

**ANGUILLA**

# REVISED STATUTES OF ANGUILLA

## CHAPTER R23

# RECORDING OF COURT PROCEEDINGS ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises and consolidates—
Act 30/2020, in force 7 October 2020
Act 11/2021, in force 27 April 2021

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# RECORDING OF COURT PROCEEDINGS ACT

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# RECORDING OF COURT PROCEEDINGS ACT

## Interpretation

**1.** In this Act—

"Chief Registrar" means the Chief Registrar of the Eastern Caribbean Supreme Court;

"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 proceedings" includes a matter transpiring in a court required by law or by the presiding judicial officer of the court to be recorded;

"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;

"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 a transcribed record of court proceedings;

"transcriptionist" means a person authorized by the Chief Registrar, Registrar or a senior magistrate to transcribe records of court proceedings or any authorized person from the computer-aided transcription unit of the public service.

## Recording of court proceedings

**2.** (1) The Chief Registrar, Registrar or a senior magistrate, as the case may be, shall cause all court proceedings to be recorded.

(2) A recording of court proceedings may be made electronically by using an audio or video recorder or other means directed by the Chief Registrar, Registrar or senior magistrate.

*(Act 11/2021, s. 2)*

(3) A recording of court proceedings 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 senior magistrate, as the case may be, may, subject to subsection (5), cause court proceedings recorded under subsection (1), to be made by 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.

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**Words of interpreter**

**3.** 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**

**4.** A person who prepares a transcript of court proceedings shall certify, in Form 1 of the Schedule, that the transcript is an accurate transcript of the court proceedings.

**Witness need not sign transcript**

**5.** (1) Subject to subsection (2), where evidence given by a witness in court proceedings is recorded electronically or 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.

(2) Evidence of a witness that is recorded electronically, or a transcript that is prepared under subsection (1), must be certified in accordance with section 4.

**Official transcript**

**6.** A transcript made under this Act, once certified, is an official transcript of the court proceedings and its validity must not be questioned on the ground of the qualification of the person preparing the transcript or making the recording.

**Transcript or record as proof of court proceedings**

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

**Request for transcript**

**8.** (1) A party to court proceedings, or another person, may request a copy of an official transcript of court proceedings in Form 2 of the Schedule.

(2) Subject to subsection (1), the Chief Registrar, Registrar or a senior magistrate shall, on request, furnish a copy of an official transcript to a party to court proceedings, or another person, without undue delay.

(3) The fees payable for an official transcript, where applicable, are as specified in Rules made under section 17 of the Supreme Court Order.

**Exemption from fees**

**9.** (1) Notwithstanding section 8, a judicial officer, the Attorney-General, the Director of Public Prosecutions or other law officer may obtain a transcript of court proceedings for the performance of his or her duties as a law officer but shall not pay any fees for the preparation of an official transcript.

(2) By order of the court, a party to criminal proceedings may, on the basis of impecuniosity, be permitted to pay a reduced fee, as stipulated by the court, or be exempt from the payment of fees for the preparation of an official transcript.

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**Rules**

**10.** The Chief Justice and two other judges may make Rules for the purpose of giving effect to this Act.

**Practice directions**

**11.** (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.

**Citation**

**12.** This Act may be cited as the Recording of Court Proceedings Act, Revised Statutes of Anguilla, Chapter R23.

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**SCHEDULE**

FORM 1

(Section 4)

**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 The Valley, Anguilla, on the ____ day of _____, 20__ .

_____

(Signature of person who prepared a transcript / transcriptionist)

_____

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FORM 2

(Section 8(1))

**REQUEST FOR TRANSCRIPT**

**THE EASTERN CARIBBEAN SUPREME COURT**

**IN THE HIGH COURT OF JUSTICE/COURT OF APPEAL**

Anguilla
AXAHC….

Between

A.B.

Claimant / appellant / applicant

and

C.D.

Defendant/respondent

Request for transcript

I _____ being the claimant/defendant /appellant 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

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