



PLEASE NOTE

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For more information concerning the history of this Act, please see the [Table of Public Acts](#).

This document is *not* the official version of the statute printed pursuant to the authority of the [Queen's Printer Act](#) R.S.P.E.I. 1988, Cap. Q-1.

This Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted when determining the authoritative statement of the law.

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CHAPTER S-10.1

SUPREME COURT REPORTERS ACT

- 1. In this Act**
- Definitions
- (a) “Board” means the Court Transcribers Examining Board established by section 5; Board
- (b) “court” means the Supreme Court; 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; court proceedings
- (d) “court reporter” means a person designated under section 2; court reporter
- (e) “court transcriber” means a person designated under section 3; court transcriber
- (f) “Department” means the Office of the Attorney General; Department
- (g) “Minister” means the Attorney General; Minister
- (h) “Prothonotary” means the Prothonotary of the Supreme Court; Prothonotary
- (i) “Registrar” means the Registrar of the Supreme Court; Registrar
- (j) “Rules Committee” means Rules Committee constituted under section 24 of the *Supreme Court Act* R.S.P.E.I. 1988, Cap. S-10; Rules Committee
- (k) “Rules of Court” means the Civil Procedure Rules made under section 25 of the *Supreme Court Act*; Rules of the Court
- (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. sound recording machine
- 2. (1)** Upon receipt of a recommendation from the Chief Justice of Prince Edward Island, the Minister may designate as court reporters employees of the Department and shall designate one of them as the Chief Court Reporter. Court reporters, employees of Department
- (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. Designation by judge
- (3) Court reporters shall
- (a) record all court proceedings in accordance with this Act; Court reporters, duties

- (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 Trial Division 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.

Court transcribers

- 3.** (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.

Registrar directs
means of recording

- 4.** (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.

Court Transcribers
Board

- 5.** (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.

- (4) The Board may require retesting and recertification of court transcribers at such intervals as it considers appropriate. Regular retesting
- (5) The Board may decertify a court transcriber at any time subject to such conditions as the Board considers necessary. Board may decertify
- (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. Register
- 6.** (1) Before entering upon the duties of office, a court reporter shall take and subscribe the following oath of office: Oath
- “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).”
- (2) A court reporter is an officer of the court to which he or she is assigned. Court reporter, officer of court
- (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. Transitional
- 7.** 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. Transcript filed
- 8.** (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. Official transcript, when certified
- (2) Notwithstanding subsection (1), a judge may, on his or her own motion or upon application of a party, correct errors in the record. Error correction
- (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 Transcript in other official language

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.

Transcript to part
for fee

9. (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 established by the Rules Committee.

Fee for court
transcribers

(2) Notwithstanding subsection (1), where the Rules Committee has not set the fees for transcripts prepared by court transcribers, the fee for a transcript provided under subsection (1) shall be the fee set by the court transcriber. 1996,c.44,s.9.

Sound recording
machine

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

Certified contents,
same effect as
original record

11. 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.

Record of
proceedings
property of crown

12. 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.

Rules committee,
rules respecting
transcripts

13. 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) establishing fees for transcripts made by court reporters;
- (d) establishing fees for transcripts made by court transcribers; and

(e) with respect to such other matters relating to transcripts as are considered necessary and expedient. 1996,c.44,s.13.

- 14.** (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.

Regulations

(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.

Act prevails