



JCPC CARIBBEAN USER GROUP MEETING

NOTE OF THE JCPC CARIBBEAN USER GROUP MEETING HELD ON THURSDAY 17
NOVEMBER 2022

At: Court at 61 Edward St., George Town, Grand Cayman, KY1-1106
and Via Teams

Chaired by Lord Hodge and Lord Briggs

1. WELCOME TO THE CARIBBEAN USER GROUP AND INTRODUCTIONS

Lord Hodge welcomed the attendees and introduced Lord Briggs, CEO Vicky Fox, Case Manager Kelly-Anne Johnson and Registrar Laura Angus (attending via Teams from London).

2. CHANGE PROGRAMME

Vicky Fox gave a brief introduction to the UKSC/JCPC Change Programme. She confirmed that the JCPC is putting the user at the heart and encourages attendees to provide comments and suggestions. Attendees who wish to volunteer as testers were invited to provide their contact details to Registry.

3. SUPERVISING JUSTICE APPOINTED

Lord Briggs has been appointed as Supervising Justice for JCPC cases. The Justices are considering options to update the Rules and Practices Directions and Lord Briggs will be leading on this project.

4. THREE-JUSTICE PANELS FOR CERTAIN APPEALS

Lord Briggs confirmed that the JCPC is considering panels of three Justices for some appeals as of right as per prior practice. Lord Briggs confirmed that appeals where there is an important point of public importance would not be heard by three Justices.

5. PROPOSED JCPC CHANGES

(a) The ability of the Board to summarily dismiss ‘appeals as of right’

Lord Briggs introduced an item on summary dismissals for ‘appeals as of right’ that are totally without merit (TWM). This means there is no arguable point for appeal to proceed. A screening process has been introduced to discover

this in advance of the appeal hearing which will lead to reduced costs. A panel of three Justices will decide whether to strike out the appeal after sending the appellant a “minded to” letter. A discussion followed and some attendees agreed that speed and costs savings are important to their clients.

(b) JCPC Rule changes (in particular with regard to the Reproduced Record)

Lord Briggs introduced this item by questioning whether the Reproduced Record is still necessary. Lord Briggs pointed out that having no deadline for filing the Reproduced Record has caused delays in listing appeals and time limits do not start until that is filed. Lord Briggs asked whether the SFI could be filed at an earlier stage to avoid delays? A discussion followed and Lord Briggs confirmed that this will be considered in future JCPC rule changes.

(c) Putting parties’ cases in the public domain

Lord Briggs introduced this item by confirming the JCPC’s commitment to open and transparent justice with its ambition to make *certain* case papers available online before an appeal hearing. There followed a discussion about this item, and it was noted that it was an ambitious project that has already been achieved in other courts (including the International Criminal Court and USA Federal Courts) albeit with redactions.

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

Lord Briggs posed the questions of whether parties prefer hybrid or virtual hearings as an alternative to in person hearings in London? This would save costs and free up time. JCPC now uses WebEx which is much more resilient than video links; Council attending remotely would be on screen in the court room in London in hybrid hearings. There followed a discussion and attendees agreed that hybrid and online hearings decrease the cost of hearings at the JCPC and increase access to justice across the jurisdictions of the JCPC.

6. REGISTRY ITEMS

(a) Deadlines

Kelly-Anne Johnson reminded attendees to keep the JCPC Registry updated if papers are going to be delayed, filing an extension of time for longer delays.

(b) Credit card facility

Ms Johnson flagged that credit card payments for fees can now be taken over the phone. The JCPC Registry currently takes phone calls between 10am and 4pm GMT. BACS transfers can still be used if preferred. Online payment facilities are part of the ongoing Change Programme.

(c) Updated contact details database.

Ms Johnson reminded attendees to keep the JCPC Registry updated with any changes to contact details, email addresses etc.

7. AOB

Attendees: more detailed reasons for refusal of PTA would be useful.

Lord Hodge and Lord Briggs responded that the Justices think this is not viable due to resource and timings implications.

Attendees: How are non-UKSC Judges invited to sit on privy council case, is there criteria?

Lord Hodge confirmed that there are no set criteria, the JCPC uses visiting Justices when more expertise is needed. Currently visiting Justices are UK Judges in appellate courts who are members of the Privy Council.

CLOSE

Lord Hodge thanked attendees for joining the first Caribbean User Group Meeting.