

Online Procedure Rule Committee

Minutes of meeting on 9 December 2024 at 14:00-15:00

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
- Sarah Rose, MoJ
- Harriet Ainsworth-Smith, MoJ
- Irram Khan, OPRC Secretariat
- Faizah Motala, OPRC team
- Wan Fan, MoJ
- Amrita Dhaliwal, MoJ
- Vijay Prakash, TPC Secretariat
- Nick Lee, Judicial Office
- Joshua Gibson, Judicial Office
- Crystal Hung, MR's Legal Advisor
- Sam Allan, MR's Private Secretary
- Laura Packham, PFD's Assistant Private Secretary

Item one - Welcome, Apologies and Introductory Remarks

1. Apologies: None
2. Minutes: the minutes from last meeting on 11 November 2024 were approved with agreement that the possession requirements should be included as an annex.

Item two – Mission statement and wider communications

3. The mission statement was discussed, and the committee agreed the version recommended by the sub-committee should be published on the OPRC webpage.
4. The committee agreed that a public statement about the OPRCs work programme should be made around Easter to coincide with the Statutory Instrument (SI) coming into force.
5. The committee agreed to host a public event and a public meeting. The committee proposed that the public event should take place around the time the SI comes into force and the public meeting should take place two months following this.
6. The committee were informed of the provisional date for the sub-committee and OPRC to meet in January (29th).

Item three – OPRC Statutory Instrument (SI)

7. Following a meeting with the judicial members of the committee, MoJ Legal are amending the draft SI to clarify that OPRC's power does not prevent other rule committees from drafting rules for specific proceedings. MoJ Legal confirmed a revised draft would be ready by the end of the week.
8. Parliament has approved the laying date of 29 January for the SI and work is on track to meet the deadline.
9. The committee discussed potential areas for the next SI and suggested considering Online Civil Money Claims, damages online, and possibly employment. They agreed to explore further proceedings from the family and tribunals jurisdictions at a future meeting.
10. The committee discussed the timelines for developing the rules for the possession service. Further work would be undertaken by the Property and Possession Working Group with HMCTS to fully understand when these need to be in place. The committee gave their full support to this work.

Item four – Sub-committee

11. The core six sub-committee members provided an overview of work undertaken since the last meeting.
12. The Possession and Property working group consists of a steering group, main working group, and testing group. At the next meeting HMCTS will be presenting their Level 1 service designs.
13. The committee explored creating model rules for the pre-action space, focusing on financial remedies. They highlighted the need for a clear a framework before drafting the rules. They agreed that the rules should be intelligible and user-friendly, avoiding complex legal language.
14. It was agreed there would be a further meeting with judicial members to discuss the model rules.
15. Baker LJ agreed to prepare a concept paper on the model rules for the next meeting (February 2025).
16. The core six sub-committee members also highlighted that inclusion would either become a distinct focus or integrated into all three workstreams.

AOB

17. Birss LJ noted that the meeting minutes are difficult to locate on the OPRC website. Secretariat team has agreed to investigate this issue with the web team.

Actions

- Secretariat to publish the minutes from the November meeting on the OPRC website
- Secretariat to publish the mission statement on the OPRC website.
- MoJ Legal to provide the revised draft of the SI.
- Baker LJ will prepare a concept paper on model rules for the next meeting after discussing with the MR.
- Secretariat to add a discussion about the proceedings to include in the next SI at a future meeting
- JO to arrange for a tribunal judge to join Property and Possession working group.
- JO to arrange a meeting for the judicial members to discuss the model rules.
- The Secretariat team will review the OPRC website format and address the issue with finding minutes.