

Online Procedure Rule Committee

Minutes of meeting 15 July at 14:00

Members in attendance	Non-members in attendance
<ul style="list-style-type: none">• Sir Geoffrey Vos, Master of the Rolls (MR)• Sir Andrew McFarlane, President of the Family Division (PFD)• Sarah Stephens (SS)• Brett Dixon (BD)• Gerard Boyers (GB)	<ul style="list-style-type: none">• Lord Justice Baker• Lord Justice Birss• Sarah Rose, MoJ• Sally Parkinson, MoJ• Kate Gregory-Smith, MoJ• Harriet Ainsworth-Smith, MoJ• Helen Timpson, MoJ• Natasha Clegg, MoJ (secretariat cover)• Amrita Dhaliwal, MoJ• Wan Fan, MoJ• Rosemary Rand, HMCTS• Nick Lee, Judicial Office• Joanne Keatley, Judicial Office• Joshua Gibson, SPT's Private Secretary• Crystal Hung, MR's Legal Advisor• Sam Allan, MR's Private Secretary• Bee Ezete, PFD's Private Secretary

Apologies

- Sir Keith Lindblom, Senior President of Tribunals (SPT)

Item 1: Welcome, Apologies & Introductory Remarks

1. MR opened the meeting, noting that since the previous meeting of the OPRC a new Government had been appointed. He noted that the change in Government might impact the activities of the OPRC and that there would be a further discussion on this later in the meeting.
2. The meeting today will be followed by an induction meeting for the OPRC sub-committee members, with the swearing in of the Lord Chancellor, Attorney General, and Solicitor General in between.
3. Secretariat confirmed the names of the new sub-committee members have now been published on the OPRC webpage on gov.uk.
4. The minutes of the last meeting, on Monday 10 June, were approved.
5. MR noted that no actions on the log were open for discussion.

Item 2: MoJ Update and Forward Look

6. Sarah Rose (SR) introduced Sally Parkinson (SP) as the new Director of Judicial and Legal Services Policy in MoJ.
7. SR gave a programme update, focusing on the impacts of the change in Government. She informed the OPRC that it was likely Heidi Alexander MP will be the minister overseeing the Digital Justice System (DJS) programme's portfolio in Policy Group and agreed to circulate the full list of ministerial portfolios upon receiving a finalised version.
8. SR confirmed that by October, the OPRC can expect to see greater detail in the ecosystem mapping and clarified that in Private Family Law a solution/tool will not be live until early 2025.

9. On the Civil Discovery, next steps include developing the workstream options in further detail and stress testing the options with MoJ Policy teams and views from ministers. SR agreed to share the Civil Discovery pack with the OPRC.
10. The MR stressed that the timetable for the Statutory Instrument (SI) needs to be pushed forward at pace.

Item 3: Priorities for the Sub-Committees

11. Gerard thanked the OPRC secretariat for its support in coordinating the sub-committee induction event.
12. The OPRC discussed the recommendations in Paper 3. The following decisions were reached:

12.1. Decision A: Does the OPRC agree with the approach outlined in Paper 3 and formally approve the formation of the sub-committee?

Members agreed that a single plenary sub-committee will meet once per month, virtually, for the foreseeable future.

12.2. Decision B: Is the OPRC content for the sub-committee to proceed on the basis of eight initial workstreams?

OPRC members agreed that they are happy for the sub-committee to proceed with the eight initial scoping workstreams listed on pages 2 to 3 of Paper 3.

12.3. Decision C: Is the OPRC content to approve the appointments as listed in Annex A?

Yes, the OPRC is content to approve the listed appointments. BD said that there was a group of people who did not make it onto the sub-committees who would be a useful expertise to draw on in future. The OPRC agreed.

12.4. Decision D: Does the OPRC wish to approve all future appointments or leave this to the discretion of the chair of either the OPRC or the sub-committee?

OPRC members agreed that the sub-committee can appoint future members, on the understanding that they should be ratified by the OPRC.

12.5. Decision E: Does the OPRC wish to impose any requirements regarding the future make-up of the sub-committee with regards to either total numbers or percentage judicial and lay membership?

GB explained that the make-up of the sub-committee is a blend of senior judicial members, judicial appointees, and external members, as well as members of the OPRC. The OPRC agreed that a draft policy/ guideline on the process of appointing members to the sub-committee is required. Sam Allan agreed to share a draft guideline from the Civil Justice Council.

12.6. Decision F: Does the OPRC agree that the sub-committee is free to agree its own chair? Decision G: Does the OPRC wish to specify any requirements on the sub-committee when selecting a chair?

The members discussed possible approaches to chairing sub-committee meetings, including the six core members rotating the role or chairing jointly (one lay and one judicial chair). The OPRC agreed that whilst the sub-committee finds its feet, the requirements of a chair would be light touch (ensuring reporting back to the main committee). They would agree guidance at the time of drafting guidelines on membership (see point 17.5).

12.7. Decision H: With regards to any of the workstreams related to making or developing rules, the OPRC will need to have the final say before any binding rules are put in place. Are there any other parameters the OPRC would like to specify that the sub-committee work under?

MR stated that whilst it should be clear that the OPRC is not delegating authority or decision-making power to the sub-committee, this should not delay the pace of their work. It was agreed that the committee will revisit this point as and when necessary.

GB asked if there were any other parameters that the OPRC wanted to set for the sub-committee. He recommended that it is recorded in writing that the sub-committee must report to the main committee at each OPRC meeting.

Item 4: Mission Statement

13. MR invited comments on the draft mission statement. Members agreed that “aim” should be amended to “purpose” in the first line. MR recommended that attendees take an action to review the mission statement and recommend any changes ahead of the next meeting in October, by which time ministers will have given their steer.

Item 5: Future Priorities

14. This agenda item was included as an opportunity to think about “what’s next” for the OPRC considering the new sub-committee launching. It was decided that it is too currently too soon to consider this but that it should be added to a future agenda for discussion once the sub-committee is up and running.
15. SR added that she would like to bring more formalised and structured updates from across Policy teams to future OPRC meetings, to inform OPRC discussions about future priorities.

Item 6: Sub-Committee Induction Event

16. The group discussed the upcoming induction event, its agenda and timings.

Item 7: Any Other Business and Close

17. There was no further business.
18. The OPRC will next meet on 7th October.

Actions:

- Sarah Rose agreed to share the Civil Discovery pack with OPRC members.
- Sam Allan will share CJC appointment guidelines as an example for the OPRC to refer to.
- OPRC members to revisit decisions E, F, G of paper 3 in a future meeting.
- OPRC members to revisit decision H of Paper 3 as and when it becomes relevant.
- All attendees to review the draft mission statement and recommend any changes ahead of the next meeting in October.
- OPRC Secretariat to add agenda item 5, ‘Future Priorities’, to be added to the agenda for October.