

Law Society Event
Online Procedure Rule Committee
Launch of Public Engagement Document
Inclusion Framework and Pre-Action Model for the Digital
Justice System
Wednesday 16 July 2025
Sir Geoffrey Vos, Master of the Rolls and Head of Civil Justice

Introduction

1. It is a great pleasure to be here at the Law Society to celebrate 25 years of the CPRC and to launch the OPRC's first Public Engagement Document. We were not initially allowed to call it a "consultation". You can imagine, therefore my surprise when I visited the gov.uk website to retrieve a final version, only to find it emblazoned as an OPRC consultation! In any event, whatever it is called, may I, in aid of transparency, ask all of you to consider responding to it in much the same way that you might have responded if it were truly a consultation.
2. I want to start, if I may, by paying tribute to the contribution that Sir Colin Birss has made as Deputy Head of Civil Justice, and to congratulate him on his appointment as Chancellor of the High Court. I know many of those in this room have enjoyed working with him. His contribution to the Civil Procedure Rules Committee, whilst DHCI and for years before, has been simply outstanding, and I can think of nobody better to have led this morning's session to mark 25 years of the CPRC. Colin's mastery of the rules and all the soft factors that affect the rules is second to none. He has done equally sterling work with the OPRC about which I want to say a bit more this afternoon. Many thanks, Colin. In case you were thinking of getting demob happy, however, I would just like to remind you that your new role does not start until the

1st November 2025, and I am negotiating a lengthy handover period with the Lady Chief Justice!

3. Those in the audience who were here this morning, will have heard all about the work of the CPRC, including a session on the service reforms consultation, and a session on ADR – a topic close to my heart. In this short address, therefore, I want to deal with some aspects of the work of the OPRC and with the Digital Justice System that are, perhaps, less well understood.
4. First, I want to explain briefly how the statutory foundation for the OPRC operates. The provisions in question are in sections 19-33 in Chapter 2 of Part 2 of the Judicial Review and Courts Act 2022 (the 2022 Act), and they are perhaps of greater significance than has yet been realised. The statutory foundation for the OPRC is also, of course, the statutory foundation for the Digital Justice System.
5. Secondly, I want to talk about what the OPRC has already done, and what it will be doing in the foreseeable future. This is important for an understanding of the Digital Justice System.
6. Thirdly, I want to talk about what we mean by the Digital Justice System.
7. Fourthly, I want to outline to you the purpose of the Public Engagement Document and what we hope for in responses.

The Statutory Foundation for the OPRC and the Digital Justice System

8. The Online Procedure Rule Committee was the creation of the 2022 Act. I have always said, and will continue to say, that that legislation was ground-breaking and will prove transformative for civil, family and tribunals justice in this country. I think there are many people who do not entirely understand what exactly it does. Let me try to explain. I hope that my explanation does not appear too nerdy.

9. The OPRC has 6 members, three judges (me, the SPT and the PFD), and 3 lay members, (Gerard Boyers, a technical member, Brett Dixon, the lawyer member, and Sarah Stephens, from the lay advice sector and responsible for inclusion). These members are laid down by section 22. The OPRC also has a large and committed sub-committee, many of whom are here today.
10. Section 19 identifies the kinds of rules that are to be made for specified kinds of proceedings. Section 20 explains that the proceedings in question are those civil, family, FTT, UT and employment tribunal proceedings **specified in regulations** made by the Lord Chancellor.
11. Section 19(1) then goes on to explain that, for those proceedings specified by the Lord Chancellor under section 20, there are to be rules which can (a) require those proceedings to be initiated electronically, (b) require or authorise those proceedings to be conducted progressed or disposed of electronically, and (c) can require or authorise the parties to participate in hearings electronically.
12. Section 19(3), very importantly, says that the OPRC's rule making powers are to be exercised with a view to 4 things. First with a view to securing that practices and procedures are **accessible and fair**, including having regard to the needs of those who require online assistance. Secondly, so as to ensure that the Rules are **simple and simply expressed**. Thirdly, so that **disputes may be resolved quickly and efficiently** under the Rules. And fourthly, so that the Rules support the use of innovative methods of resolving disputes. Special provisions are made in section 19(15) and Schedule 3 about Practice Directions made by the OPRC.
13. Section 23 of the 2022 Act, also very importantly, gives the OPRC broadly the same powers as the traditional rule committees: the CPRC, the FPRC, and the TPRC. Thus, what is envisaged, is that for court proceedings started and progressed online, the OPRC will replace the rule-making powers of the traditional committees. That said, however, the Lord Chancellor has powers in section 21 to make regulations

to allow people to choose “applicable standard rules”, and to provide for circumstances in which proceedings cease to be governed by the OPRC’s rules.

14. Finally, for these purposes, section 24 allows the OPRC to make rules for the pre-action space. It refers specifically to Rules allowing (a) data to be transferred from a pre-court online dispute-resolution service to online court or tribunal proceedings, and (b) allowing online court proceedings to take into account things parties have done or ought to have done pre-court in online dispute-resolution services. The rules that the OPRC may make under section 24 can refer to pre-court services that are published in a list and to the standards that they should comply with.
15. It is here that I believe the ground-breaking nature of what has been achieved is apparent.

The activities of the OPRC

16. We have spent the last two years preparing to make rules for the online space – not an easy task when you are doing something that has genuinely never been done before.
17. On 1 May 2025, our first statutory instrument – the snappily named *Online Procedure Rules (Specified Proceedings Regulations) 2025* came into force. These regulations gave the OPRC power to make rules for civil and tribunal proceedings in relation to **property** and **family proceedings for financial remedies**. Those powers are in addition to, rather than replacing, the rule-making powers of the existing rule committees. But the intention is that, over time, online processes will be governed by rules made by the OPRC.
18. The intention is that the OPRC will make rules and give guidance to provide the foundation, in the first instance, for the new property and possession online platform, which will deal initially with all possession claims made under the new Renters Rights Bill that is at the moment completing its passage through Parliament.

19. At an early stage, the OPRC provided HMCTS with 11 principles which needed to be fulfilled by the new Property/Possession platform. The requirements included:
 - (1) A new digital system to handle possession claims of all kinds.
 - (2) The user interface has to accommodate diverse user needs with differing legal and digital capabilities. It should present a clear, intuitive design that meets accessibility and inclusion standards to enable users of all capabilities, whether legally or self-represented, to navigate and engage effectively in the justice process.
 - (3) There must be a complete digital file available to the parties and the courts and tribunals for every claim.
 - (4) The new digital system must be future proof
 - (5) It must be possible for anyone to see how all aspects of the live system work without having to bring or defend a live claim.
20. The OPRC is preparing to consult on foundational rules for the digital court space. The rules concerning the basic principles applicable are short and sweet and will be available for you to consider shortly.
21. In due course, I hope there will be another SI that may deal with existing online platforms such as OCMC, the Online Damages Portal and online Employment Tribunal claims
22. In relation to the OPRC's rule making powers in relation to the pre-action space, the OPRC's thinking about the pre-action space explained in the Public Engagement Document under the heading *Pre-Action Model for the Digital Justice System*.

The Digital Justice System

23. The term “Digital Justice System” has been much misunderstood. I still believe, however, that it is a name that has legs, because it describes exactly what it is, namely a digital means to achieve justice. It is unspecific about the pre-court/in-court divide, which I think accurately identifies the idea that most disputes can and should be resolved online without the need to enter the state-provided justice system at all.
24. Perhaps unfortunately, some have thought that we are talking about the Government building a vast costly digital infrastructure to resolve everyone’s business, financial and consumer disputes online in one place at *gov.uk*. In fact, the Digital Justice System is the exact antithesis of that.
25. The Digital Justice System builds on all the existing public and private provisions for pre-action advice and dispute resolution that are already available. There are ombuds portals in numerous sectors, mostly financed by industry or financial organisations. There are mediation portals and arbitration portals. There is the Official Injury Portal dealing with hundreds of thousands of personal injury claims each year. And there are online legal advice platforms such as Advicenow, ACAS and the Citizens Advice Bureau.
26. The problem is that these provisions are not properly connected and integrated in a way that allows individuals to find the most suitable advice and the most suitable dispute resolution mechanism quickly and efficiently. Hopefully there will soon be legal advice, funded by legal aid, available quickly online without the need for a complex applications process.
27. Most of these disparate parts have long-existed. But what has been lacking is the user-facing integration or coherence to fit the pieces together and to make sure that the user can journey through the vast array of online advice and dispute resolution platforms to find the most efficient and effective way to resolve their particular problem or dispute.

28. The user facing nature of what the OPRC is doing is epitomised in the draft digital inclusion framework that leads this *Public Engagement Document*.
29. The research undertaken by MoJ and the OPRC demonstrates that the biggest difficulty for most people is navigating the online space so as to find the most suitable means of resolving their problems. As Dame Hazel Genn has repeatedly explained, vulnerable people rarely have one monochromatic issue. They may have an employment issue that leads to them losing their job, which leads to their becoming homeless or to losing their spouse, and then on to financial issues of many interconnected kinds. It is finding the key to the resolution of such issues that is the difficult part. But the online space and artificial intelligence provides opportunities to help in ways that we must, as a society, not overlook.
30. Even the most disadvantaged are routinely able to use the internet for some things, even if they are not able to use it to find real and effective problem-solving assistance. That is where the OPRC and the Digital Justice System can help. The OPRC can provide connections and data standards that will assist those needing help to find the existing online pre-court dispute resolution mechanisms most suited to them.
31. They may need legal advice. This is a crucial part of the dispute resolution ecosystem. Some legal advice is already available online, but, I hope, as I have said, that, in time, legal advice, funded by legal aid, will be widely available online so as to provide legal help directly to people to enable them to find the most effective online solution.
32. None of this is either rocket science or even very expensive. It is making the most effective use of what exists already.
33. Of course, the OPRC will need to be assured that the Digital Justice System is not directing disputants to unregulated disreputable online provisions. But that is not, I think, an intractable problem. Standing here, I could identify dozens of reputable online providers of dispute resolution services and of legal advice. It is true that, unlike Ireland, for example, we

do not have a Mediation Act. But I am sure we are confident that many of our online mediation suppliers adhere to best practices and high standards. Most ombuds portals are established and regulated by statute or by industry standards. The advice platforms I mentioned have been doing fantastic work for years. The OPRC will, of course, be astute to ensure that the component parts of the Digital Justice System adhere to high standards. That is front and centre in our Public Engagement Document.

34. Many disputes are very easy to resolve if you know what to do and where to go. The courts are really the last resort. But obviously, if a dispute proves stubbornly resistant to resolution by online ombuds or mediation mechanisms, then the data created in those initial stages can and should be capable of transmission by API into the online court processes that already exist in civil justice in the form of the Online Civil Money Claims and Online Damages Claims.

The OPRC's draft Inclusion Framework

35. The *Inclusion Framework* is the foundation of the Digital Justice System, because it explains how the OPRC will meet the requirement of universal accessibility set out in the 2022 Act.
36. The *Framework* sets out the principles, standards and mechanisms necessary to ensure that the requirement is recognised from the outset in the design and implementation of the proposed procedural rules and guidance. Digital inclusion is central to upholding fairness, trust and access to justice in our digital age.
37. As the *Public Engagement Paper* explains, the OPRC's vision is that the new Digital Justice System should be: accessible to everyone, easier for everyone to use, capable of delivering justice more quickly, and, of course, transparent and trusted. See section 19(3) that I mentioned earlier

The OPRC's draft Pre-Action Model

38. The OPRC's *Pre-Action Model* focuses on pre-action online dispute-resolution and advice services. It sets out a framework of principles and standards intended, in the first instance, to acknowledge the developing nature of these services and support their growth and interoperability.
39. The Pre-Action Model sets out to guide the providers of such online services in two main areas: (i) to assist users successfully to navigate amongst the numerous providers of pre-action online dispute-resolution, information and advice services, and (ii) as to the data standards that they should apply to facilitate the smooth transfer of data between providers.
40. The concept is to persuade existing public and private providers to adopt consistent data standards and to make sure that users are directed and re-directed to the online advice and dispute-resolution services that are most suited to their needs.

Conclusions

41. I gave evidence this morning to the House of Lords's Constitution Committee. You will not be surprised to hear that I told them about the importance of delivering justice in the way our citizens expect – namely digitally – to the rule of law. I am delighted to report how all of us – the judiciary, the OPRC, the MoJ and HMCTS are working together to deliver the Digital Justice System and accessible justice. I hope you will all play your part by responding to this consultation with your ideas.
42. I much look forward to this afternoon's sessions.