

COMMONWEALTH OF DOMINICA

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COMMONWEALTH OF DOMINICA

ACT NO. 6 OF 2010

I assent



*(Sgd.) N. J. O. Liverpool
President*

13th April, 2010.

**AN ACT TO PROVIDE FOR THE RECORDING AND
TRANSCRIBING OF COURT PROCEEDINGS
AND FOR RELATED MATTERS.**

(Gazetted 22nd April, 2010).

BE IT ENACTED by the Parliament of the Commonwealth of
Dominica as follows:

1.(1) This Act may be cited as the-

RECORDING OF COURT PROCEEDINGS ACT, 2010.

Short title and
commencement.

(2) This Act shall come into operation on such day as the Minister may, by Order published in the Gazette, appoint.

Interpretation.

2. In this Act -

“court” includes the Eastern Caribbean Supreme Court, Magistrate 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, which is required by law or by the presiding judicial officer of the court to be recorded;

“court reporter” means a person who makes a word-for-word record of a court proceeding and produces a transcript of the proceedings upon request;

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

“interpreter” includes a person appointed to translate orally or otherwise from one language to another in a court proceeding;

“legal officer” means an attorney-at-law who holds an office in the Public Service and is appointed by the Judicial and Legal Services Commission;

“Minister” means Minister responsible for Legal Affairs;

“prescribed” means prescribed in the Regulations;

“presiding judicial officer” means the officer of the court presiding over a court proceeding;

“Registrar” means Registrar of the High Court;

“Regulations” means Regulations made pursuant to section 12;

“transcriptionist” means a person who is authorised by the Chief Registrar, Registrar or Chief Magistrate, as the case may be, to transcribe records of court proceedings.

3. (1) The presiding judicial officer, Chief Registrar, Registrar or Chief Magistrate-

Requirement for record or transcript.

(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 means and in the manner directed by the presiding judicial officer, Chief Registrar, Registrar or Chief Magistrate.

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

4. In transcribing the evidence of a witness in any court proceeding where the words of that person are not in the English language, the person preparing the transcript shall transcribe the English interpretation.

Words of interpreter.

5. (1) The record of a court proceeding may be made mechanically with the use of an audio or video recorder, electronically or by any other means directed by the presiding judicial officer, Chief Registrar, Registrar or Chief Magistrate.

Recording of court proceedings.

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

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.

Certification of transcript or video recording.

(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.

Certification of evidence.

7. Notwithstanding any provision of any other enactment, where evidence given by a witness in a court proceeding is recorded 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 record or transcript.

8. (1) A certified record of a court proceeding, made pursuant to this Act shall be an official record of that court proceeding.

(2) A certified transcript produced from an official record of a court proceeding shall be an official transcript of that court proceeding.

(3) The official records and official transcripts of a court proceeding shall be held in the custody of the Chief Registrar, Registrar or Chief Magistrate in the manner prescribed.

Record or transcript as proof of proceeding.

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

Request for record or transcript.

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

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

Exemption from fees.

11. No fees shall be payable by the Attorney General, the Director of Public Prosecutions, a presiding judicial officer or any legal officer for a transcript which is required for the performance of his or her official duties.

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

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

- (a) the fees required pursuant to this Act;
- (b) the form of a request for a transcript or record of court proceedings;
- (c) standards for certification of transcriptionists;
- (d) the oath of office to be taken by transcriptionists;
- (e) the manner of custody of official records or official transcripts pursuant to section 8.

Passed in the House of Assembly this 29th day of March, 2010.

MARIA ROLLE (MISS)
Clerk of the House of Assembly (Ag.)

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