

## **Online Procedure Rule Committee**

Minutes of meeting on 17 March 2025 at 14:00-15:30

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)

### **Speakers**

- Lizzie Checkley, MoJ, Item 3
- Melissa Smith, MoJ, Item 3
- Sarah Rose, MoJ Item 2, 4 & 5
- Jennifer Tugman, GLD, Item 4
- Rosemary Rand, HMCTS, Item 6
- Flora Freeman, HMCTS, Item 6

### **Non-members in attendance**

- Lord Justice Birss
- Lord Justice Baker
- Sarah Rose, MoJ
- Harriet Ainsworth-Smith, MoJ
- Irram Khan, OPRC Secretariat
- Ella Howatson, OPRC Secretariat team
- Amrita Dhaliwal, MoJ
- Marcia Williams, MoJ
- Elena Birchall, GLD
- Nick Lee, Judicial Office
- Crystal Hung, MR's Legal Advisor
- Amy Shaw, Acting Private Secretary to the MR
- Connor Keschari-Robson, Deputy Private Secretary to the MR
- Heidi Bancroft, SPT's Private Office
- Kate Aujla, Deputy Secretary to the Civil Procedure Rule Committee
- Garrie Hall, HMCTS
- Emma Petty, HMCTS

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

1. Apologies: Mrs Justice Joanna Smith.
2. Minutes: the minutes from last meeting on 10 February were approved.

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

3. MR noted the SI to give the OPRC rule making power was being debated in both houses on the day of the committee (17 March 2025). Should the SI pass as expected, the committee would have the ability to make rules once the Parliamentary process, including the signing of the SI, had concluded.

4. SPT noted that there may be a delay in the passage of the Renters' Rights Bill. He noted the likely increase in demand on courts and tribunals resulting from this legislation and the importance of digitalisation in managing this demand. The MR asked that the committee be kept up to date with the progress of the Bill.

### **Item three – Legal Aid**

5. Melissa and Lizzie provided an update on legal aid policy work, including fee proposals, a consultation document, the overall vision and their ways of working, including a multidisciplinary approach.
6. The committee discussed the potential impact of the provision of legal advice online, noting that this would be transformational to the justice system, and align with the development of the 'digital justice system'.
7. The MR suggested the Legal Aid policy team follow-up separately with both Sarah Stephens, leading the inclusion workstream, and Baker LJ who is leading the pre action workstream given the areas of mutual interest. Sarah Rose (SR) confirmed she would also be working with the Legal Aid team to ensure alignment.
8. The committee agreed that it would be helpful to have another update at a future meeting.

### **Item four – Delegation from OPRC to Property and Possession working group**

9. SR and JT introduced paper 3 and the decisions sought from the committee.
10. The committee discussed and agreed to the forming of the Property and Possession Working Group (P&PWG) and to delegation of power from the OPRC to P&PWG. This would enable the group to conduct ongoing conversations with HMCTS in regard to the design and delivery of the digital possession system. It was noted that no rules would be made without the OPRCs agreement.
11. The committee discussed the suggested additions to the P&PWG Structure Document to confirm the P&PWG remit in relation to the development of rules for the digital possession service and these were agreed. The SPT noted that the document should be amended to include a tribunal judge as member. The expressions of interest exercise to identify this judge was expected to conclude soon.
12. The committee agreed to the remit and reporting arrangements for the P&PWG.

### **Item five - Property and Possession workstream rules discussion**

13. SR introduced paper 4. The Committee's discussion focused on Annex A, a table which sets out elements of procedure which may need to be set out in

rules. These included both elements which will need to be covered in all OPR, and those which relate solely to possession proceedings. The Committee discussed the different forms the OPR could take – either a single set of rules which would be expanded each time a new proceeding comes into the remit of the OPRC, or a stand-alone set of rules for each type of proceeding.

14. The committee discussed that in either scenario, there was need for ‘core’ OPR which would include general principles around digital access, inclusion, and fairness. The principle of transparency was highlighted and the importance of people being able to view the online system, even when not bringing a claim.
15. It was noted that some of the proceedings for which the OPRC will make rules will affect vulnerable or disadvantaged users and it was important that their needs were taken into account in the process.
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17. The committee then discussed the potential to have a more technologically advanced solution for the rules rather than a set of documents, such as the White Book. The MR suggested looking at the European Model Code, as the drafting style and content could be similar, particularly in relation to the ‘core’ rules.
18. The committee agreed that these core rules should be transposable, not over complex and transparent to the public.
19. It was agreed this steer be provided to the P&PWG at their next meeting in order for them to progress the rule making for the possession service.

#### **Item six – Digital Possession Service**

20. HMCTS presented to the committee on the Digital Possession Service, including how their work is addressing the OPRC requirements, working group structure, highlights from the discovery phase, and next steps.
21. The MR thanked the presenters and noted progress.

#### **Item seven– Sub-committee**

22. Baker LJ updated the committee on the work of the pre-action model workstream. He noted there had been constructive discussion amongst the workstream members and the focus was now putting down proposals on paper for the workstream to put forward for discussion by the OPRC.
23. SS updated the committee on the work of the Inclusion workstream. Progress has been made on the framework and a substantive discussion will take place at the April OPRC.
24. Gerrard Boyers provided an update on the Futures workstream. The committee is focusing on technical and data standards and forward-thinking innovation. They will report back for further direction from the committee.

**AOB**

25. Date of next meeting: 14 April 2025.
26. BD raised an event the Law Society are planning to celebrate 25 years of CPRC. The group discussed the event and opportunity to promote understanding of the work of the OPRC. Action: MoJ to take forward discussions with BD

**Actions**

- Legal Aid Policy team to meet with SS and Sarah Rose to discuss cross over with the inclusion workstream.
- Ensure P&PWG paper reflects the appointment of a tribunal member once the EOI has been completed.
- MoJ and BD to discuss next steps for a joint OPRC and CPRC event.