



# Judicial Review and Courts Act 2022

## 2022 CHAPTER 35

### PART 2

#### COURTS, TRIBUNALS AND CORONERS

### CHAPTER 2

#### ONLINE PROCEDURE

#### **19 Rules for online procedure in courts and tribunals**

- (1) For proceedings of a specified kind, there are to be rules which—
- (a) must require that kind of proceedings, or one or more aspects of that kind of proceedings, to be initiated by electronic means;
  - (b) may authorise or require that kind of proceedings, or one or more aspects of that kind of proceedings, to be conducted, progressed or disposed of by electronic means;
  - (c) may authorise or require the parties to that kind of proceedings (and their representatives) to participate in hearings, including the hearing at which the proceedings are disposed of, by electronic means;
- and are otherwise to govern the practice and procedure to be followed in that kind of proceedings.
- (2) The rules are to be called “Online Procedure Rules”.
- (3) Powers to make Online Procedure Rules (see sections 22(1) and 23) are to be exercised with a view to securing—
- (a) that practice and procedure under the Rules are accessible and fair,
  - (b) that the Rules are both simple and simply expressed,
  - (c) that disputes may be resolved quickly and efficiently under the Rules, and
  - (d) that the Rules support the use of innovative methods of resolving disputes.

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*Status: This is the original version (as it was originally enacted).*

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- (4) For the purposes of subsection (3)(a), regard must be had to the needs of persons who require online procedural assistance.
- (5) Different Online Procedure Rules may be made for different kinds of proceedings.
- (6) Where Online Procedure Rules require a person—
  - (a) to initiate, conduct or progress proceedings by electronic means, or
  - (b) to participate in proceedings, other than a hearing, by electronic means,Online Procedure Rules must also provide that, if the person is not legally represented, the person may instead choose to do so by non-electronic means.
- (7) Where Online Procedure Rules require a person to participate in a hearing by electronic means, Online Procedure Rules must also provide that a court or tribunal may, on an application or of its own initiative, order or otherwise direct that person, or any other person, to participate by non-electronic means.
- (8) The provision that may be made under subsection (1)(b) includes provision authorising or requiring—
  - (a) any question arising in proceedings, or
  - (b) the final determination of proceedings,to be disposed of by electronic means as a result of steps which the parties take, or fail to take, by electronic means.
- (9) Online Procedure Rules may provide—
  - (a) for circumstances in which proceedings of a specified kind—
    - (i) are not to be governed by the Rules, or
    - (ii) are to cease to be governed by the Rules, and
  - (b) for the proceedings to be governed by the applicable standard rules instead.
- (10) Online Procedure Rules may provide—
  - (a) for circumstances in which excluded proceedings—
    - (i) are to be governed by Online Procedure Rules, or
    - (ii) are to be governed again by Online Procedure Rules, and
  - (b) for the proceedings to cease to be governed by the applicable standard rules.
- (11) For the purposes of subsection (10)(a), proceedings are “excluded” if the proceedings are not governed, or cease to be governed, by Online Procedure Rules under provision of the kind referred to in subsection (9)(a).
- (12) Online Procedure Rules may provide—
  - (a) for proceedings of a specified kind to be taken in a court or tribunal which is not the court or tribunal in which they would be taken if governed by the applicable standard rules;
  - (b) for different proceedings (whether of the same specified kind or different specified kinds) to be taken together in a particular court or tribunal (which need not be the court or tribunal in which any or all of those proceedings would be taken if governed by the applicable standard rules).
- (13) But Online Procedure Rules may not provide—
  - (a) for proceedings to be taken in a court or tribunal that is not established under the law of the jurisdiction in which those proceedings are brought, or

- (b) for an appeal to be taken in the court or tribunal whose judgment or decision is being appealed against.
- (14) This section is subject to section 21.
- (15) [Schedule 3](#) makes provision about practice directions in relation to proceedings governed by Online Procedure Rules.