

## Online Procedure Rule Committee

Minutes of meeting 13 May 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
- Harriet Ainsworth-Smith
- Irram Khan, OPRC Secretariat
- Joshua Gibson, SPT's Private Secretary
- Wan Fan, MoJ Legal
- Alasdair Wallace, MoJ Legal
- Maxine Paintain, MoJ
- Tracey Parker-Priest
- Rosemary Rand, HMCTS
- Vijay Prakash (TPC Secretariat)
- Carl Poole (CPRC Secretariat)
- Nick Lee, Judicial Office
- Bee Ezete, PFD's Private Secretary
- Sam Allan, MR's Private Secretary
- Crystal Hung, MR's Legal Advisor

### **Item one - Welcome, Apologies and Introductory Remarks**

1. MR opened the meeting by emphasising the need to set a clear objective to finalise the SI as soon as possible, establish the sub-committees to commence work on projects, and to focus on publicity for the committee.
2. Minutes of the last meeting - approved.
3. Apologies from Mrs Justice Joanna Smith.

### **Item two – Delivery programme update**

4. SR provided an update from MoJ Policy. She highlighted the progress and challenges in each area and the need for alignment and collaboration across policy, delivery and digital teams. SR confirmed recruitment is underway for a delivery partner for the private family law pilot known as the One Stop Shop (previously the family exemplar). The civil workstream is currently in an ideation phase, exploring of challenges around defendants not engaging until later in the process.
5. SR mentioned the ongoing work with HMCTS to understand resourcing in relation to the digital transfer of cases.

**Item three - OPRC Statutory Instrument update**

6. HT confirmed that discussions had taken place following the last meeting, and agreement had now been reached for financial remedies in the family jurisdiction. HT also discussed provisional timings for the statutory instrument (SI) that would enable the OPRC to make online procedure rules. Once ministerial agreement has been sought, work can commence on drafting the SI and MoJ can seek a parliamentary laying date.
7. The committee agreed to keep the scope of the SI broad in relation to family and include all of financial remedies and to keep the scope for property in civil and tribunals as broad as possible.
8. PFD recommended that the committee should work with the Family Procedure Rule Committee on drafting the rules. MR confirmed that consulting the other rules committees would be one of the first tasks for the Rules, Governance and Liaison sub-committee.
9. The committee discussed the need to consult with the senior judiciary before finalising the drafting of the SI. HT confirmed a process was planned for this.

**Item four – Communication Plan**

10. HAS gave an overview of suggested opportunities for promoting the work and vision of the OPRC as set out in the communications paper. These included, an open committee meeting, webinars, and ideas for content on the website. HAS also suggested using the one-year anniversary of the OPRC as an opportunity to raise the profile of the committee with the involvement of the Lord Chancellor.
11. The committee agreed that an open meeting should take place in October and suggested MoJ and JO to discuss content for the website.
12. The committee discussed drafting a mission statement as an opportunity to better understand the work of the committee. It was agreed a draft would be discussed at the next meeting.

**Item five – Rules as code**

13. KF provided an overview of the different approaches and challenges of making rules that are flexible, transparent, and aligned with IT systems. She also suggested some ways of simplifying and streamlining the rules and the IT design.
14. Birss LJ considered the historical challenges with the development of IT systems and emphasised the need to learn from past experiences. Birss LJ also clarified the distinction between rules, practice directions and forms, highlighting the advantages and disadvantages of each.

15. The committee discussed adopting a framework approach to designing digital rules. The committee also agreed to explore more innovative and user-centred ways of making rules, especially in the pre-action space.

**Item 7 - Discussion points:**

**Sub-committee members induction meeting:**

- The committee noted the induction meeting is arranged for 10 June and discussed preparing the agenda for the meeting and allocating work streams to the sub-committee members.

**AOB**

- The secretariat received a request from Judge Nishimura to observe an OPRC meeting, and MR agreed that Judge Nishimura could be invited to attend.

**Actions**

1. MoJ to provide the latest version of the Policy Portfolio dashboard.
2. MoJ/Secretariat to arrange an open meeting for October.
3. MoJ and JO to discuss content for the website.
4. Secretariat to add the mission statement as an agenda item for the next meeting.
5. Secretariat to arrange future sub-committee meeting dates.