

## Online Procedure Rule Committee

Minutes of meeting 21 October 2024 at 14:00 -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
- Mrs Justice Joanna Smith (JS)
- Sarah Rose, MoJ
- Helen Timpson, MoJ
- Harriet Ainsworth-Smith, MoJ
- Irram Khan, OPRC Secretariat
- Rosemary Rand, HMCTS
- Nick Lee, Judicial Office
- Bee Ezete, PFD's Private Secretary
- Sam Allan, MR's Private Secretary
- Charlotte Hughes, SPT's Private Secretary
- Antonio Perra, MoJ
- Graeme Wood, MoJ

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

1. The MR started the meeting with a welcome to the new legal year and reassurance about his positive engagement with the new government on the digital justice system.
2. The MR expressed his excitement at the prospect of seeing the SI laid early next year and emphasised the urgency of promulgating draft rules for the possession platform and the family project to support this.

### **Item two – Statutory Instrument Update**

3. Helen Timpson provided an update on the SI, stating that ministers have agreed to give the OPRC rule-making powers in relation to property proceedings in civil and tribunals and financial remedies in family, subject to parliamentary approval.
4. The SI is on schedule for a January laying date, with the parliamentary passage expected to be complete by Easter. The MR noted that March would be preferable.

### **Item three - Mission Statement Discussion**

5. Nick Lee presented a revised version of the OPRC mission statement, incorporating feedback from previous meetings.
6. There was a discussion about the connection between the mission statement and the overarching principles being developed by sub-committee. There was concern that the mission statement development should co-ordinate with the work by the sub-committee to develop overarching objectives.

7. It was suggested the mission statement needed to be short and clear, focusing on the high-level purpose of the committee.
8. The MR suggested sub-committee consider the drafting of the mission statement ensuring it doesn't impact on future rules and stressed the importance of getting it right at this critical stage in the Committee's development.

#### **Item four – Sub Committee**

9. Birss LJ provided an update on the subcommittee's work over the summer, highlighting the enthusiasm and collaborative thinking. He noted that the change in government and need to wait for clarity on some issues such as budget had led to some uncertainty on the way forward.
10. The committee discussed the need for a digital justice system architecture, with a focus on creating a model for pre-action rules. The MR stated that the role of OPRC is to create the architecture for those connections and to put in place a set of rules for those operating in the pre-action space requiring compliance with a set of data standards.
11. There was discussion around the perception the legal profession could have of this work, and the importance of engagement.
12. There was some concern regarding the time commitment required by members of the sub-committee and whether there are too many workstreams. The committee gave support to prioritise and streamline workstreams.
13. The discussion concluded by highlighting the importance of delivering rules promptly once the SI was laid, whilst having an eye to the strategic direction of the committee and a persuasive blueprint for digital justice.

#### **Item five – Property/Possession**

14. There was discussion around digital design and build and rule making – and how the governance of decision making is managed.
15. It was noted that the 'principles' or 'requirements' relating to a new system should be written down at a high level before work commences to ensure everyone sets off with a shared understanding. That work is underway already by the Property and Possession sub committee in close liaison with HMCTS and a draft has been shared with the committee.
16. The committee noted the requirements should include that the system would be suitable to be expanded to deal with other property cases, should that decision be made by government. It was also agreed a property chamber judge should be nominated to sit on the property and possession sub committee.
17. SS spoke to the need to ensure a fully inclusive framework is in place taking account of the most vulnerable users. RR confirmed discussions were ongoing with the HMCTS user insight team and would follow up outside of the meeting. It was agreed that SS should amend the wording around inclusion in the requirements document to strengthen the intent.
18. There was discussion on Litigants in Person (LiP). There is a requirement for LiPs to be able to use any system created meaning every possession case will have a digital file while also providing for LiPs to come to court with paper copies of documents which can then be scanned and added to the system.
19. The importance of having a test environment or digital twin for the system was highlighted for both supporting rule making and training, and would need to be reflected in the requirements document. HMCTS would consider how this is best achieved.

### **Possession Map**

20. Antonio Perra led a discussion on the mapping work being done on property possession providing an opportunity to share the maps with those at the meeting. The committee thanked the team for sight of this work and the importance of taking a system view. It was agreed the mapping would be very useful for aiding the OPRCs thinking for rulemaking in the pre action space.

### **Item Six: Private Family Law Exemplar project**

21. Grace Hodges updated on the work going on in the Private Family space. She stressed the role of user centred design in the work and that there has been a lot achieved in a short space of time.
22. The next step was to work through a number of options, prioritising solutions for build and testing. A further update would be available by the next meeting.

### **AOB**

23. Next meeting – 11 November 2024.
24. Planning for an event in Spring (March 2025) to coincide with the committees work programme being formalised.

### **Actions**

1. **Statutory Instrument:**
  - Secretariat to circulate the first draft of the SI with a covering note from Wan Fan explaining the intentions.
  - Helen Timpson to provide an update on the confirmed laying date to be once available.
2. **Mission Statement:**
  - Sub-committee to refine the mission statement and ensure it aligns with the future rules.
  - Final version to be agreed upon at the next meeting.
3. **Sub-committee:**
  - Sub-committee to focus on three workstreams: possession, family financial remedies, and pre-action digital justice system rules.
4. **Property/Possession:**
  - Birss LJ, Sarah Stephens and Rosemary Rand to consider updated working for the requirements document for the new possession service to cover property scope, inclusion and a 'digital twin'.
  - Revised version of the requirements to be discussed at the next committee.