



## UKSC AND JCPC USER GROUP MEETING

16:30pm on Wednesday 18 January 2023 in person and remotely

### Minutes

1. **L Hodge welcomed users** to the meeting and introduced Lord Briggs, who has been appointed as supervising Justice for the JCPC; Vicky Fox, the Chief Executive; and Laura Angus, the Registrar.
2. Vicky Fox gave a short presentation on the **Change Programme**.
3. **Registry items** (introduced by Laura Angus)
  - (a) Deadlines. If parties are not going to be able to meet deadlines the ask from Registry is to please to keep them informed. The Registry is very willing to work with parties struggling to meet deadlines.
  - (b) The Registry now has a credit card payment facility, which many users will have now used.
  - (c) The Registry is working towards an updated contact details database so please let the Registry know when contact details change.

There was a discussion about deadlines, especially if there was scope for more deadlines agreed by the parties. In light of the fact the Court of Appeal/High Court discontinued this practice the court may take some persuading, however.

An issue about Mauritius PTA orders being sent some time after being made was raised. Laura asked for details and would look into this.
4. **JCPC specific items:**
  - Lord Hodge briefed the group on the JCPC sitting in the Cayman Islands in November 2022. The Board had sat with 5 justices to hear three appeals as well as:
    - Hosting a Caribbean User Group meeting, which was extremely successful.
    - A Remembrance Sunday event.
    - Holding two 2 Ask A Justice sessions with local schools.
    - Law society dinner.
  - Lord Briggs had been appointed Supervising Justice for the JCPC, to help users and Registry deal with issues that arose for example in relation to the Rules and PDs.
  - L Briggs addressed the return of three-justice panels for some appeals, which had become less common in recent years. Because of resource and waiting time issues the Board was consulting with the judiciary about increasing the number of three-justice appeals but also welcomed input from users. A further issue was that in some jurisdictions there was no permission stage: in consequence

some appeals were not the kind that one would expect a second appeal court to hear. As part of the discussion Lord Briggs confirmed that the Board would look carefully at individual cases if it went down this route.

- **JCPC changes**

- (i) **Summary dismissal of appeals as of right.**

Whilst the Board's power to dismiss appeals summarily was usually exercised on application it was considering sifting appeals as of right early in the process to identify meritless appeals and appeals challenging a second finding of facts. Currently if these issues arise it is at too late a stage to do anything about it. Doubtful appeals will be referred to a single justice who will, if they think there is good reason, invite written submissions. Those will be considered by a three judge panel and, if found wanting, will be struck out. If this process catches significant numbers of cases it would reduce the burden on parties and the court. It is also being discussed with the judiciaries.

- (ii) **JCPC Rule changes (in particular with regard to the Reproduced Record "RR")**

There are problems with the RR, which can be very time consuming to produce, can cause difficulties between parties and, when not filed, means an appeal cannot proceed. It was proposed to take the filing of the RR out of the timeline so that it does not obstruct progress of appeals.

There was discussion about this and over how comprehensive the RR is, and comparison was made with the earlier filing of the SFI in the UKSC. Early production of the RR also made for practical issues such as pagination further down the line. But parties were keen that all relevant material was before the Board. There was further discussion about a perceived increase in adversarial approaches to the SFI, which the Board deprecated, and might sound in the costs. There was also scope to look at SFI deadlines if the RR was taken out of the equation.

- (iii) **Putting parties' cases in the public domain**

Lord Briggs outlined the strong access to justice case for putting parties' cases online. In due course the court would like to do this, however there might be data protection issues. There was discussion about transparency for citizens of JCPC countries, the issue of anonymity for family law appeals or appeals with anonymity orders (the view being that anonymity should be incorporated into the written case).

- (iv) **The offer of hybrid or virtual-only hearings.**

Lord Briggs: In terms of access to justice and transparency, costs, and being assisted by local counsel the Board was keen to continue to offer parties the choice of hybrid hearings and would appreciate feedback about that offer.

## **5. AOB**

Were further JCPC visits planned? Nothing certain but there are discussions in some jurisdictions.