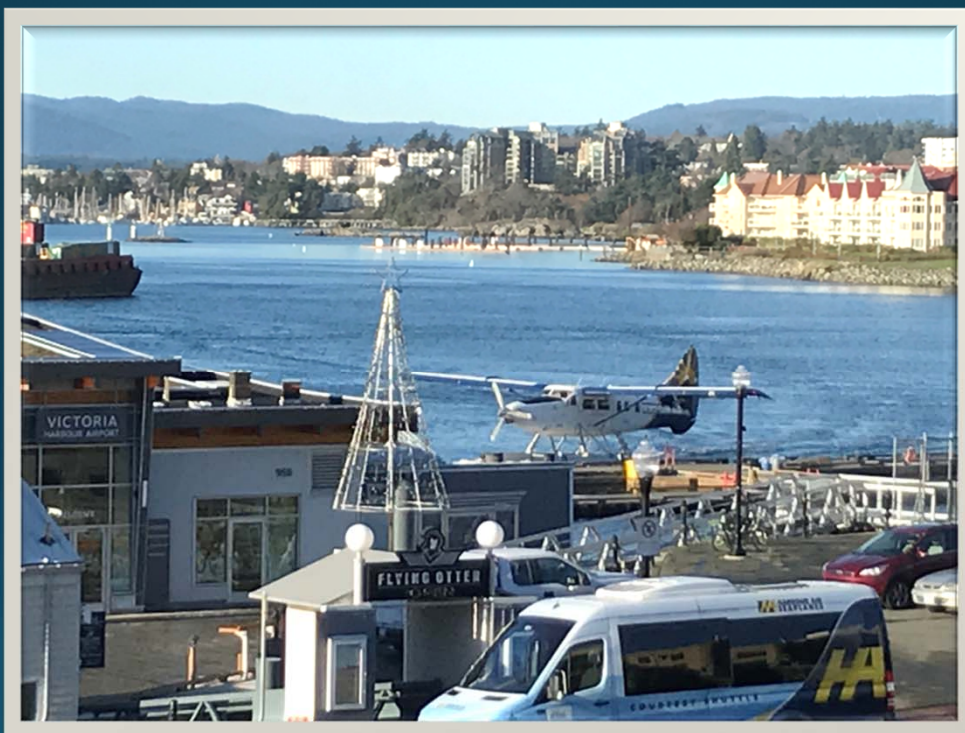




Justice Online: Getting Better?

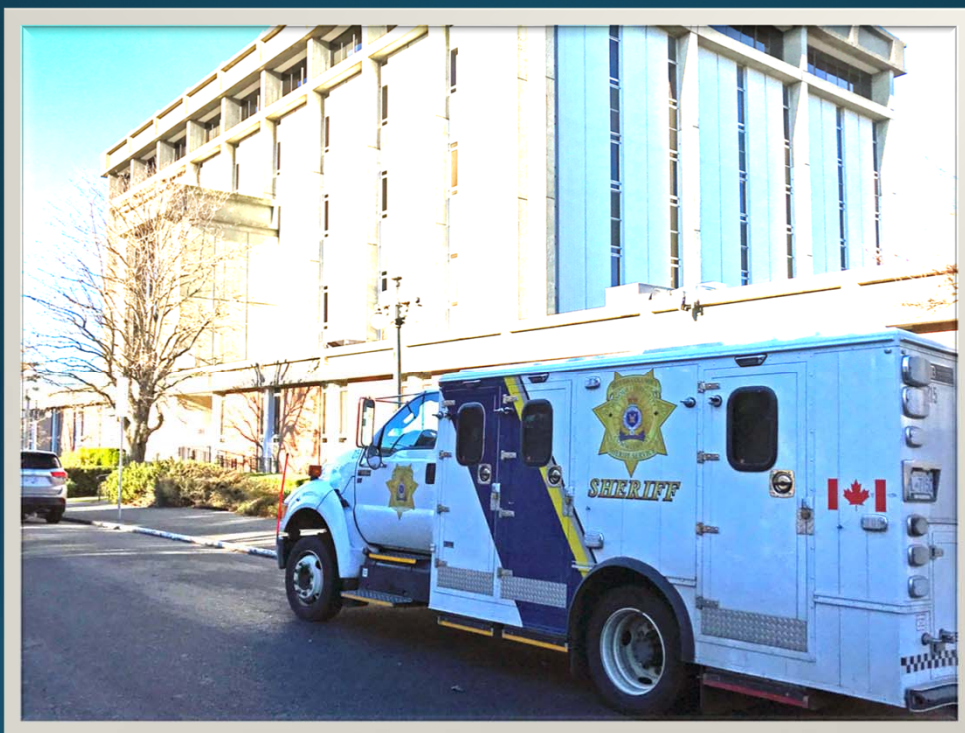
Joshua Rozenberg QC (hon)









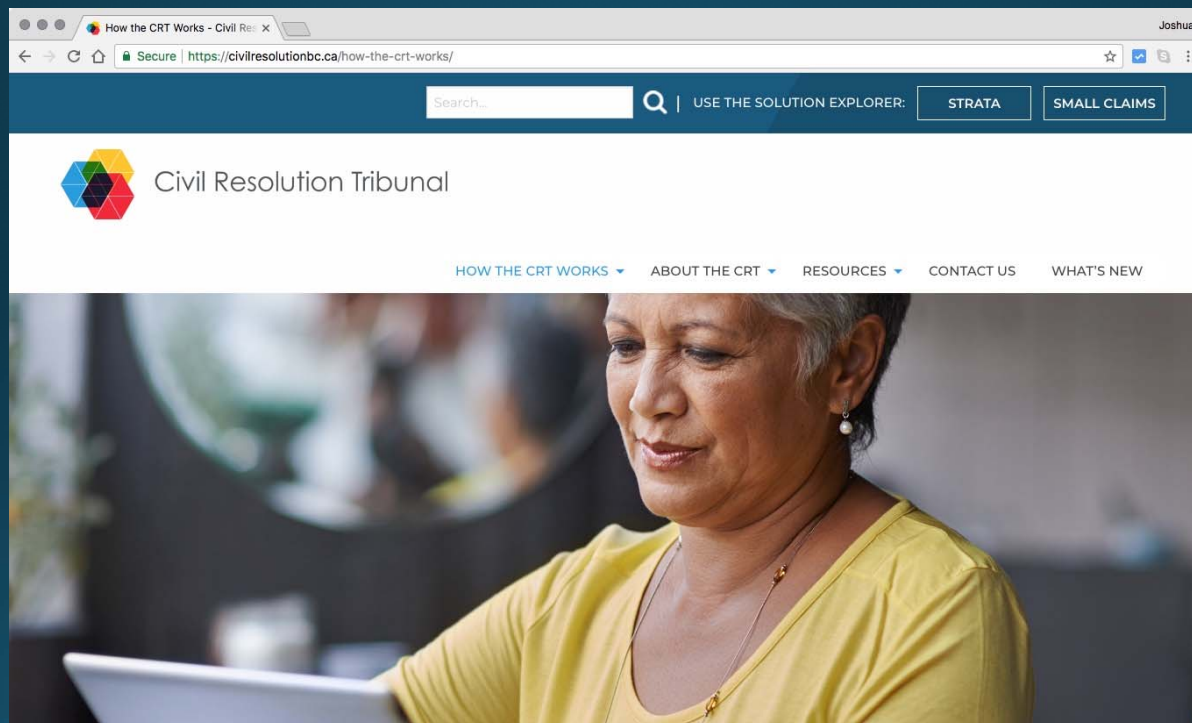








All-In-One 2014 - Photos by Matt Lawson



What we know is that, in Canada, for every 100 people who go down to a courthouse and file a civil claim, only two of those will go to trial. But we've oriented our entire civil justice system in the common-law world around the idea of a day in court — that we know doesn't come 98 per cent of the time. And we know about half of those 98 per cent of people don't settle their claim: they just give up because they run out of time and money and energy.



We have tried to flip that model. We assume that you're not going to have your day in court. We assume that, with the right support and help, you can reach a consensual agreement. We know, statistically, that people are happier with agreements that they reach themselves — and also, surprisingly, that they are more likely to adhere to them. It makes sense to empower people to be active participants in their dispute resolution, and leave adjudication as a last resort.



What is the CRT?



Part of the justice system

1st online tribunal in
Canada



Bringing the justice system to
the public

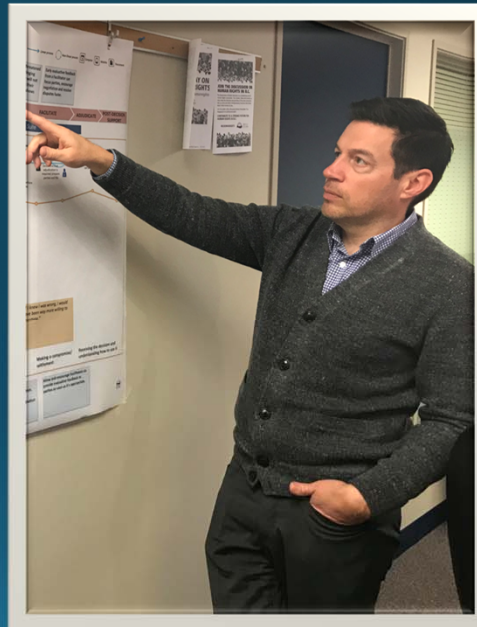
Seamless, Responsive Design

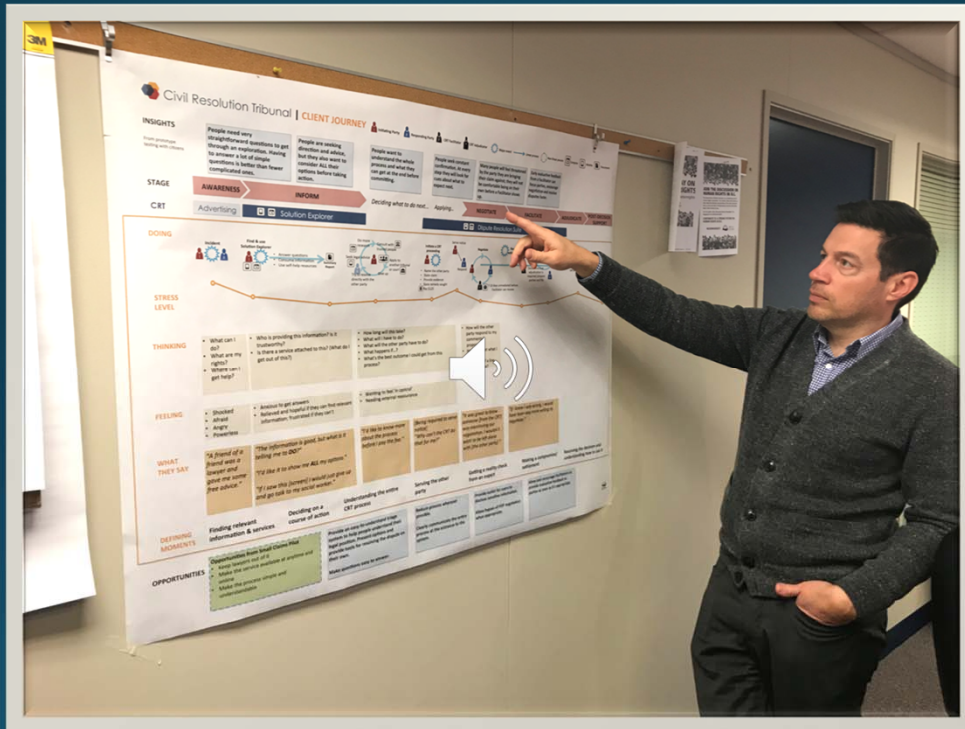


We wish you didn't have a dispute but, now that you do have a dispute, what can we do to help you resolve it?

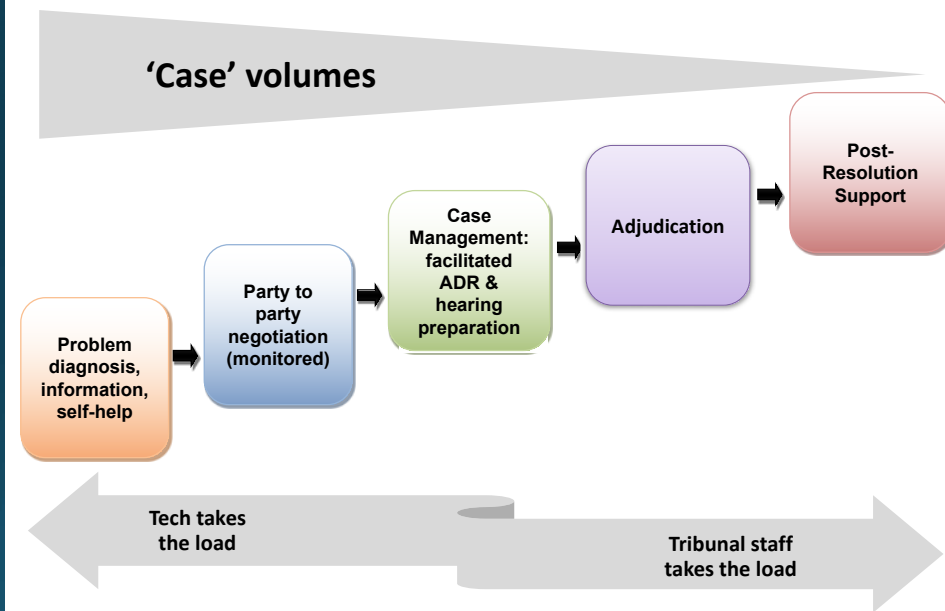
You want to file your documents when you get home from work and after you put your kids to bed? Fine.

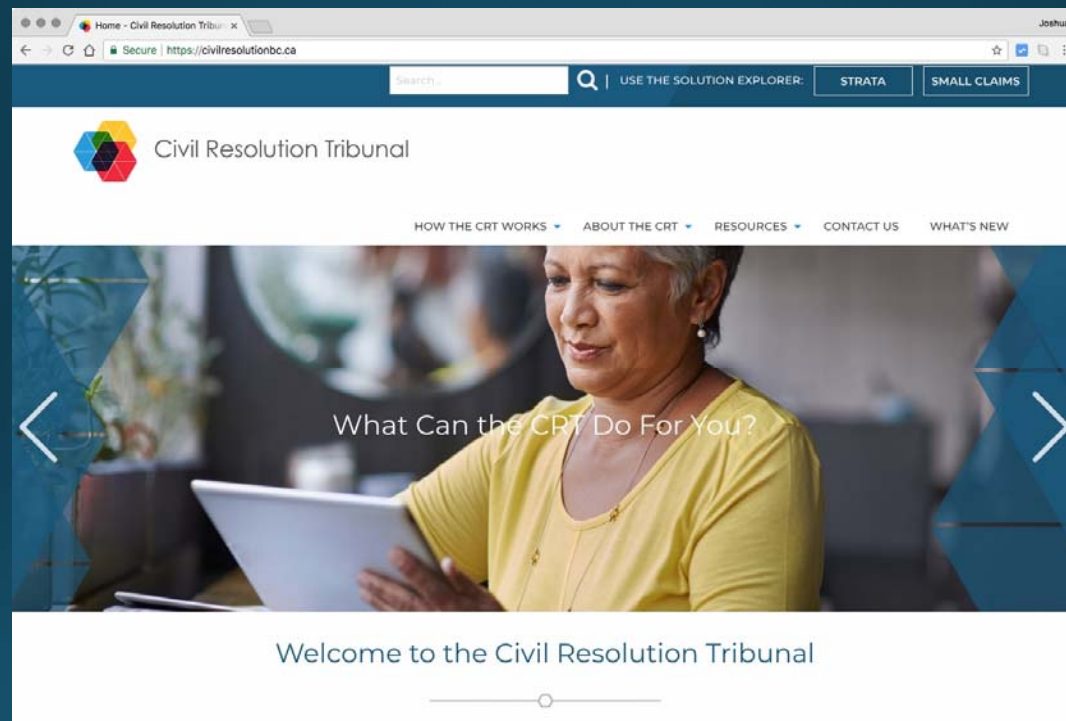
You want to access our services on a cell phone — from a park bench? Fine, you can do that.

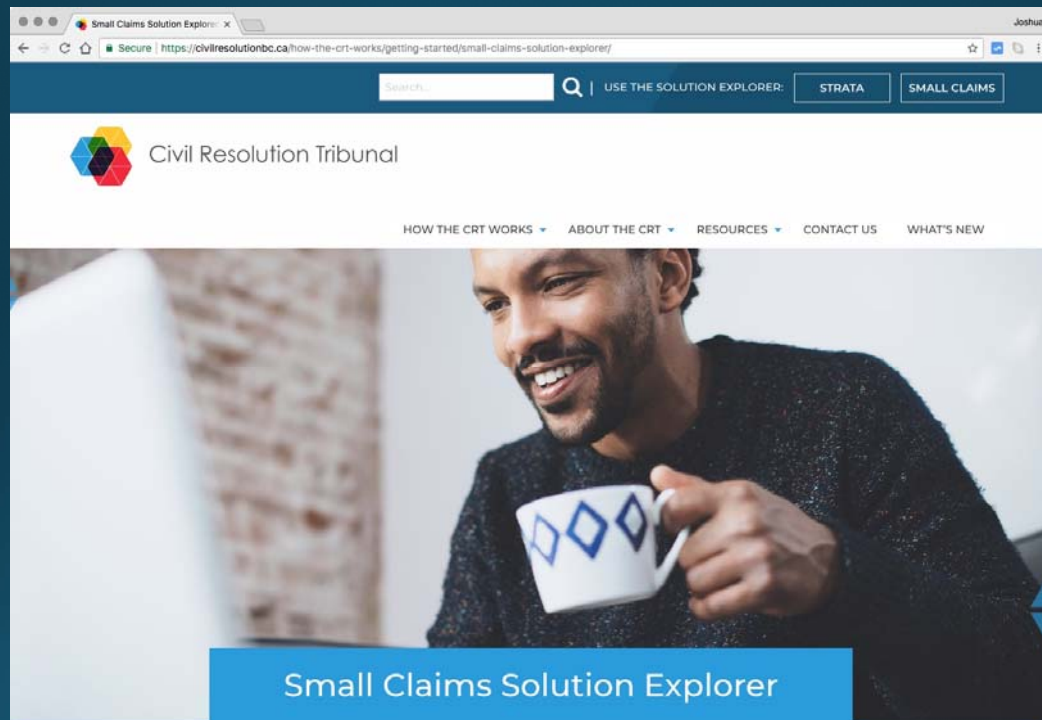




Justice Process Redesigned







Small Claims Solution Explorer x Joshua


Secure | <https://civilresolutionbc.ca/how-the-crt-works/getting-started/small-claims-solution-explorer/>

What is the small claims Solution Explorer?

The Solution Explorer is the first step in the CRT process. We'll give you free legal information and self-help tools. You can apply to the CRT for dispute resolution right from the Solution Explorer.


Small claims disputes involve a wide variety of issues between individuals and organizations.

Click on the dispute area that you think best fits your issue:




BUYING AND SELLING GOODS AND SERVICES

Issues related to the purchase and sale of goods and services, including disputes over payment, quality, and damage.




LOANS AND DEBTS

Issues related to borrowing and lending money where the lender is in the business of lending money or extending credit. Examples include credit card debts, overdue loans, and overdraft bank or



CONSTRUCTION AND RENOVATIONS

Issues related to the construction, improvement, or renovation of a building.



EMPLOYMENT

Issues related to some employment disputes. This area doesn't include union disputes or contractors. Many employment disputes must be resolved by the Employment Standards Branch.

Goods and Services Disputes

Joshua

Secure | https://civilresolutionbc.ca/how-the-crt-works/getting-started/small-claims-solution-explorer/goods-and-services/

Home > How the CRT Works > Getting Started > Small Claims Solution Explorer > **Goods and Services Disputes**

Information for Buyers and Sellers of Goods and Services

This area of the Solution Explorer is for buyers and sellers of goods and services. It has information and self-help tools for disputes about things like payment, quality, damage, gift cards, and more.

Welcome to the Solution Explorer for Small Claims

Ready to start? Click the button that best describes your problem.
Already have a code? Click the 'Continue an Exploration' button.

> Goods or Services - Buyers

> Goods or Services - Sellers


> Continue an Exploration

What You Need To Know Before You Start

Civil Disputes - Question

Joshua

Secure | https://explore.civilresolutionbc.ca/ES_Question?id=a0R1a000004ejPwEAI

 **Solution Explorer** [Something broken? Tell us](#)

Civil Disputes

Goods or Services - Sellers

Your Exploration Information

14%

Access code: **ymeLkPmxc**

Email Print


Additional External Resources

- Supplementary Resolution Options for Sellers
- Limitation Periods
- How Can I Make my Claim with the CRT?
- CRT Decisions

Quit

Save and exit

Welcome! We're going to ask you some questions about your dispute, so we can give you the right information for your situation. First, what's the issue with what you sold?



If your dispute has multiple issues, explore the most important one first. Choose the answer that best fits the issue.

☐

There's a problem with payments or money

☐

The buyer wants me to replace or redo something

☐

The buyer is claiming it caused property damage

☐

The buyer is claiming it caused a personal injury

☐

I want to end my contract with the buyer

☐

Something else

Not finding an option you were expecting? Help us improve our site and [tell us what's missing](#).

Back

Next

Civil Disputes - Question

Joshua

Secure | https://explore.civilresolutionbc.ca/ES_Question?id=a0R1a000004ejQ2EAI

BRITISH COLUMBIA

Solution Explorer

Something broken? [Tell us](#)

Civil Disputes

Goods or Services - Sellers

Quit

Save and exit

Your Exploration Information

28%

Access code: ymeLkPmxc

Email Print

Information You Provided

1. There's a problem with payments or money

Additional External Resources

Supplementary Resolution Options for Sellers

Limitation Periods

How Can I Make my Claim with the CRT?

CRT Decisions

What's the issue with payments or money?

help

☒ The buyer hasn't paid

☐ The buyer wants a refund

☐ The buyer claims they were charged for something they didn't buy or want

☐ I was notified of a chargeback

Not finding an option you were expecting? Help us improve our site and [tell us what's missing](#).

Back

Next

Civil Disputes - Action PDF

Joshua

Secure | https://explore.civilresolutionbc.ca/ES_Action?id=a011a000003jFJEAZ

Civil Disputes

Goods or Services - Sellers

Quit Save and exit

Suggested Resource

Rate this ★★★★★

INFO: Common Reasons for Payment Issues

Learn why buyers sometimes fail to pay for goods or services.

Email Download Print

Back Not helpful Next

Page: 1 of 2 Page Width

Common Reasons for Payment Issues

Learn why buyers sometimes fail to pay in full for goods or services.

What you should know

Sometimes buyers don't (or can't) pay in full for goods or services because they:

- Aren't satisfied with the goods or services
- Aren't aware (or forgot) that money is owing
- Don't have the money and may be hoping to stall for time
- Are considering (or are in the process of) declaring bankruptcy

What you can do

If the buyer isn't satisfied:

- Find out more about the buyer's concerns.
- Discuss the issue and explore ways to resolve it. Even if you don't feel obligated to do so, you might decide that replacing the goods or re-doing the services would help your reputation or the reputation of your business.


If the buyer isn't aware or forgot that money is still owing:

- Provide a detailed summary of invoices and payment statements. Include a

Civil Disputes - Question

Joshua

Secure | https://explore.civilresolutionbc.ca/ES_Question?id=a0R1a000004ejQ3EAI

 **Solution Explorer**

Something broken? [Tell us](#)

Civil Disputes

Goods or Services - Sellers

Your Exploration Information

50%

Access code: **vVra6NH4N**

Email Print

Information You Provided

1. There's a problem with payments or money

2. A buyer hasn't paid for a product or service

Resources

> INFO: Common Reasons for Payment Issues

Additional External Resources

> Supplementary Resolution Options for Sellers

> Limitation Periods

> How Can I Make my Claim with the CRT?

> CRT Decisions

Has the buyer started bankruptcy proceedings?

☐ Yes

☐ No

☐ I'm not sure

Not finding an option you were expecting? Help us improve our site and [tell us what's missing](#).

BackNext


QuitSave and exit

help

Civil Disputes - Question

Joshua

Secure | https://explore.civildisputesbc.ca/ES_Question?id=a0R1a000004ejQ4EA |

 **Solution Explorer** [Something broken? Tell us](#)

Civil Disputes

Goods or Services - Sellers

Quit

Save and exit

Your Exploration Information

62%

Access code: **ymelkPmxc**

Email Print

Information You Provided

1. There's a problem with payments or money

2. A buyer hasn't paid for a product or service

3. The buyer hasn't started bankruptcy proceedings

Resources

INFO: Common Reasons for Payment Issues

Additional External Resources

Supplementary Resolution Options for Sellers

Limitation Periods

How Can I Make my Claim with the CRT?

CRT Decisions

What did you sell?

?

help

If someone hired you to provide goods as part of a service, choose "Services".

☒ Goods

☐ Services

Not finding an option you were expecting? Help us improve our site and [tell us what's missing](#).

Back

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Civil Disputes - Action PDF

Joshua

Secure

https://explore.civilresolutionbc.ca/ES_Action?id=a011a000003jFOEA2

☆

Solution Explorer

Something broken? Tell us

Civil Disputes

Goods or Services - Sellers

Quit

Save and exit

Suggested Resource

Rate this ★★★★★

INFO: About Buying and Selling Goods

Learn some important legal considerations for buying and selling goods in BC.

EmailDownloadPrint

Back

Not helpful

Next

Page: 1 of 2Page Width

About Buying and Selling Goods

Learn some important legal considerations for buying and selling goods in BC.

What you should know

If you bought or sold goods in BC, provisions in the *Sale of Goods Act* (SOGA) legislation may apply to your situation. This is important to know because:

- For buyers, SOGA includes terms that may support your claim that the goods were defective or different than what you thought you were buying.
- For sellers, SOGA provisions can help you decide how to respond to a buyer's complaints.

Exclusions

Many sales contracts have terms that exclude certain SOGA provisions. For example, "The obligations of the seller and the rights and remedies of the buyer set forth in this agreement are exclusive and the buyer hereby waives all other rights and remedies including those arising by law, in contract, civil liability or in tort." This means the rights and remedies of the parties are limited to the terms of the contract.

Exclusions aren't allowed for the sale of new goods to consumers buying for personal, family or household use.


Implied terms

If not excluded, then certain SOGA terms are implied in the contract, even if the contract doesn't specifically contain them.

Civil Disputes - Question

Joshua

Secure | https://explore.civilresolutionbc.ca/ES_Question?id=aa0R1a000004eQ7EAI

 **Solution Explorer** [Something broken? Tell us](#)

Civil Disputes

Goods or Services - Sellers

[Quit](#) [Save and exit](#)

Your Exploration Information

88%

Access code: **ymLkPmxc**

[Email](#) [Print](#)

Information You Provided

1. There's a problem with payments or money
2. A buyer hasn't paid for a product or service
3. The buyer hasn't started bankruptcy proceedings
4. I sold goods
5. I don't have a right to seize the goods

Resources

- [INFO: Common Reasons for Payment Issues](#)
- [INFO: About Buying and Selling Goods](#)

Additional External Resources

- [Supplementary Resolution Options for Sellers](#)
- [Limitation Periods](#)
- [How Can I Make my Claim with the CRT?](#)
- [CRT Decisions](#)

Which solution would you like to explore?

[help](#)

- ☒ **Demand the full amount owing**
We'll give you a letter template to fill out and send to the buyer.
- ☐ **Invite the buyer to negotiate a solution**
- ☐ **Make a claim with the Civil Resolution Tribunal (CRT)**
- ☐ **Take no further action on this issue**

Not finding an option you were expecting? Help us improve our site and [tell us what's missing](#).

[Back](#) [Next](#)


Civil Disputes - Action Template x

Joshua

Secure

https://explore.civilresolutionbc.ca/ES_Action?id=a011a000003j1FVEA2

☆

 **Solution Explorer**

Something broken? [Tell us](#)

Civil Disputes

Goods or Services - Sellers

Quit

Save and exit

Suggested Resource

Rate this

☆☆☆☆☆


LETTER: Demand for Payment

Use this letter template to demand payment from a buyer.

Click **Create document from template** to build this letter. Enter your details for each field. When the letter is finished, you can print, email, or download it. Then you can sign and mail it. Keep a copy of the completed letter for your records.

+

Create document from template



< Back

✕ Not helpful

Next >

Civil Disputes - Action Template XJoshua

Secure | https://explore.civilresolutionbc.ca/ES_Action?id=a0l1a000003jIFVEA2

Create a document

Civil Disputes

1 Add information2 Format document3 Save

Fill in each field:

My Name or Company Name
Joshua Rozenberg

Next Field You've completed 1 of 17 fields

LETTER: Demand for Payment

Reset all fields

Joshua Rozenberg

[My Street Address]

[My City, Province, Postal Code]

[My email address]

[My telephone number]

[Buyer Name or Company Name]

[Buyer Street Address]

[Buyer City, Province, Postal Code]

Continue to step 2 > Close document

Back Next Steps Help

Civil Disputes - Action Template

Joshua

Secure | https://explore.civilresolutionbc.ca/ES_Action?id=a011a000003jiFVEA2

Create a document

✓ Add information

2 Format document

3 Save

Cancel Save and finish

Your information has been added. You may now edit and format the document - or continue to the next step to save your document.

✂

📄

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☷

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Styles

Format

Size

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I am writing to report non-payment for the [enter a summary of the goods or services] I sold to you on [enter the purchase date].

According to our agreement, payment was due as follows:

- [enter the payment schedule and when payment was due]

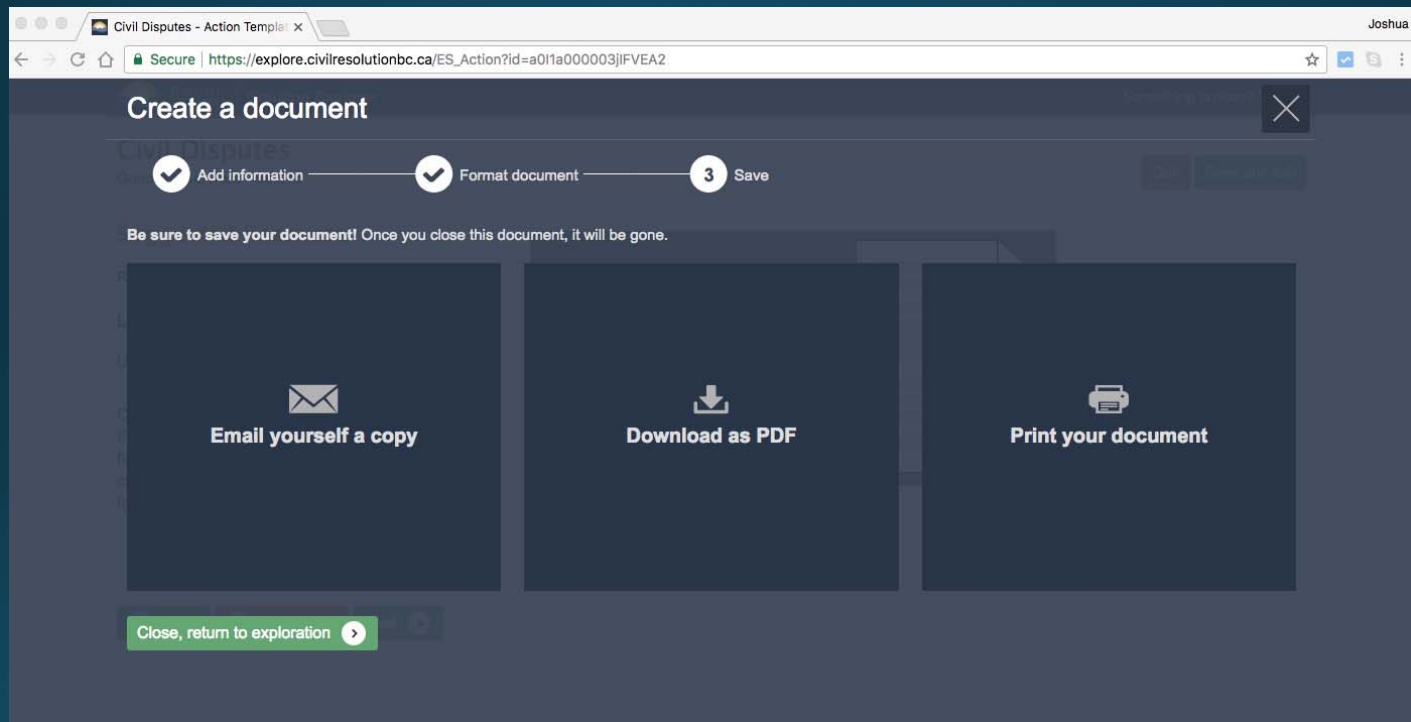
As of [Date Today], the amount of \$[enter the amount due] is due and owing, and I am requesting payment immediately.

To avoid further steps, please contact me at [enter your preferred contact method and information] by [enter the date you want the recipient to respond by] to confirm your payment in full.

I look forward to your early response.

Continue to step 3


Close document



Civil Disputes - Action PDF

Joshua

Secure | https://explore.civilresolutionbc.ca/ES_Action?id=a011a000003jJFXEA2

Solution Explorer

Something broken? [Tell us](#)

Civil Disputes

Goods or Services - Sellers

Quit Save and exit

Suggested Resource

Rate this ★★★★★

INFO: Workbook for Negotiating a Solution


This workbook offers guidance for negotiations. Print or save it, so you can refer to it while you work through your issue.

Email Download Print

Back Not helpful Next

Page: 1 of 7 Page Width

Workbook for Negotiating a Solution

 **About this workbook**

This workbook offers guidance for negotiations. It contains:


- Tips on how to negotiate a solution
- Negotiation preparation worksheet
- Tips for having a productive conversation
- Things to consider once you've reached an agreement

Print or save this workbook so you can refer to it while you work through your issue.

Civil Disputes - Question

Joshua

Securehttps://explore.civilresolutionbc.ca/ES_Question?id=a0R1a000004ejQ7EA|

Solution Explorer

Something broken? [Tell us](#)

Civil Disputes

Goods or Services - Sellers

Your Exploration Information

88%

Access code: **xWthfVTef**

Email Print

Information You Provided

1. There's a problem with payments or money
2. A buyer hasn't paid for a product or service
3. The buyer hasn't started bankruptcy proceedings
4. I sold goods
5. I don't have a right to seize the goods

Resources

Quit

Save and exit

Which solution would you like to explore?

☐ Demand the full amount owing

☐ Invite the buyer to negotiate a solution

☒ Make a claim with the Civil Resolution Tribunal (CRT)

☐ Take no further action on this issue

Not finding an option you were expecting? Help us improve our site and [tell us what's missing](#).

Back

Next

help

Civil Disputes - Exploration S: x

Joshua

Secure | https://explore.civilresolutionbc.ca/ES_SummaryReport?id=a0b1a00000633glAAA

Civil Disputes

Goods or Services - Sellers

Start a new explorationQuitSave and exit

Summary Report

EmailDownloadPrintRate this report☆☆☆☆☆

Your Summary Report gives you information and tools that may help you resolve your problem. Remember that a limitation period may apply. It could run out if you wait too long to take action.

To return to this report:

Your access code is: **xWthfVTef**


Access expires in 32 days on **February 24, 2019**

Issues

Your exploration found 1 issue(s). If you have more than one issue, you can use the tabs to switch between them.

Issue 1

Seller - goods or services - \$3,001 - \$5,000



Expert Summary

Based on what you've told us, you sold or agreed to sell goods. You didn't file a security interest against them, so you don't have a right to seize the goods. The buyer still hasn't paid.

The resolution option you chose is:

- Invite the buyer to negotiate a solution

Your resolution tools are:

- Letter template **Invite a Buyer to Negotiate a Solution for Non-Payment**
- Information sheet **Workbook for Negotiating a Solution**




If you're unable to resolve your dispute with these tools, you may be able to apply to the Civil Resolution Tribunal for help.

Before applying, review the information sheet **Making a Claim with the CRT**.

See the **What's Next?** section below to learn more about the CRT and what's involved in making a claim.

What's Next?

We hope the Solution Explorer has given you some useful information and tools to help you resolve your dispute.

- If you're unable to resolve your dispute with these tools, you may wish to seek legal advice about your next steps.
 - The [CBA's Lawyer Referral Service](#)  may be able to put you in touch with a lawyer who will provide a 30-minute consultation for a nominal fee.
 - [Access Pro Bono](#)  operates a clinic that offers free legal services to those who qualify.
- You may also make an application to the Civil Resolution Tribunal (CRT). It will allow you to resolve your dispute, where, when, and how you choose.
[Learn more about the CRT](#) 
- Click 'Start process' to start a claim with the CRT about the issues in your exploration.

Civil Disputes - Exploration Bc xApply for Dispute Resolution xJoshua

Secure | https://intake.civilresolutionbc.ca/drs_applicationsetup?accessCode=xWithFVTef&int=Expert+System

Civil Resolution TribunalSomething broken? Tell us

Application for Goods or Services – Claim Over \$3,000

We'll bring forward the issues you identified in the Solution Explorer.

They'll become background information for your application. Don't worry if you need to change or remove them. You'll get to explain your claim in your own words.

1. Seller - goods or services - \$3,001 - \$5,000

Before you begin your application

- This process takes 15 – 30 minutes.
- You cannot save incomplete applications. If you have to exit this application process, you will need to start over from the beginning. To ensure that you do not have to restart this process, use our [application checklist](#) to gather all the information you need before you begin.
- Do not open the application in a second tab or window. If you do so, it may cause errors with your application.
- The application fee is **\$125.00**. There may be additional [fees](#).
- You only need to apply once per dispute. The CRT will contact you with further instructions once your application is received.
- We will tell you how to deliver copies of this application to the other applicants and respondents. It will need to be delivered within 90 days.

Are you using a public computer?

☐ I'm using a public computer (i.e. library, internet cafe, Service BC location)

☒ I'm using a private computer

Please confirm

☐ I confirm the total value of my dispute is \$5,000 or less, excluding interest, fees, and expenses. I understand that if I abandon part of my claim to bring it under the \$5,000 limit, I can't claim the rest as part of another small claims dispute, or in another court or tribunal process.

☐ All applicants are aware of the CRT's policy on collecting and accessing personal information. All applicants consent to the secure storage, outside of Canada, of the information I provide to the CRT. [Click here](#) for more information.

Continue >

Resources

[How the Tribunal Works](#)

[Tribunal Process](#)

[Additional Resources](#)



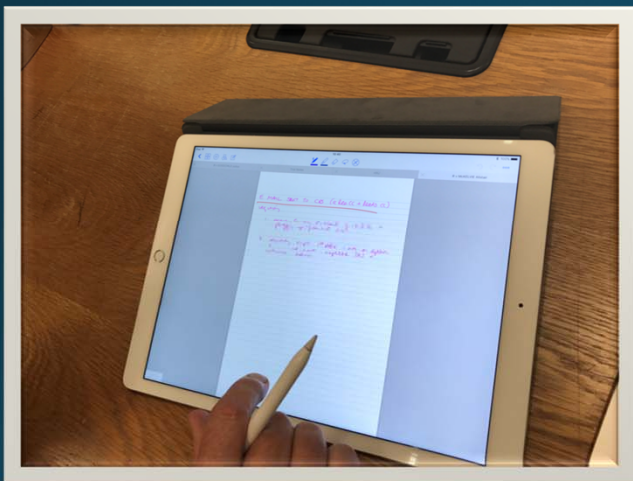


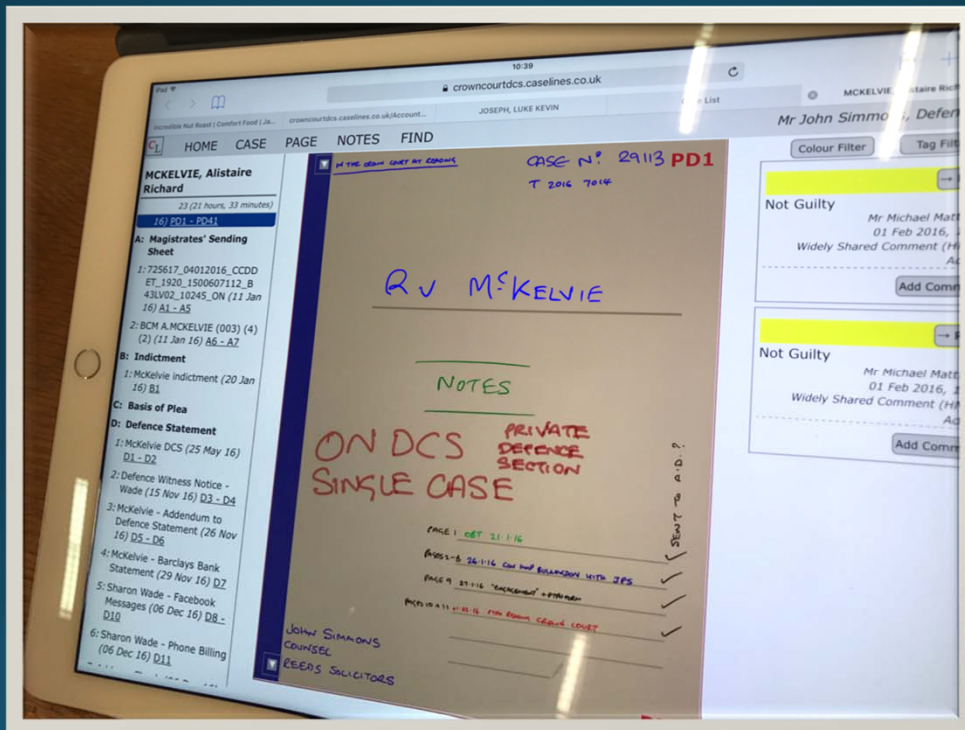












HMCTS Reform



HMCTS Change Programme – an overview

January 2018

Protecting and advancing the principles of justice



Contents

- [What we do](#)
- [Our courts](#)
- [Our tribunals](#)
- [Who we are](#)
- [Our responsibilities](#)
- [Corporate information](#)
- [Corporate reports](#)

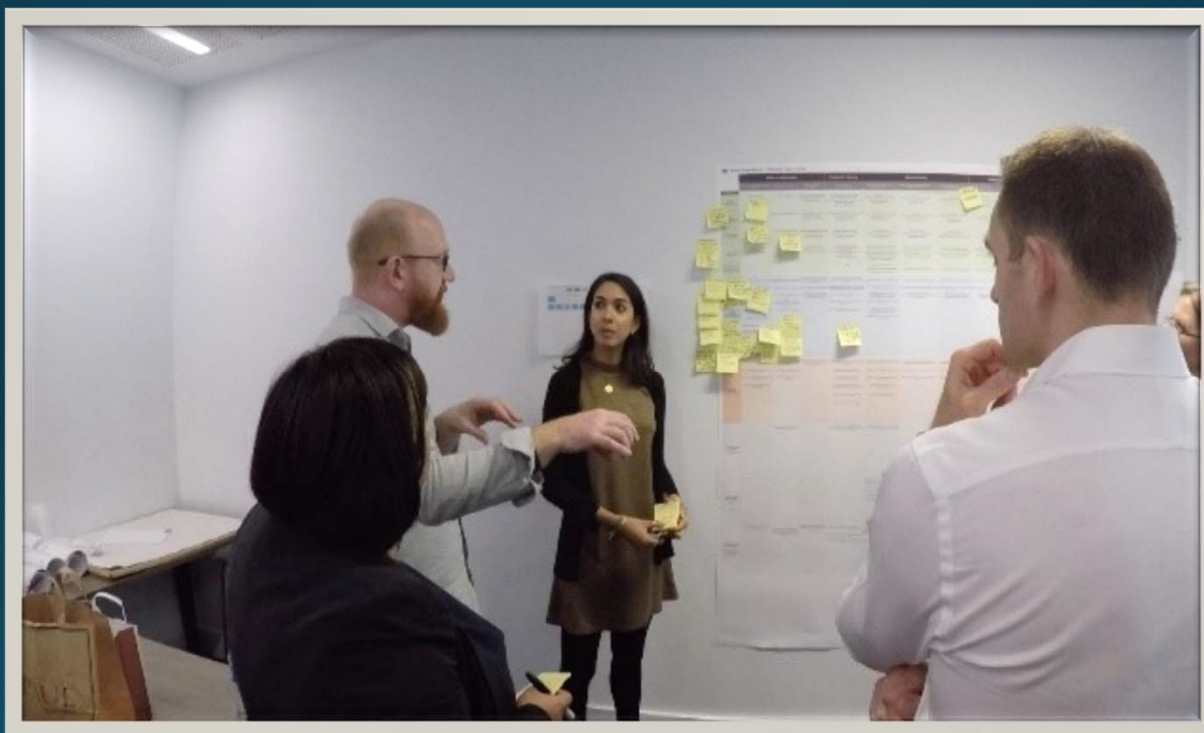
About us

What we do

HM Courts & Tribunals Service is responsible for the administration of criminal, civil and family courts and tribunals in England and Wales.

We are also responsible for non-devolved tribunals in Scotland and Northern Ireland.

We work with an independent judiciary to provide a fair, efficient and effective justice system.





22 February 2017



23 February 2017

<i>Prisons and Courts Bill</i>	1
<i>Part 1 – Prisons</i>	
A	
B I L L	
TO	
Make provision about prisons; make provision about practice and procedure in courts and tribunals; organisation of courts and tribunals, functions of the judiciary and of courts and tribunals and their staff, appointment and deployment of the judiciary, and functions of the Judicial Appointments Commission; and make provision about whiplash claims.	
B E I T ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—	
PART 1	
PRISONS	
<i>Purpose of prisons etc; Her Majesty's Chief Inspector and Inspectorate of Prisons</i>	
1	Prisons purpose, and role of Secretary of State
(1)	The Prison Act 1952 is amended as follows.
(2)	For sections 1 to 4 substitute —
<i>"Purpose of prisons</i>	
A1	Purpose of prisons
In giving effect to sentences or orders of imprisonment or detention imposed by courts, prisons must aim to—	
(a)	protect the public;
(b)	reform and rehabilitate offenders;
(c)	prepare prisoners for life outside prison, and
(d)	maintain an environment that is safe and secure.
Bill 145	56/2

24 April 2017

OPINION

www.lawgazette.co.uk

24 April 2017

Will Liz Truss be shuffled?



Joshua Rosenberg

Under fire from the most senior judge, it is hard to see how the lord chancellor can survive

If Theresa May wins the general election on 8 June, many of her key cabinet ministers are likely to keep their jobs – just as May herself did when the Conservatives won in 2015. But the prime minister will also have every opportunity to move other members of the cabinet to jobs for which they are better suited. And among those ministers must surely be Elizabeth Truss, lord chancellor and secretary of state for justice.

Truss is a likeable, approachable politician, well able to hold her own with parliament and the press. She has a clear idea of her priorities and, after a slow start, has mastered her brief. But, when dealing with senior judges, she comes across as a lightweight.

At the beginning of last month, she told the House of Lords constitution committee that there was still a 'myth' about the so-called Kilnmuir rules. Those rules about judges not being able to speak out in public were abolished in the 1880s, she said, 'and yet there is still sometimes a reticence to do so'.

I will remember the press conference in 1987 at which her predecessor Lord Mackay of Clashfern said that, in future, judges should decide for themselves how to deal with media requests. The judges remember it too. At the time, though, Truss was 12 years old. She would have no idea how much trouble Lord Woolf got into five years later when the then lord chief justice appeared to criticise the 'prison work' policy espoused by Michael Howard, the home secretary. There are some occasions when reticence may be in the judges' best interests, however much I try to persuade them otherwise.

But it was Truss who seemed reticent last November when the Daily



Truss: Kilnmuir confusion

of the judiciary, as she had sworn to do on her appointment. A more honest answer would have been to admit she had been poorly advised.

That was precisely the allegation made against Truss last month by the lord chief justice, Lord Thomas of Cwmgiedd. Three weeks after her own appearance, Thomas told the Lords constitution committee that an announcement by her officials about extending the use of

pre-recorded evidence for vulnerable witnesses in criminal trials was simply wrong. 'I regret to say that we had to correct a serious misapprehension that had arisen as a result of what the ministry said

it really is absolutely essential that we have a lord chancellor who understands her constitutional duty

remarks about judicial reticence: "The idea that we do not realise that the Kilnmuir rules have gone is quite frankly fanciful. What Truss had not understood, he implied, was that no serving judge could have responded to the *Daily Mail* at that time without plunging the judiciary into political controversy. And some readers believed what they read. The circuit judges were very concerned," he said, "because litigants in person were coming and saying, "You're an enemy of the people!"

Added about Truss's insistence that it was not her job to censor or direct the press, Thomas said she was under a duty to defend the judiciary from unwarranted attacks. 'I regret to have to criticise her as severely as I have, but to my mind she is completely and absolutely wrong about that,' Thomas said. 'It really is absolutely essential that we have a lord chancellor who under-

PHOTO: REA FEATURES

27 April 2017

A
B I L L

TO

Make provision about prisons; make provision about practice and procedure in courts and tribunals, organisation of courts and tribunals, functions of the judiciary and of courts and tribunals and their staff, appointment and deployment of the judiciary, and functions of the Judicial Appointments Commission; and make provision about whiplash claims.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

PRISONS

Purpose of prisons etc; Her Majesty's Chief Inspector and Inspectorate of Prisons

1 Prisons: purpose, and role of Secretary of State

(1) The Prison Act 1952 is amended as follows.

5

(2) For sections 1 to 4 substitute—

"Purpose of prisons

A1 Purpose of prisons

In giving effect to sentences or orders of imprisonment or detention imposed by courts, prisons must aim to—

10

- (a) protect the public;
- (b) reform and rehabilitate offenders;
- (c) prepare prisoners for life outside prison; and
- (d) maintain an environment that is safe and secure.

21 June 2017





Legislation will... be introduced
to modernise the courts system



COURTS AND
TRIBUNALS JUDICIARY

THE RT HON. THE LORD THOMAS OF CWMICEO
LORD CHIEF JUSTICE OF ENGLAND AND WALES

THE RT HON. SIR ERNEST RYDER
SENIOR PRESIDENT OF TRIBUNALS

MEMORANDUM: PRISONS AND COURTS BILL 2017

Introduction

1. This Memorandum is laid before Parliament pursuant to section 5(1) of the Constitutional Reform Act 2005 and paragraph 13 of Schedule 1 to the Tribunals, Courts and Enforcement Act 2007. The Lord Chief Justice of England and Wales and the Senior President of Tribunals consider that the clauses of the Bill relating to the courts, tribunals and the delivery of justice raise matters of importance relating to the courts and tribunals judiciary, tribunal members, the magistracy and the administration of justice. We wish to emphasise our support for those clauses because of their critical importance to the reform, modernisation and effectiveness of the delivery of justice.

Background

2. HM Government have provided significant funding to modernise and reform the administrative systems and procedures that underpin the administration of justice.¹ It is by far and away the most significant reform since the late Victorian era.
3. Our system for the delivery of justice is rightly admired across the world. It is underpinned by an independent and impartial judiciary and a legal profession of the highest quality and integrity. The justice system itself is a product of evolution rather than design and is, in many ways, fragmented. There has been a long overdue need for significant investment in the estate and technology. Paper-based systems are no longer viable. The language and processes used need to be simpler and more streamlined to improve access to justice. The world-leading strengths of our system should not obscure its shortcomings. For many litigants involved in low-value or routine litigation, accessing justice is too slow and too expensive.

The steps being taken to deliver the vision and the strategy

4. The overall vision of reform is "a courts and tribunals system that is just, and proportionate, and accessible to everyone." The aim is to strengthen the UK's international standing as a jurisdiction of choice for law and dispute resolution, and for its world-class legal profession. Under a detailed strategy agreed between HM Government, the judiciary and HM Courts and Tribunals Service, there are clear and fully costed plans to create a system that is financially viable, with a more cost-effective infrastructure (both physical and digital) and streamlined working practices (significant changes to procedure and the use of IT will reduce cost and eliminate the most common causes of delay). However, with the advent of a greater use of technology, the judiciary will continue to ensure that the fundamental principle of open justice is maintained and upheld.
5. The steps so far taken to implement the detailed strategy have been successful. For example, the cloud-based Digital Case System deployed to the Crown Court has seen a considerable improvement in the management of cases and a very substantial reduction in the use of paper; all criminal courts now have upgraded wifi, new screens and Clickshare presentation equipment. An IT information and communications system, eJudiciary, is successfully transforming the ability of the judiciary to carry out research and legal work online. The Business and Property Courts in London are now regarded as the leading court dispute resolution centre in the world; plans are in hand to ensure that similar facilities are replicated in the major cities of England and Wales. These successes demonstrate that HMCTS and the judiciary, with the full support of the Ministry of Justice, have the capacity and determination to deliver reform and modernisation successfully.

¹ Transforming Our Justice System by the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals (September 2016)

6. The further plans for digitalisation of the criminal justice system, in partnership with the Crown Prosecution Service and Police, will provide a complete online process to manage criminal cases from charge to conviction (the Common Platform).
7. In civil, family and tribunals jurisdictions, detailed plans have been drawn up to create one online platform that has available to it one IT system and one procedural code: pilots to build and deliver this are under way in the Civil and Family Courts and the Social Security and Child Support Tribunal. The IT system will be designed to be navigable both by the lay user and by lawyers, reducing and providing new access to justice, which is currently denied to many. In the Business and Property Courts in London, 30% of work is already filed online and, from April 2017, this will become mandatory.
8. Reform will also change the way the judiciary works. The development of common processes will bring together the courts and tribunals into "one system and one judiciary". Courts and Tribunals judges are now sitting in each other's jurisdictions, sharing skills and experience and providing the opportunity for the litigant to resolve related problems before one specialist judge or panel. The Magistrates' Courts will work more closely with the Crown Court while maintaining their close links to local communities.

The need for the Bill

9. The clauses in this Bill are essential if the reforms are to be delivered successfully. Without the proposed legislation, some of the reforms will not be possible and the programme as a whole may not be deliverable. For example, legislation is necessary for some of the reforms to the Criminal Justice System that increase flexibility and remove unnecessary hearings, such as extending the use of audio- and video-link technologies and enabling a defendant (if they so elect) to engage with the court online using the Common Platform. Legislation is also necessary to effect reform to the civil, family and tribunals jurisdictions. It is essential to have a new Online Procedure Rule Committee if the system which is being designed is to operate to its full potential, and to provide for HMCTS staff to be authorised to carry out certain functions of a court or tribunal under the supervision of the judiciary.
10. The legislation therefore provides a critical enabler for these essential reforms. When realised, the reforms will provide new and better access to justice to citizens in a way that enables disputes amongst citizens and between citizens and the State to be resolved effectively, speedily and justly. At a time of great change, the reforms will strengthen the rule of law, economic prosperity and assist in the maintenance of a successful democratic society. The reforms will also underpin the success of the international legal work of the UK, which makes a substantial direct contribution to the economic success of the UK and supports the financial and commercial markets based in the UK.



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It is essential to have a new Online Procedure Rule Committee if the system which is being designed is to operate to its full potential



court:
formal



tribunal:
informal

37 Rules for an online procedure in courts and tribunals

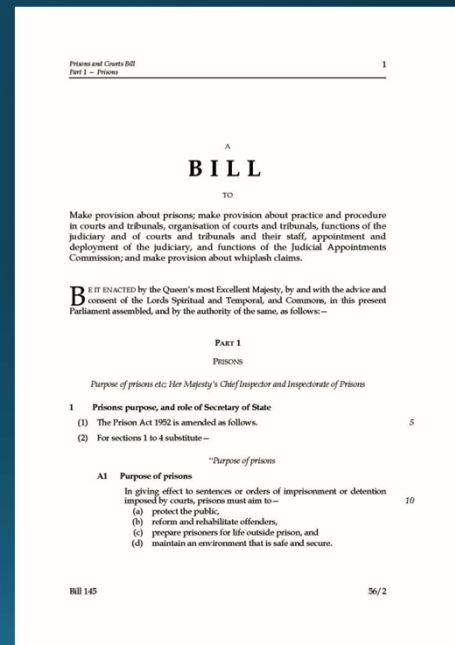
- (1) *For proceedings of a specified kind, there are to be rules of court (in the case of court proceedings) or tribunal procedure rules (in the case of tribunal proceedings) which –*
- (a) must require that kind of proceedings, or one or more aspects of that kind of proceedings, to be initiated by 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.*

For proceedings of a specified kind, there are to be rules of court (in the case of court proceedings) or tribunal procedure rules (in the case of tribunal proceedings) which –

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rules of court or tribunal procedure rules...
which must require proceedings...
to be initiated by electronic means

- The rule committee had to make sure that its rules were simple and simply expressed.
- Its practice and procedure had to be accessible and fair.
- The rules had to support innovative methods of resolving disputes.







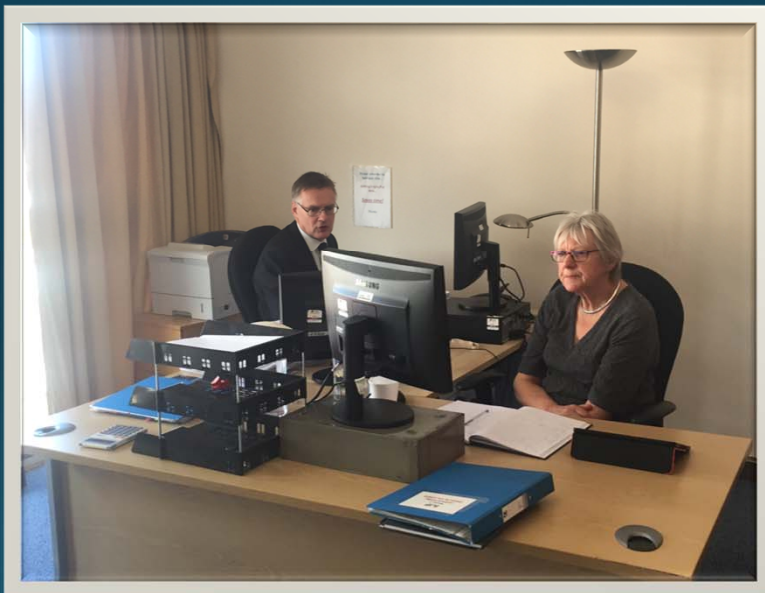
Criminal courts bill around
Easter

Separate bill later in the year
to create rule committee for
the civil courts




1. Single justice procedure
2. Online traffic plea
3. Divorce online
4. Online probate
5. Civil money claims

Single justice procedure



Make a plea for a traffic offence

Secure | https://www.gov.uk/make-a-plea

GOV.UK

Search

[Home](#) > [Crime, justice and the law](#) > [Courts, sentencing and tribunals](#)

Make a plea for a traffic offence

Use this service to plead guilty or not guilty to a traffic offence.

You must be either:

- the person charged with the offence
- an official representative of the company charged with the offence

This page is also available [in Welsh \(Cymraeg\)](#).

Start now >

Elsewhere on the web

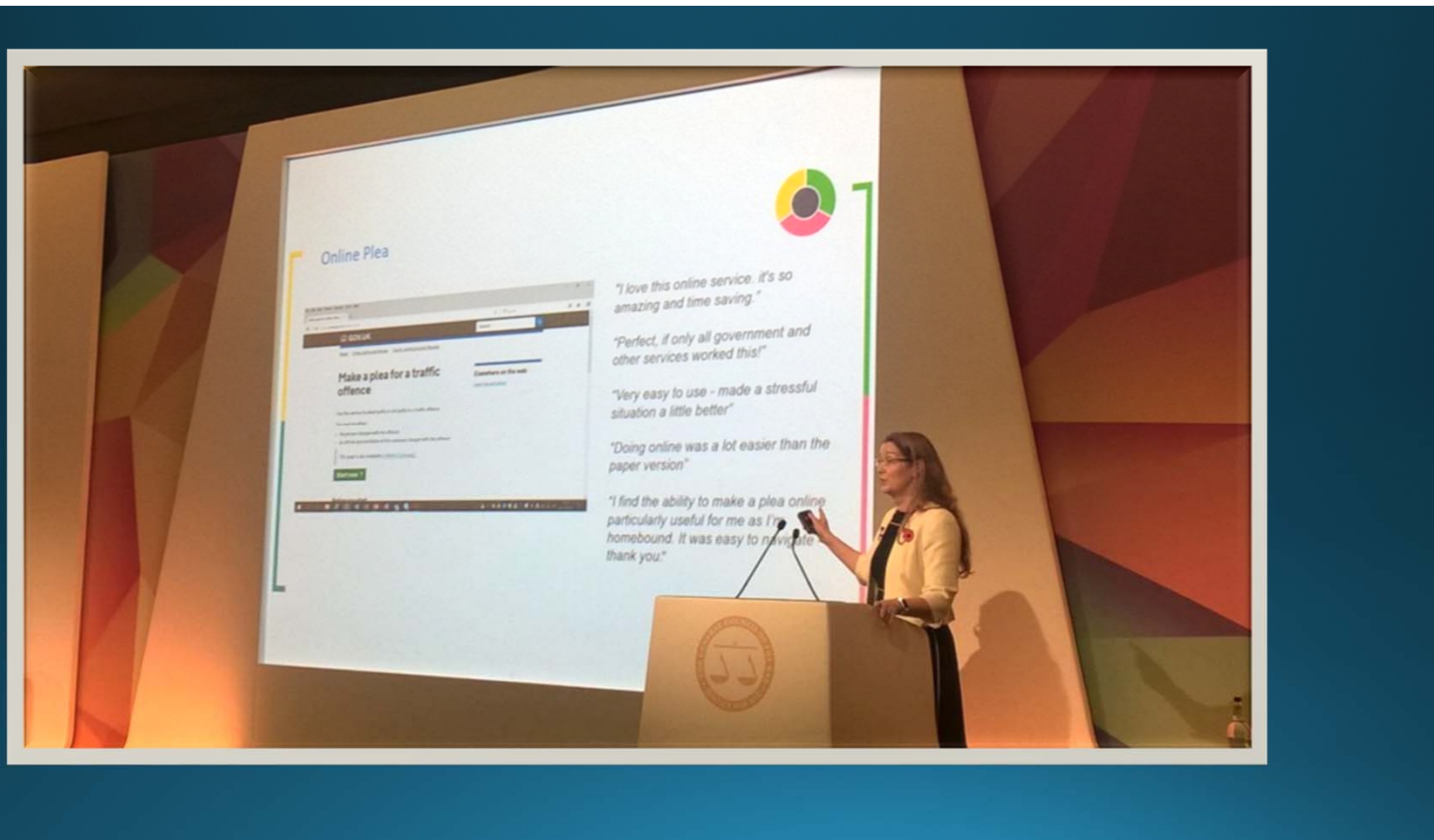
[Legal help and advice](#)

Before you start

To use this service you need:

- the notice the police sent you
- your driving licence
- your National Insurance number
- details of your income
- details of your outgoings, eg rent or mortgage, household bills

If you have questions about your case, [contact the court](#) dealing with it.



Apply for a divorce

You can use this service to apply for a divorce.

You must have been married for at least 1 year before you can apply for a divorce.

Fill in online, then print and post

This service will give you a completed divorce application pack as a PDF file. You'll need to print the application pack and post it to the court.

You'll only be able to save your application – as a PDF – once you've completed it.

Check if you can use this service

You can use the online service if you:

- have access to a printer
- were married in England or Wales

Marriage, civil partnership and divorce

[Get a legal separation](#)

[Annul a marriage](#)

[Looking after children if you divorce or separate](#)

[Money and property when a relationship ends](#)

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[Home](#) > [Births, deaths, marriages and care](#) > [Marriage, civil partnership and divorce](#)

Apply for a divorce

You can use this service to apply for a divorce in England and Wales.

Divorces in [Scotland](#) and [Northern Ireland](#) are handled by the courts there.

It usually takes 4 to 6 months to get a divorce if it's 'uncontested' (your husband/wife doesn't defend the divorce).

Check if you can apply online

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[More](#)

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Has your marriage broken down irretrievably (it can't be saved)?

You can only get a divorce on the ground that your marriage has broken down irretrievably.

☐ Yes

☐ No

Continue

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submit-online-pay.herokuapp.com/screening-questions/husband-or-wife

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Who are you divorcing?

☐ Your husband

☐ Your wife

Select the following if it applies to you:


☐ We were a same-sex couple when we got married.

[Continue](#)

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When did you get married?

Use the date on your marriage certificate

For example, 31 3 2002

Day Month Year

[Continue](#)

Is there a problem with this page?

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Apply for a divorce - GOV.UK

submit-online-pay.herokuapp.com/jurisdiction/habitual-residence-concept

Search

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Check if you can get a divorce in England and Wales

You must have some connection to England or Wales for the court to have the jurisdiction (the legal power) to grant you a divorce.

Answer the following questions to find out your connections.

Is your life mainly based in England or Wales?

This may include working, owning property, having children in school, and your main family life taking place in England or Wales.

☐ Yes☐ No

Continue

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Choose a reason for your divorce

You must choose one of the following reasons (legally known as the 'facts') for your divorce. If you can't use any of these reasons, you may be able to get a [legal separation](#) or [annul your marriage](#).


► [What if we lived together after we separated?](#)

Choose one of the following reasons:

☐ **Behaviour**
Your wife has behaved in such a way that you can't reasonably be expected to live with them any more

☐ **Adultery**
Your wife has committed adultery with a man and you find it intolerable (unbearable) to live with them

☒ **Separated for 2 years with consent**
Your wife agrees to a divorce and you've been separated for 2 years or more

 Your wife must give their consent to a divorce for you to use this fact. If they don't, your application will be rejected.

2017

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File Edit View History Favorites Tools Help

Apply for a divorce - GOV.UK

submit-online-pay.herokuapp.com/reason-for-divorce

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[What if we lived together after we separated?](#)

Select one of the following reasons:

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2018

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Apply for a divorce - GOV.UK

submit-online-pay.herokuapp.com/financial-arrangements

Search

↓↑🏠☰

Dividing your money and property

If you disagree with your wife about how your property, money, pensions and other assets will be split, then you can ask the court to decide for you. This includes maintenance payments.

These decisions are called 'financial orders'. You can apply for orders for yourself, and/or, if appropriate, for your children.

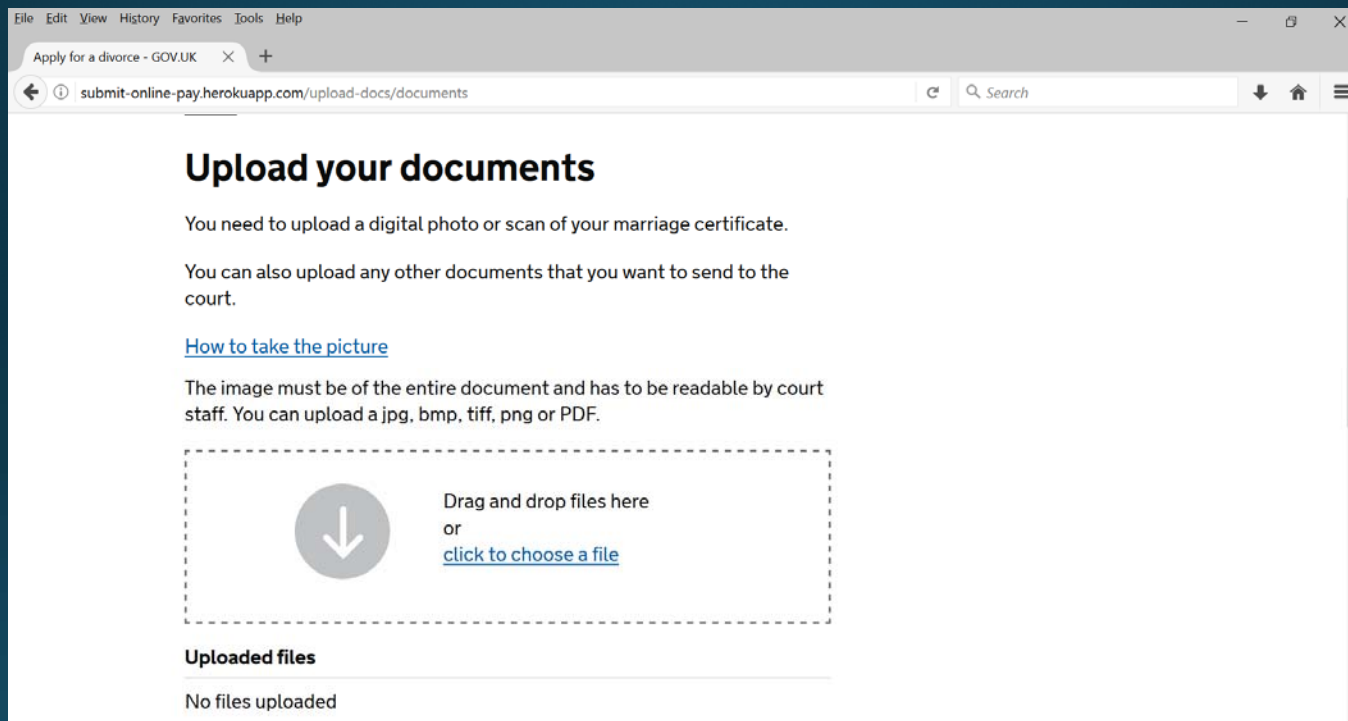
If you both agree on how to split your money and property and want to make it legally binding, you can apply for a type of financial order called a 'consent order'.

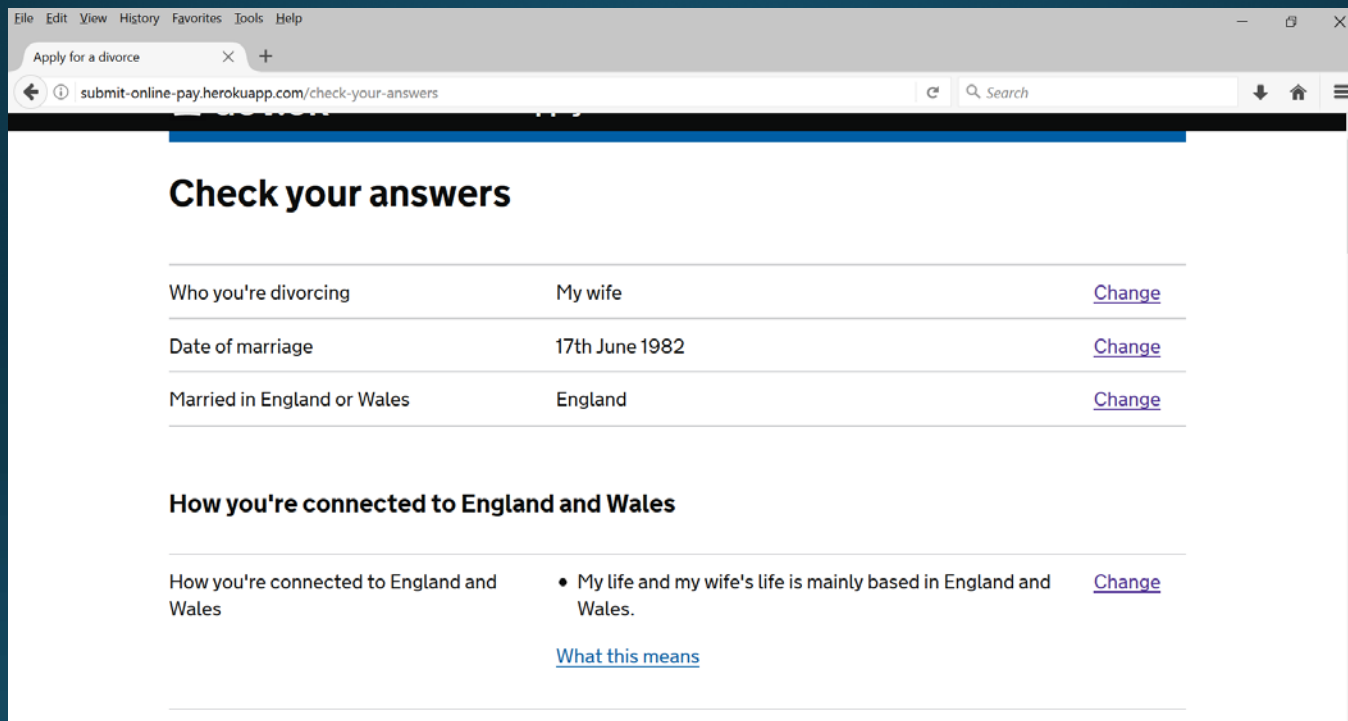
[Read more about orders](#)

Do you want to apply for a financial order?

☐ Yes

☐ No





Application for a divorce, dissolution or (judicial) separation

You can only make an application for divorce or dissolution if you have been in your marriage or civil partnership for at least one year. This does not apply to (judicial) separation applications.

The information you give will be used as evidence by the court to decide if you are entitled to legally end your marriage or civil partnership or to get a (judicial) separation order from your partner. A copy of this form will be sent to your spouse/civil partner by the court.

If there are exceptional reasons why your application should be dealt with urgently then please set those reasons out in a covering letter.

To be completed by the court	
Name of court	
Case No.	
Date received by the court	
Date issued	
Time issued	

There is a court fee for making this application - see notes on page 15

Help with Fees - Ref no. if applicable H W F - - - - -

If you have to pay a fee indicate how you will pay

- ☐ cheque
- ☐ debit/credit card - The court will call you between 9am - 4pm Monday to Friday, using the contact details you provide later in the form to collect payment.

Section 1 Your application (known as a petition in divorce and judicial separation)

1.1 What application do you wish to make?

- ☐ Divorce on the ground that the marriage has broken down irretrievably
- ☐ Dissolution on the ground that the civil partnership has broken down irretrievably
- ☐ (Judicial) separation

1.2 What documents are you supplying to support your application?

In cases of urgent applications it may be possible for you to make an application to allow you to deliver the original or a certified copy of the marriage/civil partnership certificate to the court at a later date.

- ☐ Your marriage or civil partnership certificate or a certified copy of the certificate from where you got married or entered into a civil partnership (a photocopy will **not** be accepted).
- ☐ A translation that has been certified by a notary public or authenticated by a statement of truth by the person who did the translation. This should be provided if your marriage or civil partnership certificate (or a similar document issued under the law in the country you registered your marriage or civil partnership) is not in English.

At times in this form you will be referred to as the Petitioner or Applicant, and your spouse/civil partner will be referred to as the Respondent. These are the technical terms used in law.

There is a separate fee for making an application to issue without your marriage certificate: see www.gov.uk/court-fees-what-they-are

For marriages/civil partnerships in England and Wales you can order a copy of the certificate at www.gov.uk/gov/content/certificates. You will need to pay for each copy.

If you entered into a religious marriage as well as a civil marriage, these divorce proceedings may not dissolve the religious part of your marriage. It is important that you contact the relevant religious authority and seek further guidance if you are unsure.

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If you entered into a religious marriage as well as a civil marriage, these divorce proceedings may not dissolve the religious part of your marriage. It is important that you contact the relevant religious authority and seek further guidance if you are unsure.

Section 1

Your application

(known as a petition in divorce and judicial separation)

1.1 What application do you wish to make?

- ☐ **Divorce** on the ground that the marriage has broken down irretrievably
- ☐ **Dissolution** on the ground that the civil partnership has broken down irretrievably
- ☐ **(Judicial) separation**

1.2 What documents are you supplying to support your application?

In cases of urgent applications it may be possible for you to make an application to allow you to deliver the original or a certified copy of the marriage/civil partnership certificate to the court at a later date.

- ☐ Your marriage or civil partnership certificate or a certified copy of the certificate from where you got married or entered into a civil partnership (a photocopy will **not** be accepted).
- ☐ A translation that has been certified by a notary public or authenticated by a statement of truth by the person who did the translation. This should be provided if your marriage or civil partnership certificate (or a similar document issued under the law in the country you registered your marriage or civil partnership) is not in English.

At times in this form you will be referred to as the Petitioner or Applicant, and your spouse/civil partner will be referred to as the Respondent. These are the technical terms used in law.

There is a separate fee for making an application to issue without your marriage certificate: see www.gov.uk/court-fees-what-they-are

For marriages/civil partnerships in England and Wales you can order a copy of the certificate at www.gro.gov.uk/gro/content/certificates. You will need to pay for each copy.

If you entered into a **religious marriage** as well as a civil marriage, these divorce proceedings may not dissolve the religious part of your marriage. It is important that you contact the relevant religious authority and seek further guidance if you are unsure.

News story

Personal applicants can now apply for probate online

HMCTS details how personal applicants can now apply for probate using new online service.

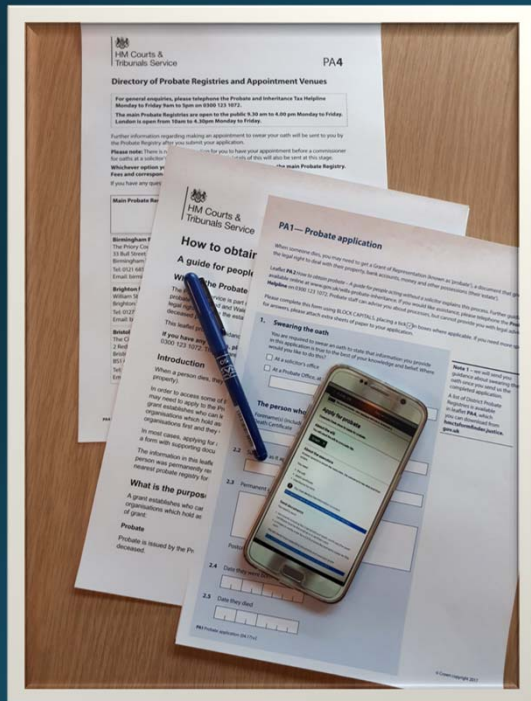
Published 30 August 2017

Last updated 12 January 2018 — [see all updates](#)

From: [HM Courts & Tribunals Service](#)



The Probate Service is now accepting online applications from personal applicants based on the criteria below:



- Statement of truth
- Fee payment
- “Save and return”

People are applying for probate online (with grants of probate often on-the-day).

BETA This is a new service - your [feedback](#) will help

Apply for probate

Use this service to apply for probate (also known as a grant of representation or a grant of probate) in England and Wales.

It costs £215 to apply for probate. If the estate value of the person who has died is less than £5,000 you don't need to pay this fee. You'll also need to pay 50p for each extra copy of the grant of probate that you need.

After you have submitted the probate application and paid by debit or credit card online, you need to post the death certificate and the original will to the probate registry office. The address will be given at the end of the application.

To use this service you will need:

- the original will of the person who has died
- their death certificate (this must be the original or a certified copy)
- to be an executor
- to know if other executors are applying or the reasons why they aren't applying

[Start now >](#)

GOV.UK

Money Claims

ALPHA This is a new service – your [feedback](#) will help us to improve it.

[Back](#)

Page 1 of 15

About you and this claim

We need to know if you're the person owed the money or if you're making the claim on behalf of someone else.

☐ I'm making this claim for myself

☐ I'm a legal representative

Continue

BETA This is a new service – your [feedback](#) will help us to improve it. (opens in a new window)

About you and this claim

We need to know if you're making this claim as an individual, sole trader or on behalf of a company or an organisation.

I'm claiming as an:



Individual

You are claiming for yourself



Sole trader or self-employed person

For example as a tradesperson



Company

For example a company that sells goods and services

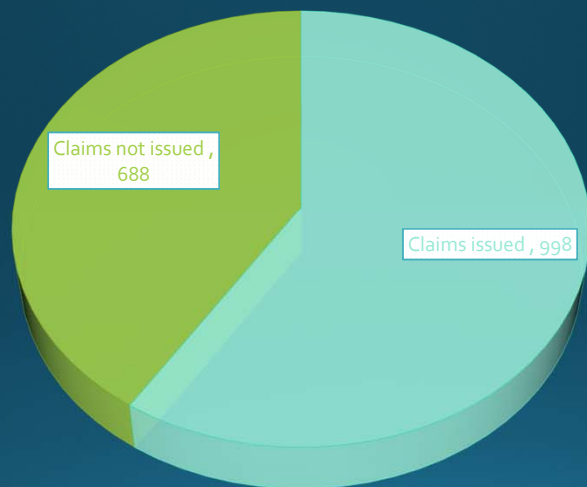


Another type of organisation

For example a partnership, trust, charity, club or association

Save and continue

CIVIL MONEY CLAIMS



BETA This is a new service – your [feedback](#) will help us to improve it. (opens in a new window)

Claim amount

Your claim could be for a single amount or might be made up of multiple items

Don't include interest - we'll ask you about this next.

Don't include your claim fee - we'll add this for you.

What you're claiming for

Briefly explain why you're claiming for this - for example, "unpaid debt" or "house deposit not returned"

Amount

<input type="text"/>	£ <input type="text"/>
<input type="text"/>	£ <input type="text"/>
<input type="text"/>	£ <input type="text"/>
<input type="text"/>	£ <input type="text"/>

Add another row

[Calculate total](#)

£0.00

Save and continue

BETA This is a new service – your [feedback](#) will help us to improve it. (opens in a new window)

Make a money claim

You can make a money claim if someone owes you money and won't agree to pay you back.

A money claim might not be your only or best option. Find out about [other ways to get your money](#).

You might have to go to a hearing in front of a judge if the person says they don't owe you. It can take up to 7 months to get a hearing date.

Find out more about [making a money claim](#), such as the [fees you'll pay](#).

What you'll need

- Current address and any other contact details of the person or company you're claiming against.
- A credit or debit card to pay the [claim fee](#).
- Around 30 minutes to make your claim.

You can save your claim and return to it at any time.

Start now >

Support

[Make a court claim for money](#)

[Money claim fees](#)

[Other options](#)

[Contact us](#)

A money claim might not be your only or best option. Find out about [other ways to get your money](#).

You might have to go to a hearing in front of a judge if the person says they don't owe you. It can take up to 7 months to get a hearing date.

Civil Justice

The screenshot shows the 'Make a money claim' form on the Civil Justice website. It includes sections for 'What you'll need', 'Other users to claim', and 'How to use this service'. The form is designed to be user-friendly and accessible.

"Rather than waiting four weeks to get an acknowledgment that it's been issued, I got it in seconds"

"It's quick, convenient, I think it's good, means we avoid issuing when we're not ready"

"The launch of the Online Court was both exciting and a momentous step towards bringing access to the courts for the ordinary person".

Judge Christopher Lethem

Civil Courts Structure Review: Final Report
by Lord Justice Briggs

July 2016

We have already....

Created a system allowing online issue of, and response to, **civil money claims** under £10,000, and a parallel solicitors' version; and started offering both to users to test, which is dramatically speeding up the process – from claiming to getting a hearing now takes around two weeks, compared to months using the current system.

We have piloted extending sitting hours in the Midlands for civil cases, resulting in reduced waiting times.

Over the next 18 months, we will....

Expand our civil money claims system – and the solicitors' version of it – so it can be used by anyone.

Add an **online negotiation and settlement tool**, to allow people to get redress quickly and simply.

Extend the system to **support cases as they go to and through court**, providing a new 'core case management' system for the civil courts which will start to allow fully digital working.

Our work on Civil Money Claims is the beginning of the 'online court'.

We are now building out the ability to reach agreement online; and will then build 'core case management' capability that will allow cases to be 'heard' online (and will also support cases that do go to a physical hearing).

One set of rules will cover civil, family and Tribunals work in the 'online court'.

We have already....

Created a system allowing online issue of, and response to, **civil money claims** under £10,000, and a parallel solicitors' version; and started offering both to users to test, which is dramatically speeding up the process – from claiming to getting a hearing now takes around two weeks, compared to months using the current system.

BETA This is a new service – your [feedback](#) will help us to improve it. (opens in a new window)

Total amount you're claiming

Please include any additional interest in your claim amount.

- ☐ Over £10,000
- ☒ £10,000 or less
- ☐ I don't know the amount

Save and continue

[Report a problem with this page](#)
(opens in a new window)

Civil Disputes

Goods or Services - Sellers

Quit

Save and exit

Your Exploration Information

62%

Access code: **ymeLkPmx**c

Email Print

Information You Provided

1. There's a problem with payments or money
2. A buyer hasn't paid for a product or service
3. The buyer hasn't started bankruptcy proceedings

Resources

- > [INFO: Common Reasons for Payment Issues](#)

Additional External Resources

- > [Supplementary Resolution Options for Sellers](#)
- > [Limitation Periods](#)
- > [How Can I Make my Claim with the CRT?](#)
- > [CRT Decisions](#)

What did you sell?



If someone hired you to provide goods as part of a service, choose "Services".

- ☒ Goods
- ☐ Services

Not finding an option you were expecting? Help us improve our site and [tell us what's missing](#).

Back Next

BETA This is a new service – your [feedback](#) will help us to improve it. (opens in a new window)

Total amount you're claiming

Please include any additional interest in your claim amount.

- ☐ Over £10,000
- ☒ £10,000 or less
- ☐ I don't know the amount

Save and continue





There is clearly a great deal of activity but it is not easy to say on any one day exactly what is happening and how far any particular part of the programme has progressed. The only regular public source of updates is the Inside HMCTS Blog. The lack of a clear flow of communication has been a cause of some complaint among the profession, the judiciary and academics.



Prof Dame Hazel Genn QC (hon)



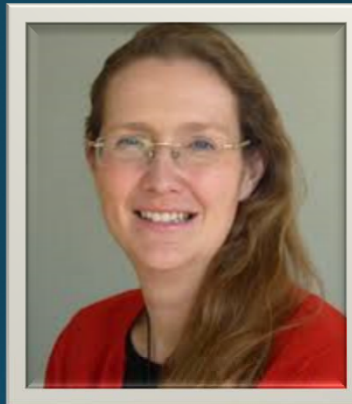
Susan Acland-Hood

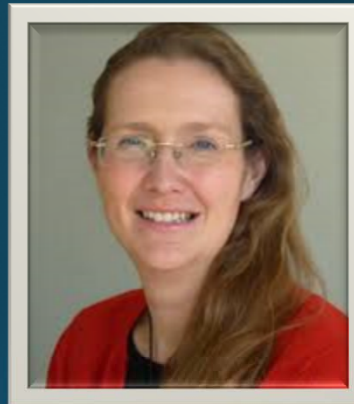
We're changing for a purpose - and listening too

Susan Acland-Hood, 19 September 2017 - Civil, Crime, Digital services, Family,
Transformation - Courts and Tribunals 2022, Tribunals

[English] - [[Cymraeg](#)]

As autumn begins, I wanted to take the opportunity to reflect on what I've learnt since I started as CEO of HMCTS last November. One of my main reflections is that we have not talked widely enough yet about our reform plans; but more importantly, I don't think we've listened enough, or given enough ways for people who care about the system and how it works to help shape its improvement. I'd like to change that; and my own discussions and engagements on Twitter and elsewhere have shown that there's a great appetite for this, but also much more we need to do to hear what's being said.

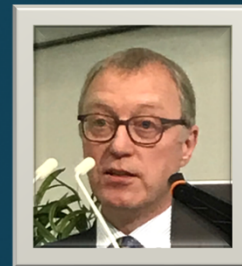




I don't think we've listened enough, or given enough ways for people who care about the system and how it works to help shape its improvement. I'd like to change that;



We are now in a new, digital world... In order to understand, to design and to test reform we must, it seems to me, engage far more than we have in the past with academia, with management experts, digital experts, with the professions, regulators, ombuds and wider society. Reform must be based on proper research; robust and tested... It must be open to scrutiny, and communicated clearly and readily... It must require us to consider whether our processes are sufficient to [meet] modern conditions.





[Home](#)

Press release

Video hearing pilot launched

A pilot launched today will test the fully video courtroom with members of the public for the first time.

Published 15 February 2018

From: [HM Courts & Tribunals Service](#) and [Ministry of Justice](#)

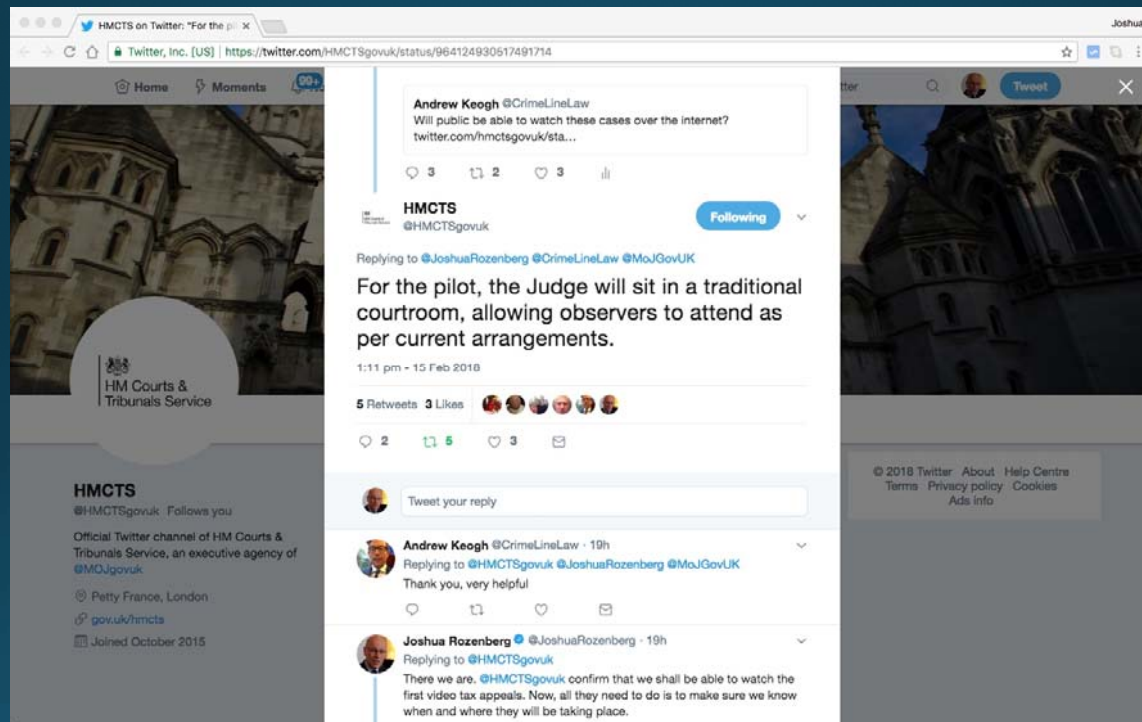


Related content

[Related press releases](#)

The first hearings will take place this spring, and will enable people to have their tax appeal heard through a video hearing. This will save them the time and money spent travelling to court and waiting for their hearing - which can mean taking an entire day off work. It will also make it easier for people with health problems that can make it harder to attend a physical court building.





Blog

Inside HMCTS

Organisations: [HM Courts & Tribunals Service](#), [Ministry of Justice](#)

Video hearings can make a difference for court and tribunal users

Susan Acland-Hood, 15 February 2018 - [Civil](#), [Crime](#), [Digital services](#), [Family](#), [Transformation](#) - [Courts and Tribunals 2022](#), [Tribunals](#)

One important part of our overall reform programme to build a more modern, accessible and efficient justice system, is to enable our courts to make greater use of video technology.

Of course, video is now commonplace in many parts of the justice system. For many years, vulnerable witnesses have been able to give evidence by video, and defendants often appear remotely via video links from prison in early hearings.







Next lecture: 19 February 2019

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