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Online Procedure Rule Committee

Minutes of meeting on 23 March 2026

Conducted in a hybrid format at The Royal Courts of Justice (Rolls Building) and via MS Teams

| Members in attendance | Non-members in attendance |
|---|---|
| Sir Geoffrey Vos, Master of the Rolls (MR) (Chair) Sir Andrew McFarlane, President of the Family Division (PFD) Gerard Boyers (GB) Sarah Stephens (SS) | Lord Justice Baker Lord Justice Dove (in place of Sir James Dingemans (SPT)) Mrs Justice Joanna Smith Lady Justice Cockerill Sarah Rose, MoJ Irram Khan, OPRC Secretariat Helen Timpson, MoJ Harriet Ainsworth-Smith, MoJ Graeme Wood, MoJ Steve Jarman, MoJ Rosemary Rand, HMCTS Flora Freeman, HMCTS Lorna Horton, HMCTS Jayne Bowman, MoJ Hannah Fleetwood-Read, MoJ Heidi Bancroft SPT's Private Office Bee Ezete, PS to the PFD Joshua Gibson, JO Rachel Tocknell, JO Elena Birchall, MoJ Thomas Atfield, MR's DPS Antonia Shakesby, JO Tessa Lieven Wright, JO Steven Chapman, HMCTS Rachael Peters, HMCTS Alex Semple, HMCTS Miranda Brown Rhona Love, HMCTS Sam Platt, HMCTS Alasdair Wallace, drafting Lawyer |

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Item 1 - Welcome, Minutes and Action Log

1. Apologies: Sir James Dingemans (SPT), Brett Dixon.
2. The Chair noted this was the PFD's final OPRC meeting and thanked him for his contributions.
3. Minutes: Approved. Secretariat to publish minutes on the OPRC website.
4. Action log: noted. The Committee noted an HMCTS update regarding the funding position in relation to API development and agreed to pick this up under Item 5 (Digitalisation of Property in Civil and Tribunals).

Item 2 - Draft Core Online Procedure Rules SI

5. MoJ introduced the revised draft SI, explaining that the main changes since the February meeting were intended to improve simplicity and user experience, reflecting feedback (including from the Association of District Judges).
6. The Committee discussed the definition of "online proceedings", noting the drafting lawyer's concerns that the current definition may imply the OPR do not apply to those engaging by non-electronic means and may introduce unnecessary complexity. The Committee did not agree with this assessment and preferred to retain the current drafting.
7. The table setting out the application of the OPR was discussed with reference to the need for clarity during the staged roll out of the possession digital service (including staged roll out by geography and claim type). Members noted the SI and practice direction need to work together to make clear to which users and proceedings the OPR will apply.
8. The Chair and members raised concerns that some statements of principle (including on accessibility, usability and participation for vulnerable users) had been removed from the draft OPR. MoJ confirmed this was following consultation feedback regarding the need for clarity on circumstances where the OPR impose duties on the court or tribunal. The Chair suggested that greater transparency was required as to what had been removed and why.
9. The Committee agreed it could not approve the SI at this meeting. An additional drafting discussion with the drafting lawyer present would be arranged before the next meeting to ensure changes reflect Committee decisions and consultation outcomes.
10. **Action:** Secretariat to arrange a dedicated drafting meeting.
11. **Action:** Drafting lawyer to produce a document describing the intended approach to the staged roll-out.
12. **Action:** Drafting lawyer/MoJ to provide a more detailed overview of the history of drafting changes.

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Item 3 - Possession service design

13. HMCTS provided an update on possession digital service design, recording thanks to members of the Property & Possession Working Group (PPWG) for their recent intensive engagement and input.
14. HMCTS reported that service design for the first release is now agreed in principle, with a small number of actions arising from the recent PPWG meeting, and that build and technical testing activity is underway.
15. HMCTS noted the programme has time-bound funding to Easter 2027. The delivery ambition remains full roll out (all claim types and geographies) by early summer 2027, through multiple iterative releases with learning feeding into subsequent releases.
16. HMCTS advised the programme board will meet on 1 April 2026 to confirm a baseline plan for the first meaningful release. HMCTS will provide a short update to the Committee following that meeting.
17. HMCTS advised that the first release will focus on a small number of courts and social housing claims to support safe testing and learning, including in relation to vulnerability. HMCTS confirmed that discovery research has included litigants in person, with further work on vulnerability planned as the private landlord journey is developed.
18. HMCTS presented proposals for a paper forms strategy, aiming to keep cases “online” for case management regardless of whether parties engage digitally or on paper.
19. The Committee approved the proposed approach that paper and digital journeys should align as closely as practicable in the information collected.
20. The Committee agreed that, where a party submits a paper form, the completed form (scanned and uploaded) should remain the “source of truth” for that submission.
21. The Committee supported the direction of travel towards served documents looking more like conventional claim forms.
22. **Approved:** the paper forms strategy direction of travel set out in Paper 4.
23. **No actions arising.**

Item 4 - Possession Practice Direction

24. MoJ introduced an early draft of the possession practice direction, noting it remains in development and does not yet set out the staged roll out in sufficient detail.
25. Members agreed an FAQ-style approach to the drafting would be helpful for users.

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26. The Committee agreed that a blanket provision stating that the Civil Procedure Rules (or Family Procedure Rules / Tribunal Procedure Rules) apply where the Online Procedure Rules are silent would be inappropriate, as it would put the burden of identifying which rules were applicable onto users, who could not be expected to identify from silence in the OPR that other rules applied. The Committee agreed that any reliance on other codes should be explicit and limited to specified provisions, informed by evidence about necessity (for example, costs were identified as a likely early candidate).

Item 5 - Digitalisation of Property in Civil and Tribunals

27. MoJ presented a paper on the funding position for digitisation of the Possession Service and housing-related work in the Property Chamber. This confirmed MHCLG funding through application of the “polluter pays” principle means only those areas directly affected by the MHCLG policy change would be digitalised at this stage.
28. Members expressed concern that the proposals would lead to partial digitisation of property tribunal case types, creating an incoherent experience for users, operational staff and judges. The Chair and Committee emphasised that a fragmented approach to digital justice would undermine system coherence and functionality, stressing the need for cross-system planning, supporting infrastructure (including APIs), and a properly funded end-to-end model. They underlined that delivery of justice is an MoJ responsibility and agreed the matter should be raised urgently with the Lord Chancellor.
29. MoJ confirmed that no additional MoJ funding was allocated for this work in the Spending Review and therefore Property Tribunal digitalisation was limited to the areas funded by MHCLG. HMCTS explained it is undertaking a Discovery to identify common elements and design a service capable of future expansion to all Property Tribunal case types should funding become available.
30. The committee was informed that the SPT had called for a meeting with MoJ to discuss funding and options for a coherent approach to digitisation of property tribunal work. The Chair asked to join this discussion once arranged.

Item 6 - Inclusion Framework and Early Resolution Model next steps

31. The Secretariat provided an update on the development of the Inclusion Framework and Early Resolution Model following the consultation. The Committee endorsed the overall direction of travel and agreed that further engagement would need to be undertaken to support ongoing development of the proposals.

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32. The Committee discussed the importance of clearly conveying the intended direction of travel for a Digital Justice System, while ensuring appropriate clarity on the Committee's remit. Members also noted the importance of reflecting wider dependencies in any future delivery.
33. Gerard Boyers provided a brief update on the Technology Group's work to develop consistent terminology and a framework describing the roles that different services may play within the digital justice system and how they interact.
34. Members noted that further Committee discussion is required before engaging with stakeholders. It was agreed that a paper on these issues should be brought to the next meeting.
35. **Action: Secretariat** to revise the draft public communication on the Inclusion Framework and Early Resolution Model.
36. **Action: Secretariat** to bring an updated paper on the Inclusion Framework and Early Resolution Model approach to the next meeting for Committee consideration.

Item 7 - Sub-Committee Workstream Updates

37. Due to time constraints, this item was not reached

Item 8 - Any Other Business and Close

38. Any other business: none recorded.
39. Next meeting: scheduled for 27 April 2026 (11:00–12:30). Members noted potential attendance constraints and requested the Secretariat explore alternative dates and times to maximise attendance, including in-person attendance where possible.