

I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

28th December, 2003

SAINT LUCIA

No. 32 of 2003

AN ACT to provide for the recording and transcribing of court proceedings
and for related matters.

[ON ORDER]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with
the advice and consent of the House of Assembly and the Senate of Saint
Lucia, and by the authority of the same, as follows :

Short title and commencement

1.— (1) Act may be cited as the Recording of Court Proceedings Act, 2003.

(2) This Act shall come into force on a day to be fixed by the Minister by Order in the *Gazette*.

Interpretation

2. In this Act —

“court” includes the Eastern Caribbean Supreme Court, High Court, Magistrate Court, District Court, and any other court established by law whether before or after the commencement of this Act;

“court proceeding” includes any matter transpiring in a court required by law or by the presiding officer of the court to be recorded;

“Chief Registrar” means the Chief Registrar of the Eastern Caribbean Supreme Court;

“interpreter” means a person appointed by the Public Service Commission to translate orally or otherwise from one language to another in a court proceeding;

“law officer” means an attorney-at-law who holds an office in the Public Service and is appointed by the Judicial and Legal Services Commission and which office is declared by the Attorney-General to be a law office under the Legal Professional Act No. 3 of 2000 or any enactment replacing it;

“Minister” means Minister responsible for Justice;

“prescribed” means prescribed in the regulations;

“Registrar” means Registrar of the High Court;

“Transcriptionist” means a person authorized by the Chief Registrar, Registrar or Senior Magistrate to transcribe records of court proceedings.

Requirement for record or transcript

3.— (1) The Chief Registrar, Registrar or Senior Magistrate as the case may be —

- (a) shall cause all court proceedings to be recorded; and
- (b) may, subject to subsection (2), cause any court proceeding recorded pursuant to paragraph(a), to be transcribed;

by the means and in the manner directed by the Chief Registrar, Registrar or Senior Magistrate.

(2) A person who is not a transcriptionist shall not transcribe a record of court proceedings.

Words of interpreter

4. In transcribing the evidence of a witness in any court proceeding, where the answers of the witness are not in the English Language, the person preparing the transcript shall only transcribe such answers in the words of an interpreter.

Recording of court proceedings

5.— (1) The record of a court proceeding may be made mechanically with the use of an audio or video recorder or any other means.

(2) A record of a court proceeding made under subsection (1), may be reproduced.

Certification of transcript or video recording

6.— (1) A person who prepares a transcript of a court proceeding shall, in the form prescribed, certify that the transcript is an accurate transcript of the court proceeding.

(2) A person who makes a record of a court proceeding with the use of a video recording machine shall, in the form prescribed, certify that the video recording is an accurate record of the court proceeding.

Witness need not sign transcript or record

7. Where evidence given by a witness in a court proceeding is recorded and or transcribed in accordance with this Act, it is not a requirement that the record or transcript be read to the witness and the witness shall not be required to sign the record or transcript but the record or transcript shall be certified in accordance with section 6.

Official transcript or record

8. A certified record of a court proceeding, made pursuant to this Act, or a certified transcript produced therefrom, shall be an official transcript or official record respectively of that court proceeding and its validity shall not be questioned on the ground of the qualification of the person preparing or making the transcript or record.

Transcript or record as proof of proceeding

9. In the absence of evidence to the contrary, an official transcript or official record of a court proceeding is proof of matters transpiring at that court proceeding.

Request for transcript or record

10.— (1) The Chief Registrar, Registrar or Senior Magistrate, as the case may be shall, without undue delay, furnish a certified copy of an official transcript or official record of a court proceeding to any party to that court proceeding, who requests it and who, subject to section 11, pays the fees specified in the Schedule to the court.

(2) The Chief Registrar, Registrar or Senior Magistrate, as the case may be may, without undue delay, furnish a certified copy of an official transcript or official record of a court proceeding to any person, who requests it and who subject to section 11, pays the fees specified in the Schedule to the court, if the Chief Registrar, Registrar or Senior Magistrate finds it appropriate to do so.

(3) The Minister may by Order in the *Gazette*, amend the Schedule.

Exemption from fees

11. No fees shall be payable by the Attorney-General, the Director of Public Prosecutions or any other law officer for a transcript which is required for the performance of his or her duties as a law officer.

Regulations

12.— (1) The Minister may make Regulations for the purpose of giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make Regulations —

- (a) prescribing the form for certification of transcript or record;
- (b) prescribing the form of a request for transcript or record of court proceedings;
- (c) setting standards for certification of transcriptionists.

SCHEDULE

(Section 10)

A. SALE OF TRANSCRIPTS	FEE PER PAGE
1. Civil matters	\$5.00 for first copy and \$2.00 for any additional copies
2. Criminal matters	\$2.00 for first copy and \$0.50 for any additional
B. SALE OF TAPES	
1. Civil matters	\$20.00
2. Criminal matters	\$10.00

Passed in the House of Assembly this 9th day of September, 2003.

J. BADEN ALLAIN,
Speaker of the House of Assembly.

Passed in the Senate this 5th day of December, 2003.

THERESA ROMULUS,
Deputy President of the Senate.