



Note of the UKSC/JCPC User Group Meeting

Held on Friday 14 July 2017 at 11:00am in the Lawyers' Suite at the UKSC

Present:

Lord Kerr	}	
Louise di Mambro	}	UK Supreme Court
Paul Brigland	}	
Avis Jones	}	

James Turner QC	1KBW
Nigel Pleming QC	39 Essex Chambers
Steffan Taylor	Alan Taylor & Co
Nicole Curtis	Penningtons
Robin Lloyds	Axiom Stone Solicitors
Jennifer Cassidy	Harcus Sinclair
Henry Hickman	Harcus Sinclair LLP
Mark Stephens CBE	Howard Kennedy
Amy Kuan	Simon Muirhead and Burton Solicitors
Kristina Ravic	Simon Muirhead and Burton Solicitors
Gemma Ospedale	Royds Withy King
Camilla Hart	Charles Russell Speechlys
John Almeida	Charles Russell Speechlys
Lee John-Charles	Government Legal Department
Theo Solley	Sheridans
David Phillips	Simons Muirhead and Burton Solicitors
Michael Fordham QC	Blackstone Chambers

Apologies

David Miles	Blake Morgan
Jonathan Crow QC	4 Stone Buildings
Andrew Smith	Compass Chambers
Merlene Harrison	Myers, Fletcher and Gordon Solicitors
Mark West	Radcliffe Chamber
Robin Tam QC	Temple Garden Chambers
Andrew Carrington	Carrington Law
Emma Gammon	Welsh Government

Christopher Knight
Valda Brooks
Jacqueline Harris
Raza Hussain QC
Nigel Fisher

11 King's Bench Walk
Myers, Fletcher and Gordon Solicitors
Pinsent Masons LLP
Matrix Law
Norton Rose Fulbright LLP

1. Welcome and apologies

Lord Kerr welcomed everyone to the meeting. Mark Ormerod was amongst those who had sent apologies.

2. Minutes of last meeting

These were approved

3. Provision of papers electronically

Robin Lloyds and Gemma Ospedale had asked about these two items and Paul Brigland explained that the office was currently working with Microsoft with a view to having a portal on the websites in place by early 2018, that would allow on-line filing and payment of fees.

4. Protocol for video link hearing

Robin Lloyds had asked whether there was a protocol for video link hearings and Paul Brigland explained that the main criteria were that the parties overseas should have a good internet connection and have located suitable premises. Having Skype is helpful but it was possible to manage without it. Avis Jones and Paul Brigland have been working on a draft protocol and the latest version is attached to these minutes.

Action: Paul Brigland/Avis Jones

5. Filing of statements of facts and issues

David Phillips had suggested that parties should be able to agree amongst themselves that further time should be allowed for filing SFIs, with the result that a formal application is not required. Louise explained that the Registry tries to be very flexible in dealing with these applications for more time and, if the parties are only asking for a few days, then a formal application is not requested. In any event, parties are encouraged at an early stage to agree a timetable amongst themselves which takes into account the hearing date and the respective positions of their Counsel. If the parties settle their own timetable, then there is no need for an application to the Court at all and parties can set their own timetables, just letting the Registry know what they have agreed. Although this is mentioned in the Registry's standard letters, it would be helpful to give greater prominence to the relevant passages.

6. Points on the Practice Directions

Camilla Hart had suggested a number of minor amendments to the JCPC Practice Directions.

- to amend PD6.3.14 so the parties each file copies of their cases instead of the burden being wholly on the Appellants.
- to amend PD6.4.1 to omit the requirement that Respondents provide Appellants with 10 copies of Authorities.

- to include in the Practice Directions a provision specifying the number of memory sticks the Appellant is to provide to the other parties.

There was considerable discussion about the proposed amendment to PD6.4.1 with Mike Fordham pointing out that the proposed amendment constituted a shift in the burden of responsibility. He suggested that Appellants and Respondents should share the cost of preparing bundles of authorities. Given the wide range of views, Lord Kerr asked Nigel Pleming QC to chair a small sub-committee comprising Mike Fordham, Robin Lloyds, Amy Kuan, Lee John-Charles, James Turner QC, John Almeida and Camilla Hart who could discuss the problem and propose a solution.

In addition Theo Solley suggested that a system be trialled whereby the Appellant gives the Respondent electronic copies of papers so that they can print the copies for themselves. The point was made, however, that there could be problems with accuracy if Respondents print and bind their own copies. Parties could, however, agree on such a trial if they wished.

Action: Nigel Pleming

7. Any other business

Mark Stephens asked if there was any indication when the announcements would be made about the new appointments to the Supreme Court. Lord Kerr explained that it was hoped that the announcements would be made soon.

LOUISE DI MAMBRO

Registrar UK Supreme Court and Judicial Committee of the Privy Council

July 2017