

FAQs: IPEC Small Claims Track London move to Manchester
(answers provided by the presiding judges)

- 1 Will it now be possible to issue all cases online?
 - Unlike the MCOL process for money claims there is no online issue process via a form. You will need to complete a Claim Form. (Form N1) (the Claim Form) and file it with the court.
 - Online filing can be managed by CE File, Electronic Working Scheme (CE-File) You will need to set up an account to file online.
 - You may need assistance with this process, we suggest that you talk to your representative origination or trade union.
 - If CRA member organisations need assistance they should contact the CRA directly.

- 2 Can Claimants issue in any of the registries or must they issue in their local Court?
 - You can file a case anywhere – when you file in London it will automatically be transferred to Manchester Business and Property Court
 - You can file directly in Manchester to save time.

- 3 Will there be named, trained and experienced judges to case manage claims in Manchester and hear trials as well as to discuss any concerns?
 - Yes, the Judges in Manchester will be District Judges Araba Obodai, Joanne Woodward and Ivan Ranson.
 - Any specific case related concerns can be made to the Court administration (BPC.Manchester@justice.gov.uk) or by application in the usual course
 - Any general concerns about the IPEC should be made known to the CRA/BCC representative on the IPEC User Committee (Nicola Solomon) in the first instance and not judges directly – but don't wait until the group meets to send in enquiries.
 - The Guide should be updated by Monday (3 July 2023), the CRA will feedback via three creators from across its membership. You can read the current version of the IPEC Guide [here](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1168712/ipec-sdt-guidance.pdf) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1168712/ipec-sdt-guidance.pdf (please copy and paste)

- 4 We understand that there are a pool of trained Deputy District Judges in London who have been given a special ticket to hear IPEC SCT cases. Will they be invited to hear remote cases from Manchester?
 - There may be a EOI for deputies. This pool may be expanded

- 5 We are particularly concerned at the lack of clarity in relation to hearings:

- a. You say: *It is expected that most such claims which go to trial will have the trial heard either in person in Manchester or, where the parties prefer, by video link with the Manchester court.* Would a trial by video link only be granted if both parties agree? And would parties have a right to video hearings by consent? Will hybrid trials be permitted? Our concern is that defendants with large legal budgets may seek to deter claimants who do not, for example individual creators who live far from Manchester by insisting on an in-person hearing.
- Each case will be assessed on its facts and there will be consideration of any imbalance of resources between parties.
 - There will be focus on reliable technology – phones, access to stable internet connections, ability to access other devices and information or any other tech limits.
- b. You say: *parties will have the right to apply to have a claim transferred from Manchester to any other court centre which hears IPEC SCT cases, including London. The relevant centres outside London are Bristol, Birmingham, Cardiff, Leeds, Liverpool and Newcastle. And Claims will only be transferred to London for case management or trial if there are good reasons to do so, in particular where there is a need for a trial in person and potential difficulty in having a trial in Manchester.* We would like to learn more about what is meant by “need”. Many of our members are SMEs who cannot afford to travel from London to hearings but who may not have the means or technical ability to join trials by video link - especially because such trials often involve consideration of original copyright works.
- In relation to traveling distance: there is always the option to transfer to a more local court, including London.
 - It is rare that physical items are needed in court, when they are then claimants should ensure that the items are correctly addressed and provision should be made, at one’s own expense, for the return of such items. On the whole, electronic file versions are adequate.
 - All items should be sent well in advance of the hearing.
- 6 How will the new procedure be advertised and promoted? We understand that Nicola Solomon met with the IPO and offered to help with updated guides but their plans for promoting and explaining the procedure have now been shelved.
- The Guide is being updated and will hopefully be published by 3 July
 - Thereafter CRA will be invited to provide input and user experience on this. CRA Chair Nicola Solomon is also speaking to the IPO about possible explanatory guides.
- 7 Will the guide be updated in time for the change on 3 July?
- It should be, but without the CRA input. We will link through to the Guide from the CRA website.

8 How will the transfer be monitored and evaluated? Will you be keeping track of the number and types of cases and the efficiency of administration? When and how will statistics be published from the court.

- Other than assessment of CE File admissions there will be no assessment and monitoring, in line with other judicial courts/procedures
- The CRA will be monitoring and welcome all feedback

Other points

- Judges will be available for talks with CRA members in 6 months, once the system has settled in.
- Mediation process is the same as before, however it is likely that mediation will become compulsory for all SCT claims.

Link to Practice Note is [here](#).

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