

Prisons and Courts Bill

Online Procedure and Online Procedure Rules Committee

Introduction

1. The increased use of technology in the justice system and its ability to help people resolve legal disputes more quickly and efficiently has been the subject of recent reports by the Civil Justice Council¹ and the organisation 'Justice'².
2. The introduction of an 'online court' to resolve some low value civil money claims was one of the key recommendations of the Review of Civil Court Structures led by Briggs LJ which was published in July 2016³.
3. The Government agrees that there are significant benefits that can be gained by increasing the use of technology in the justice system. Our vision is for a modern and world-renowned justice system that is swifter, more accessible and easier to use for everyone so that people can have confidence in using the system themselves or with the help of their excellent lawyers. The government intends to establish a new pathway to justice through a new online procedure which may apply to civil, family and tribunal proceedings. This innovative approach, will significantly improve user experience and reduce costs by providing an online service which is simple to navigate and will resolve disputes efficiently.

What is the current position?

4. Automation of the initial stages of the court process for applications already exists in some areas of the justice system. For example, in civil justice bulk automated claims and money claims online, and possession claims online. The Government wants to build on this approach and maximise the use of new technology and innovative approaches and expand the online procedure across the court system where necessary and appropriate, for example for low value money claims below £25,000.

What are the proposed changes?

5. The online procedure will be an entirely new digital procedure governed by a new set of rules entirely separate to current processes. It will use a mix of technology to utilise online processes, more mediation, and judicial resolution to provide more focus on the real issues in dispute and enable simple and quick dispute resolution which will benefit court users.
6. In order to maximise the use of technology, the provisions will establish a new online procedure which may apply to civil, family and tribunal proceedings. In addition, the provisions will establish an online procedure rule committee. The new rule committee will have expertise in the law and the provision of lay advice and other relevant experience which will enable it to produce straight forward, easily understood court rules which will support the online procedure and which are, as far as possible,

¹ <https://www.judiciary.gov.uk/wp-content/uploads/2015/02/Online-Dispute-Resolution-Final-Web-Version1.pdf>

² <https://2bqk8cdew6192tsu41lay8t-wpengine.netdna-ssl.com/wp-content/uploads/2015/04/JUSTICE-working-party-report-Delivering-Justice-in-an-Age-of-Austerity.pdf>).

³ <https://www.judiciary.gov.uk/civil-courts-structure-review/civil-courts-structure-review-ccsr-final-report-published/>

embedded in the online software.

7. The online procedure provisions will allow us to launch new, straightforward digital services that allow everyone to access and understand the system. Those using the online procedure will be able to resolve their cases entirely online and will be provided with clear information about what is happening and what to do next to guide them through the process. For businesses this will mean that they are able to recover money much more easily, with digital services that allow them quickly to issue and pursue their cases. An example of the type of cases that will benefit from the new procedure are low value money claims below £25,000. This will give them vital confidence to do business here, and will enable our world leading justice system to remain the destination of choice for dispute resolution. We will ensure that openness and scrutiny by the public is maintained.