

SAINT LUCIA

No. 15 of 2022

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I Assent

[L.S.]

ERROL CHARLES,
Acting Governor-General.

August 10, 2022.

SAINT LUCIA

No. 15 of 2022

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

[12th August, 2022]

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

1. This Act may be cited as the Recording of Court Proceedings Act, 2022.

Interpretation

2. In this Act —

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

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

“court proceedings” includes a matter transpiring in a court required by law or by the presiding judicial officer of the court;

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

“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 Profession Act, Cap. 2:04;

“official transcript” means a transcript certified under section 5;

“Registrar” means the Registrar of the High Court;

“transcript” means the record of court proceedings made under this Act and includes an audio, video or other digital recording of court proceedings, written or typed notes made by a presiding judicial officer or transcribed record of court proceedings;

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

person from the computer aided transcription unit of the public service.

Recording of court proceedings

3.—(1) The Chief Registrar, Registrar or the Senior Magistrate shall cause all court proceedings to be recorded.

(2) A recording of court proceedings may be made by preparing a transcript.

(3) A transcript made under this section may be reproduced for the use of the court or parties to the court proceedings.

(4) The Chief Registrar, Registrar or the Senior Magistrate may, subject to subsection (5), cause court proceedings recorded under subsection (1), to be made the transcript, by the means and in the manner directed by the Chief Justice.

(5) A person who is not a transcriptionist shall not transcribe a recording of court proceedings.

Words of interpreter

4. In transcribing the evidence of a witness in court proceedings, where the answers of the witness are not in the English Language, the transcriptionist shall only transcribe the answers in the words of an interpreter.

Certification of transcript

5.—(1) A person who prepares a transcript of court proceedings shall certify, in Form 1 as set out in the Schedule, that the transcript is an accurate transcript of the court proceedings.

(2) A transcript that is certified under subsection (1) is an official transcript.

Transcript of evidence of a witness

6. Where evidence is given by a witness in court proceedings and a transcript is prepared, the transcript may not be read or played back to the witness and the witness is not required to sign the transcript.

Validity of official transcript

7. The validity of an official transcript must not be questioned on the ground of the level or type of qualification, of the person preparing the transcript.

Transcript as proof of court proceedings

8. In the absence of evidence to the contrary, an official transcript is proof of the matters taking place at the court proceedings.

Request for transcript

9.—(1) Subject to subsection (3), a party to court proceedings or another person may request a copy of an official transcript in Form 2 as set out in the Schedule.

(2) Subject to subsection (1), the Chief Registrar, Registrar or Senior Magistrate shall, on request, immediately furnish a copy of an official transcript to a party to court proceedings or another person.

(3) Where a request is made under subsection (1), the fees payable for an official transcript, are as specified in the Rules made under section 19(2) of the Supreme Court Act, Cap. 2.01 and section 17 of the Supreme Court Order, Cap. 2.01.

Exemption from fees

10.—(1) Notwithstanding section 9, a judicial officer or law officer may request and obtain an official transcript, without payment of the fees under section 9(3), for the performance of his or her duties as a judicial officer or law officer.

(2) In the case of a person, who lacks the financial means and is a party to criminal proceedings, the court may waive the payment of fees payable under section 9(3).

Rules

11. The Chief Justice may make Rules for the purpose of giving effect to this Act.

Practice Directions

12.—(1) The Chief Justice may issue Practice Directions for the purpose of giving effect to this Act.

(2) A Practice Direction must be —

(a) published in the *Gazette*; and

(b) displayed and made available at each court office.

(3) A party must comply with a Practice Direction unless there is good reason for not doing so.

Repeal

13. The Recording of Court Proceedings Act, Cap. 4.16 is repealed.

SCHEDULE

FORM 1

(Section 5)

CERTIFICATION OF TRANSCRIPT OR RECORD

CERTIFICATE

I, _____, the person(s) who prepared a transcript or transcriptionist, at the [name of company], certify:

That on the ____ day of _____, 20__, the court proceedings dated the [insert date of hearing of court proceedings] was transcribed by me/us, to the best of my/our ability and the transcript consists of ____ pages.

That the transcript is a true and accurate transcript from the official electronic recording of the court proceedings in the matter of _____.

IN WITNESS WHEREOF, the following signatures are affixed at Castries, Saint Lucia, on the ____ day of _____, 20__ .

(Signature of person who prepared a transcript /transcriptionist)

FORM 2

(Section 9(1))

REQUEST FOR TRANSCRIPT**THE EASTERN CARIBBEAN SUPREME COURT****IN THE HIGH COURT OF JUSTICE/COURT OF APPEAL**

[Saint Lucia]

SLUHC....

Between

A.B.

Claimant/appellant/applicant

and

C.D.

Defendant/respondent

Request for transcript

I _____ being the *claimant/*defendant /*appellant/
 *other person, in this matter request a transcript of the court proceedings
 heard on [Insert date(s) of hearing] by [Insert name(s) of presiding judicial
 officer(s)], such transcript being requested in the form of [insert audio
 recording/ video recording / transcribed record of proceedings].

Dated

Signed

* Delete where appropriate.

Passed in the House of Assembly this 26th day of July, 2022.

CLAUDIUS J. FRANCIS,
Speaker of the House of Assembly.

Passed in the Senate this 28th day of July, 2022.

STANLEY FELIX,
President of the Senate.