

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT ONLINE PROCEDURE RULES (SPECIFIED
PROCEEDINGS) REGULATIONS 2025

Monday 17 March 2025

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The Committee consisted of the following Members:

Chair: CAROLYN HARRIS

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| † Babarinde, Josh (<i>Eastbourne</i>) (LD) | † Sackman, Sarah (<i>Minister of State, Ministry of Justice</i>) |
| † Bance, Antonia (<i>Tipton and Wednesbury</i>) (Lab) | Smart, Lisa (<i>Hazel Grove</i>) (LD) |
| † Brackenridge, Mrs Sureena (<i>Wolverhampton North East</i>) (Lab) | † Wheeler, Michael (<i>Worsley and Eccles</i>) (Lab) |
| † Dearden, Kate (<i>Halifax</i>) (Lab/Co-op) | † Witherden, Steve (<i>Montgomeryshire and Glyndŵr</i>) (Lab) |
| † Hoare, Simon (<i>North Dorset</i>) (Con) | † Wood, Mike (<i>Kingswinford and South Staffordshire</i>) (Con) |
| † Hughes, Claire (<i>Bangor Aberconwy</i>) (Lab) | † Woodcock, Sean (<i>Banbury</i>) (Lab) |
| † Jameson, Sally (<i>Doncaster Central</i>) (Lab/Co-op) | Melissa Walker, <i>Committee Clerk</i> |
| † Kirkham, Jayne (<i>Truro and Falmouth</i>) (Lab/Co-op) | † attended the Committee |
| † McDonald, Andy (<i>Middlesbrough and Thornaby East</i>) (Lab) | |
| † Mullan, Dr Kieran (<i>Bexhill and Battle</i>) (Con) | |
| † Rankin, Jack (<i>Windsor</i>) (Con) | |

First Delegated Legislation Committee

Monday 17 March 2025

[CAROLYN HARRIS *in the Chair*]

Draft Online Procedure Rules (Specified Proceedings) Regulations 2025

6 pm

The Minister of State, Ministry of Justice (Sarah Sackman): I beg to move,

That the Committee has considered the draft Online Procedure Rules (Specified Proceedings) Regulations 2025.

It is a pleasure to serve under your chairmanship, Mrs Harris.

The purpose of the draft regulations is to specify proceedings for which the Online Procedure Rule Committee can make rules. The aim of the OPRC is to improve access to justice for all. It was established under the Judicial Review and Courts Act 2022 and it aims to modernise the civil, family and tribunal jurisdictions by developing rules governing the practice and procedure for specific types of online court and tribunal proceedings. These rules are intended to be simple, accessible and fair. They will streamline online processes and enhance the overall efficiency of the system.

I will outline the proceedings for which the draft regulations will enable the OPRC to develop rules. In the civil jurisdiction, the OPRC will be able to make online procedure rules for property proceedings. The Ministry of Justice and His Majesty's Courts and Tribunals Service are working closely with the Ministry of Housing, Communities and Local Government to ensure that the justice system is fully prepared for the implementation of the Renters' Rights Bill. As part of this, HMCTS will digitise the court process for landlords to regain possession of their property, introducing a digital service for both landlords and tenants. Procedure rules will be required to allow use of this service, and parliamentary approval of the draft regulations will enable the OPRC to make those rules. The digital possession service and the rules will reflect the law as it stands at the point that the service is deployed. However, the introduction of the digital possession service and the rules that underpin it is not tied to the timelines for bringing into force the measures in the Renters' Rights Bill.

The OPRC will also be able to make online procedure rules for property proceedings in the first-tier and upper tribunals. That will allow certain cases currently dealt with by the property chamber or the lands chamber to be included in online procedure rules as and when HMCTS introduces digital systems to manage those cases online.

In the family jurisdiction, the OPRC will be able to make rules for financial remedies, including contested financial remedies and financial consent orders, for example following a divorce. Online procedure rules for these proceedings will be designed to support the existing online services provided by HMCTS, which are currently governed by practice directions made by the Family Procedure Rule Committee.

The OPRC is unable to make any online procedure rules until the proceedings are defined in regulations. The extent of the draft regulations is intended to be UK-wide. Their territorial application is England and Wales in respect of civil and family proceedings, and UK-wide in respect of tribunal proceedings.

The Government believe that the digitisation of court and tribunal processes requires the development of procedure rules that are suitable for the digital age. They must be concise and straightforward to understand. They must support His Majesty's Courts and Tribunals Service and the judiciary to deliver online processes and to keep adapting to advances in technology. Those aims will be met by the transfer of these specified proceedings to the OPRC—a cross-jurisdictional rule committee whose members include experts in the law and in the development of digital services focused ultimately on the user.

6.4 pm

Dr Kieran Mullan (Bexhill and Battle) (Con): It is a pleasure to serve under your chairmanship, Mrs Harris.

As the Minister outlined, the statutory instrument we are considering is enacting legislation to facilitate the work of the OPRC, which was established by the previous Government under the Judicial Review and Courts Act 2022 to make rules governing the practice and procedure for specific types of online court and tribunal proceedings across the civil, family and tribunal jurisdictions. For that reason, we will not oppose the legislation, but, as the Minister would expect, I seek some assurances from her to ensure that implementation is as smooth as it can be.

We must ensure that the efficiencies introduced by the legislation do not come at the cost of access to justice and procedural fairness. I know that the OPRC will be mindful of that in the rules it puts in place, but we have learned painfully over recent weeks how important the watchful eye of the democratically elected Government is.

A key concern relates to the digital possession service introduced by the Renters' Rights Bill, which will rely on the rules set by the OPRC. The Secondary Legislation Scrutiny Committee has highlighted concerns that the necessary procedural rules may not be in place when the Bill comes into effect. The Ministry of Justice has stated that the rules will be laid "in time"—that is the only phrase it has used—to enable the digital service to operate, yet it has failed to provide a definitive answer as to when the rules will be published. Any misalignment between primary legislation and procedural rules could create legal uncertainty, potentially undermining both the effectiveness of the digital service and access to justice. I must press the Minister for a clear timeline for publication of the rules derived from these draft regulations.

I also understand that concerns have been raised about overlapping rule-making jurisdictions with the Civil Procedure Rule Committee or the Family Procedure Rule Committee, for example. I am sure the Minister knows that was the main concern raised by the judiciary during the consultation period. What steps are being taken to ensure that no confusion will arise about which sets of rules will take precedence?

Finally, digital justice must not become a barrier for those lacking digital literacy or access to necessary resources, and the rules will be key to that. I note that no impact assessment has been made for the draft

regulations, as they are believed to have no significant impact on the private, voluntary or public sectors, but of course the rules could have an impact when they are put in place. I therefore urge the Government to monitor the effects of this change, and others introducing further technological solutions, to ensure that there are no unanticipated, unintended consequences. We must ensure that no one, whatever their means, whether they are technically savvy or otherwise, is in any way adversely affected by the move to digitally driven services. I look forward to the Minister's response.

6.6 pm

Sarah Sackman: I thank the shadow Minister for his comments, and for the break-out of consensus on this progressive measure. He is absolutely right that access to justice, which lies at the heart of these reforms, is something we should be mindful of. I assure him that that is the guiding principle behind the reforms.

On the application of the OPRC rules in connection with the Renters' Rights Bill, as I said, the timelines for the implementation of the Bill and the implementation of the rules are not pegged together. Of course, it will be proper to await the development of the rules and their implementation in order for them to become operable. I am happy to update the shadow Minister and other Members as to when those rules are ready.

On the potential for duplication, the shadow Minister will know that the rules will be developed in consultation with the judiciary, which is represented on the OPRC. The operation of the draft regulations does not prevent

existing rule committees from making rules in their relevant areas, but clarity on which rules apply to particular types of proceedings is vital. It will become very clear that the online procedure rules apply to online proceedings where regulations have made provision for them to be the applicable rules, and that where they are not the applicable rules, other rules will apply. We cannot have different rules applying to the same proceedings, and that will of course be made clear.

Finally, on access to justice, the shadow Minister is absolutely right that nobody should be left behind by the digitisation of our courts. We need to ensure an equal service, particularly for those who are digitally disadvantaged and will not be able to access online processes, for whatever reason. That is why, even in the areas where we want to move to an almost entirely digital world, there will always be provision for people to engage in proceedings through a paper-based service. The Government are also ensuring that there is a digital support service so that access to justice really does what it says, and that all users, but particularly those who are vulnerable or digitally disadvantaged, are able to access our online proceedings. As I said, I am happy to update the shadow Minister and the rest of the House on the timeline for the implementation of the OPRC rules in respect of possession proceedings, and indeed the other areas, when they come into force.

Question put and agreed to.

6.9 pm

Committee rose.

