



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

COURT REPORTERS ACT

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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COURT REPORTERS ACT

CHAPTER C-27.01

1. Definitions

In this Act

- (a) “**Board**” means the Court Transcribers Examining Board established by section 5;
- (b) “**court**” means the Supreme Court;
- (c) “**court proceedings**” includes all matters transpiring at a trial, hearing, discovery or other oral matter, which are required by the rules of court, by a judge, or by the Prothonotary or the Registrar to have a recorded or a written record;
- (d) “**court reporter**” means a person designated under section 2;
- (e) “**court transcriber**” means a person designated under section 3;
- (f) “**Department**” means the Department of Justice and Public Safety;
- (g) “**Minister**” means the Minister of Justice and Public Safety and Attorney General;
- (h) repealed by 2008, c.20, s.72;
- (i) “**Registrar**” means the Registrar of the Supreme Court;
- (j) “**Rules Committee**” means Rules Committee constituted under section 34 of the *Judicature Act* R.S.P.E.I. 1988, Cap. J-2.1;
- (k) repealed by 2008, c.20, s.72;
- (l) “**sound recording machine**” means any device, machine or system of a type approved by the Minister for the making of sound recordings as required by this Act. 1996, c.44, s.1; 1997, c.20, s.3; 2000, c.5, s.3; 2008, c.20, s.72(87); 2010, c.31, s.3; 2010, c.14, s.3; 2012, c.17, s.2; 2015, c.28, s.3.

2. Court reporters, employees of Department

- (1) Upon receipt of a recommendation from the Chief Justice of the Supreme Court, the Minister may designate as court reporters employees of the Department and shall designate one of them as the Chief Court Reporter.

Designation by judge

- (2) A presiding judge may, in the course of a proceeding, designate an employee of the Department to act as a court reporter in that proceeding.

Court reporters, duties

- (3) Court reporters shall
 - (a) record all court proceedings in accordance with this Act;
 - (b) transcribe court proceedings as may be required by a judge or by the Chief Court Reporter; and

- (c) perform such other duties as may be assigned by a judge or the Chief Court Reporter, or as required by this Act, the regulations or the rules of the court.

Chief Court Reporter, duties

- (4) The Chief Court Reporter shall
 - (a) subject to the approval of the Chief Justice of Prince Edward Island and the Chief Justice of the Supreme Court assign court reporters to record proceedings in any court;
 - (b) supervise court reporters in the performance of their duties, and
 - (c) perform such other duties as are assigned by a judge or as required by this Act, the regulations or the rules of court. *1996,c.44,s.2; 2008,c.20,s.72(87).*

3. Court transcribers

- (1) The Minister may designate as court transcribers persons who are certified by the Board.

Court transcribers, duties

- (2) Court transcribers may, in accordance with this Act, record or transcribe
 - (a) court proceedings;
 - (b) examinations for discovery; and
 - (c) administrative proceedings. *2002,c.27,s.1.*

4. Registrar directs means of recording

- (1) All court proceedings recorded or transcribed by a court reporter or court transcriber shall be recorded or transcribed by such means as may be directed by the Registrar.

Transcripts prepared by court reporter or court transcriber or *Evidence Act*

- (2) All transcripts of court proceedings that are to be used by parties in a court hearing shall be prepared by a court reporter or by a court transcriber, or in accordance with subsection 55(3) of the *Evidence Act* R.S.P.E.I. 1988, Cap. E-11. *1996,c.44,s.4.*

5. Court Transcribers Board

- (1) There shall be a board to be known as the Court Transcribers Examining Board consisting of the Chief Court Reporter as chairperson, a member appointed by the Chief Justice of Prince Edward Island and a member appointed by the Minister.

Board determines competence

- (2) The Board shall determine the level of competency required of court transcribers and it shall test and certify applicants in respect of their competence.

Board may require further testing

- (3) Where a complaint has been made to the Board respecting the competence of a court transcriber to act as such, the Board may require the person who is the subject of the complaint to submit to such further testing as the Board considers necessary.

Regular retesting

- (4) The Board may require retesting and recertification of court transcribers at such intervals as it considers appropriate.



Board may decertify

- (5) The Board may decertify a court transcriber at any time subject to such conditions as the Board considers necessary.

Register

- (6) The Board shall maintain a register of all certified court transcribers, which shall be published annually in the Gazette. *1996, c.44, s.5.*

6. Oath

- (1) Before entering upon the duties of office, a court reporter shall take and subscribe the following oath of office:

“I, A.B., do swear (or solemnly affirm) that I will impartially, and to the best of my skill and knowledge, execute the duties of a court reporter in all cases in which I may be called upon to report. So help me God (omit this sentence in an affirmation).”

Court reporter, officer of court

- (2) A court reporter is an officer of the court to which he or she is assigned.

Transitional

- (3) Employees of the Department engaged as court reporters on the date this Act comes into force, shall not be required to take the oath required under subsection (1). *1996, c.44, s.6; 2002, c.27, s.2.*

7. Transcript filed

A court reporter shall, if required by the presiding judge or Chief Court Reporter, file with the judge or the Registrar within a reasonable period of time, a typewritten transcript of the proceedings, or a portion thereof, in any case reported or transcribed wholly or in part by him or her. *1996, c.44, s.7.*

8. Official transcript, when certified

- (1) The transcript prepared by a court reporter or a court transcriber, acting in accordance with the provisions of this Act, when certified by him or her as being a correct transcript of the proceedings, or a portion thereof, before any court or in any matter requiring a record of proceedings under this Act, shall be the official transcript of such proceedings or portion thereof and shall in the case of an appeal hearing, motion, new trial or in any proceeding in which they may be required, be considered to be, in the absence of evidence to the contrary, a correct statement of the testimony and proceedings and an accurate record of the proceedings purporting to have been reported.

Error correction

- (2) Notwithstanding subsection (1), a judge may, on his or her own motion or upon application of a party, correct errors in the record.

Transcript in other official language

- (3) Where a transcript of proceedings, or a portion thereof, that has been reported in one of the official languages is requested to be prepared in the other official language by a presiding judge for the purposes of any proceedings before the court, the Chief Court Reporter shall designate a person who, in his or her opinion, is a qualified person to prepare, in the official language required, a transcript in that official language.

Translation as official transcript

- (4) A transcript, prepared pursuant to subsection (3), when certified by the person so designated as a correct translation of the proceedings and signed by the Chief Court Reporter, shall be an official transcript of such proceedings, or portion thereof, and the validity of the transcript shall not be questioned on the ground of the qualifications of the person designated.

Transcript proof of proceedings

- (5) In the absence of evidence to the contrary, an official transcript of the proceedings of a court is proof of matters transpiring at those proceedings. *1996,c.44,s.8.*

9. Transcript to part for fee

- (1) A court transcriber shall furnish without undue delay, a copy of an official transcript of a court proceeding, or of such portion thereof as may be required, to any party thereto who requests it and who pays to the court transcriber the fee prescribed under the *Court Fees Act* R.S.P.E.I. 1988, Cap. C-27.001.

Fee for court transcribers

- (2) Repealed by *2012,c.10,s.5. 1996,c.44,s.9; 2012,c.10,s.5.*

10. Sound recording machine

The record of proceedings may be recorded by a sound recording machine. *1996,c.44,s.10.*

11. Certified contents, same effect as original record

The contents of a record of proceedings made and certified under this Act, may be reproduced by a device, machine or system approved by the Minister, and such contents so reproduced shall have the same effect as the original record of proceedings. *1996,c.44,s.11.*

12. Record of proceedings property of crown

The record of proceedings taken by a court reporter in any trial or hearing or upon the taking of evidence in any matter covered by this Act and the materials upon which such proceedings or evidence are reported or recorded or copied are the property of the Crown in right of the province. *1996,c.44,s.12.*

13. Rules committee, rules respecting transcripts

The Rules Committee may make rules

- (a) respecting storage, handling, and copying of transcripts;
- (b) respecting the portions of transcripts to be transcribed or portions that would not ordinarily be transcribed; and
- (c) repealed by *2012,c.10,s.5;*
- (d) repealed by *2012,c.10,s.5; and*
- (e) with respect to such other matters relating to transcripts as are considered necessary and expedient. *1996,c.44,s.13; 2012,c.10,s.5.*

14. Regulations

- (1) The Lieutenant Governor in Council may make regulations



- (a) respecting services to be performed by court reporters; and
- (b) generally for the better administration of this Act.

Act prevails

- (2) Where there is a conflict between this Act, or a regulation made under this Act, and a provision of the rules of court or a provision of any other Act or regulation, this Act or the regulation made under this Act prevails. *1996, c.44, s.14; 2008, c.20, s.72(87).*