified in a statutory instrument.
14. The committee indicated that the paper circulated setting out the parameters was useful in understanding the role of the OPRC.

Item 6 - Stakeholder engagement

15. SS reflected on the recent Legal Support and LawTech UK events. SS discussed key themes arising from the Legal Support event included data standardisation and the challenges of keeping up with digitisation.
16. The committee discussed plans for outreach and agreed that to have a full discussion on a communications plan at the next meeting.
17. HT confirmed that MoJ have been considering further content for the OPRC website and suggested holding an annual OPRC open meeting to increase the visibility of the committee.

Item 7 - Microsoft Co-pilot

18. HT opened the discussion and invited the committee for their views on use of Microsoft Co-pilot to aid the Secretariat. The committee agreed and requested regular updates. HT confirmed that as this was a pilot, MoJ would be asking for regular feedback.

Item 8 - Discussion points:

Sub-committee recruitment:

19. Birss LJ confirmed that following the moderation meeting, 10 candidates will be appointed to the sub-committees.
20. The committee agreed that the current sub-committee members will host an initial induction event in May which will include an introductory speech by the MR.

21. The committee thanked MoJ, and members of the committee involved in the recruitment exercise.

AOB

- Nothing raised.

ACTIONS & DECISIONS

1. Meeting to be arranged with the judicial members to discuss the proposals on financial remedies.
2. Communications plan for the next meeting.
3. OPRC website details to be circulated to the committee.