



## Note of the UKSC/JCPC User Group Meeting

Held on Friday 3 February 2017 at 11AM in the  
Lawyers' Suite at the UKSC

### Present:

Lord Kerr	}	
Mark Ormerod	}	UK Supreme Court
Paul Brigidland	}	
James Turner QC		1KBW
Steffan Taylor		Alan Taylor & Co
Nicole Curtis		Penningtons
Robin Lloyds		Axiom Stone Solicitors
Jennifer Cassidy		Harcus Sinclair
Mark Stephens		Howard Kennedy
Amy Kuan		Simon Muirhead and Burton Solicitors
Kristina Ravic		Simon Muirhead and Burton Solicitors
Dorian Brunt		Office of the First Minister, Wales
David Miles		Blake Morgan
Gemma Ospedale		Royds Withy King
Mark West		Radcliffe Chambers
Camilla Hart		Charles Russell Speechlys
Lee John-Charles		Government Legal Department
Nigel Pleming QC		39 Essex chambers
Simon Gardner		Matrix

### Apologies

Asal Vakilzadeh	Bankside Commercial
Robin Tam QC	Temple Garden Chambers
David Mulholland	Bar Library NI
Michael Fordham QC	Blackstone Chambers
Andrew Smith	Compass Chambers
Lucy Barbet	11KBW
Karen Quinlivan	Bar Library NI
Christopher Knight	11KBW
Nigel Fisher	Norton Rose Fulbright LLP
Nicola Gare	Holman Fenwick Willan
Andrew Carrington	Carrington Law
Henry Hickman	Harcus Sinclair

## **1. Welcome and apologies**

Lord Kerr welcomed everyone to the meeting. Louise di Mambro had sent apologies as she was unwell.

## **2. Use of video link hearings in the JCPC and UKSC**

Paul Brigland reported on the successful recent JCPC hearing that had been held via video link with Mauritius. The parties in Mauritius were not in the court building but went to a local video conference enabled office since the connection and IT was more reliable. It had taken a considerable amount of work to find a place with proper facilities and these had eventually been found at Mauritius Telecom. The hearing had been done through Skype for Business which was generally reliable, though the link with Mauritius had been lost for ten minutes during the hearing. The agents in London had had a separate link with Mauritius so that they could keep in separate contact. Mark Stephens asked whether there was a feeling by the party not in the room that they had been disadvantaged. Paul Brigland confirmed that it had been a specific requirement that everyone could see everyone else. Everyone in the court could see those in Mauritius and those in Mauritius had been pleasantly surprised by how effectively and well it had gone. Gemma Ospedale, from the agents in this case, confirmed that those in Mauritius had felt they had been treated satisfactorily and had not felt at a disadvantage. Lord Kerr commented that he did not have experience of video hearings in the JCPC but in the Court of Appeal in Northern Ireland they had worked well, so long as everyone was conscious that any imbalance was properly addressed. In general discussion it was agreed that some jurisdictions of the JCPC would be more suitable to video hearings because of the time difference.

Paul Brigland reported that video hearing facilities were being installed in courtroom 3 and were due to be available for video hearings from the start of the Easter term. They could be used for any suitable cases, including those in the Supreme Court. The technical spec would be circulated so that those interested in taking up this service knew the level of IT performance that would be needed.

**Action: Paul Brigland**

### **3. Online filing and payment of fees**

Paul Brigland reported that the websites were due for a refresh not least to make them more compatible with mobile devices. The opportunity of the refresh would allow creation of a portal to allow the completion and submission on-line of papers, as well as payment. The Court was looking at allowing bank transfers and credit card payments for fees. At the moment this had to be done by hard copy, post/personal delivery and cheque. It needed to be a simple system and to cope with litigants in person. International transfers would present currency problems and these would need to be considered.

There was then a demonstration of e-Court by Tony Guise. The slides and relevant website link would be circulated.

**Action: Paul Brigland**

The demonstration was illustrative only, to give those attending the meeting an indication of the possible direction of travel from one of the suppliers in the market. No commitments had been made at this stage.

The e-Court system as demonstrated required a licensing fee to be paid to the administrator so that those using it had access to the system. How this applied to litigants in person would be an issue. Nothing could be provided which did not deliver a service for them. It was possible that they would need an exemption from the licence fee as well as court fees. Equally it was undesirable for litigants in person to overload the on-filing system with unmeritorious applications.

The agent and counsel could collaborate once something had been filed on-line as they would both have access. Questions around the maximum size of bundle would need to be considered. Some of them were very large and there would need to be capacity for them to be uploaded. It would also be important how long large bundles would take to upload. There was sometimes a need to amend the bundle. Under the e-court system, the document would stay there and a new edition would need to be uploaded. It could not be amended. Uploading the document could serve it on the Court and other parties - this would be an issue for courts to resolve and depended on their rules. Whether hard copies still had to be served on the Court was an issue for the Court but certainly in the short-term it seemed probable that this would be the case. It was pointed out that very rarely did advocates use the e-bundle. Lord Kerr agreed this was the case and there needed to be a change of approach by counsel. On a question about the degree of consultation with practitioners, there was a commitment to consult on any e-filing model. Plans at the moment were very embryonic and they would come back for consultation with the User Group but also, probably, a specific group dedicated to this topic.

### **4. Date of next meeting**

It was agreed that the next meeting should be before the summer break.

### **5. Any other business**

A question relating to certified records was raised and details of this would be e-mailed to the Court for a response.

It was agreed that a User Group dinner would be much appreciated.

**Action: Louise di Mambro**

Mark Ormerod updated the meeting on court fees. There had been proposals some time ago for these to be increased, with a view to the increases coming into effect in April 2016. This had not happened and it would not be happening in April 2017. The earliest that increase fees would come in was now October 2017 though there was likelihood of further slippage to April 2018. Room hire fees, however, were being increased from 1 April 2017 to £125 per day and then to £135 per day from 1 April 2018.

As had been mentioned at the previous meeting, there were a number of appointments shortly to the Supreme Court. The President had announced his retirement from the end of September, Lord Toulson had already retired and Lord Clarke would also be retiring in the summer. So there would be a new President and two, possibly three, new Justices at the beginning of the Michaelmas Term.

**MARK ORMEROD**  
**Chief Executive**  
**February 2017**