



OPRC Consultation on the *The Online Procedure (Core Rules and Pilot Schemes) Rules 2026*

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Organisation: Association of Personal Injury Lawyers (APIL)

Questions

Question 1: The OPRC is under a duty to provide Online Procedure Rules that are simple and simply expressed. How well do you think the draft Online Procedure Rules achieve this? Please provide specific examples.

Comments: Overall the rules are simply expressed, but there are some areas that could benefit from greater clarity.

Paragraph 7(g) sets out that the powers of the court or tribunal to achieve the Overriding Objective include allowing reasonable public access to court and tribunal decision-making. The intended application of this part is unclear. There is no more transparency for members of the public in this regard within the Damages Claims Portal than the traditional in-person route.

Paragraph 11 states that the court or tribunal may bring forward a hearing or postpone it, even if a hearing has started. The wording here is vague and unspecific about what notice would be given to the parties in the event that deadlines are to be brought forward.

Paragraph 17 states that if the digital service is inoperative for any reason, no person is to be disadvantaged in online proceedings because they could not use the service during that time. There is no mention however, of any solutions for when the digital service is operational but people may encounter last minute technical problems on their end.

Question 2: The OPRC is keen to ensure that the draft Online Procedure Rules clearly set out what people can expect when engaging with online proceedings governed by the Online Procedure Rules. How well do you think the draft Online Procedure Rules achieve this aim?

Comments: Again, broadly the rules achieve this aim but there are some areas where greater clarity would be welcomed. Paragraph 9(b) sets out that active case management of online proceedings by the courts or tribunal includes directing or encouraging the parties to use other methods to resolve their disputes and helping them use those methods; and paragraph 18, early resolution, states "... Examples include online information, online advice, consensual online dispute resolution and adjudication (whether by a court or tribunal or some other method)". We believe it would be helpful in both of these paragraphs to reference specific methods of dispute resolution.



Question 3: While the draft Online Procedure Rules will initially apply only to possession proceedings, the intention is that they will eventually apply to all proceedings where there are Online Procedure Rules. How applicable is the chosen terminology to proceedings in other jurisdictions such as family or tribunals? Are there any specific examples that need to be reconsidered?

Comments: We set out below a number of areas where the wording does not align with personal injury proceedings.

Paragraph 9(e) sets out that active management of online proceedings by the court or tribunal includes considering and deciding whether the outcomes of a future step are justified by its cost. Pitching the justification for a step on outcomes against costs only does not sit well with personal injury procedure. In PI claims, future steps can sometimes be necessary to allow progression and achieve clarification and reassurance, for example, regardless of the respective costs. We acknowledge that this is intended to mirror CPR rule 1.4(2)(h) – we would prefer the retention of the CPR wording here, as this looks at the *likely benefits* v costs, rather than the *outcomes*. Even where pre-action disclosure produces limited documentation, there can be a benefit from achieving clarity on the documents that are available to be disclosed, which can go some way towards levelling the playing field between the parties.

Paragraph 9(k) sets out that active management of online proceedings by the court or tribunal includes ordering a party to send the court or tribunal and the other parties a budget for the details of the costs they have spent or expect to spend on the online proceedings. This will cause confusion in respect of costs budgeting. Reforms in the PI sector have removed any requirement for costs budgeting in cases worth under £100,000. To reintroduce some requirement for budgeting within these parameters conflicts with the current intermediate track system and will doubtless cause confusion.

Question 4: The overriding objective sets out what the OPRC aims to achieve by making these rules. Is this clear? If not, why not?

Comments: Yes, this is clear.

Question 5: Do you have any other comments on the wording of these draft rules?

Comments: Paragraph 18 sets out that the digital service shall be designed, and the Rules shall be applied, so as to direct parties to online proceedings to the *least burdensome or least costly* means to resolve their dispute...". We are concerned that there is no mention of a just or equitable way to resolve the dispute.

Responses should be sent to OPRCConsultations@justice.gov.uk by 10am on Thursday 15 January 2026.

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