

ORDER OF THE ROYAL COURT

ENTITLED

The Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) Rules, 1964 *

[CONSOLIDATED TEXT]

NOTE

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* O.R.C. No. II of 1964 (Orders of the Royal Court Vol. I, p. 224); as amended by the Decimal Currency (Bailiwick of Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 560); the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules, 1985 (O.R.C. No. I of 1985); the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules, 1989 (O.R.C. No. I of 1989); the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) Rules, 1990 (O.R.C. No. VI of 1990); the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules, 2012 (O.R.C. No. VI of 2012); the Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) (Amendment) Rules, 2014 (O.R.C. No. V of 2014); the Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) (Amendment) Rules, 2016 (O.R.C. No. VI of 2016); the Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) (Amendment) Rules, 2018 (O.R.C. No. VI of 2018). See also the Court Proceedings (Mechanical Recording) (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 462). These Rules has been revoked by the Court of Appeal (Criminal Division) (Transcripts) (Guernsey) Rules, 2022 (O.R.C. No. ** of 2022).

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The Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) Rules, 1964

ARRANGEMENT OF RULES

1. Interpretation.
2. Shorthand notes.
3. Official transcript.
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SCHEDULE The Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) Rules, 1964.

(Made on 2nd June, 1964.)

The Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) Rules, 1964

THE ROYAL COURT, in exercise of the powers conferred upon it by subsection (2) of section forty-one of the Court of Appeal (Guernsey) Law, 1961, and of all other powers thereunto enabling it, hereby orders: –

Interpretation.

1. (1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"the Court of Appeal" means the Court of Appeal constituted under the provisions of Part I of the Law,

"folio" means two hundred consecutive words on one or more pages,

"the Law" means the Court of Appeal (Guernsey) Law, 1961,

"official transcript" means, in relation to any proceedings, the transcript of the shorthand note taken of those proceedings and furnished to the Registrar in accordance with the provisions of rule 3 of these Rules,

"party interested" means, in relation to any proceedings at the trial of any person convicted by the Royal Court or any appeal by such person under Part III of the Law –

- (a) the person convicted,

- (b) any other person named in, or immediately affected by, any order made by the Royal Court on the conviction of the person convicted,

and includes any person authorised to act on behalf of the person convicted or of such other person,

"proceedings" means any proceedings at the trial of any person who, if convicted, is entitled or may be authorised to appeal to the Court of Appeal under Part III of the Law,

"the Registrar" means the Registrar of the Court of Appeal,

"the shorthand writer" means the person appointed by the Royal Court from time to time to take shorthand notes of any proceedings.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these Rules as it applies to the interpretation of an enactment.

(3) Except where the context otherwise requires, any reference in these Rules to any enactment shall be construed as a reference to that enactment as amended, repealed, replaced, extended or applied by or under any other enactment.

NOTES

In accordance with the provisions of the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules, 1989, rule 3, with effect from 31st January, 1990, these Rules, when cited together with the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules, 1985 and the 1989 Rules, may be cited as the Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) Rules, 1964 to 1989.

In accordance with the provisions of the Court Proceedings (Mechanical Recording) (Guernsey) Law, 1978, section 1, with effect from 22nd August, 1978, the references in this Order to, first, a "shorthand note" shall be

construed as including a reference to a record of the proceedings made by mechanical means or otherwise and, second, in relation to such a record, any reference to the "shorthand writer" shall be construed as a reference to the person responsible for transcribing the record.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Shorthand notes.

2. The shorthand writer shall sign the shorthand note taken by him of any proceedings and shall certify the same to be a complete and correct shorthand note thereof.

Official transcript.

3. The shorthand writer who took and certified the shorthand note of any proceedings or such other competent person as the Registrar shall appoint in that behalf shall, upon being required so to do by the Registrar, make a typewritten transcript of the whole or any part of the shorthand note of those proceedings and shall furnish such transcript to the Registrar together with a declaration in the form set out in the Schedule to these Rules.

Certified copies of official transcripts.

4. (1) A party interested in any proceedings or in any appeal under Part III of the Law connected with those proceedings may obtain from the Registrar a copy of the whole or any part of the official transcript relating to those proceedings upon payment of such fees, if any, as are payable in respect of any such copy under the provisions of the next succeeding Rule.

(2) The Registrar shall, if requested so to do, furnish to Her Majesty's Attorney General a copy of the whole or any part of the official transcript relating to any proceedings.

(3) Every copy of the whole or any part of the official transcript relating to any proceedings shall be certified by the Registrar to be a correct copy of the official transcript.

Fees in respect of copies of official transcripts.

5. (1) Subject to the provisions of paragraph (2) of this Rule, there shall be paid to the Registrar in respect of any copy of the whole or any part of the official transcript relating to any proceedings furnished to any person in pursuance of the provisions of paragraph (1) of the last preceding Rule the following fees, that is to say –

- (a) where only one copy is so furnished to that person, [in respect of each A4 side or part thereof, the sum of £10,]
- (b) where more than one copy is so furnished to that person, [in respect of each A4 side or part thereof, the sum of £1.50.]

(2) No fees shall be payable under paragraph (1) of this Rule in respect of any copy of the whole or any part of the official transcript relating to any proceedings furnished to any person in pursuance of the provisions of paragraph (1) of the last preceding Rule if such person –

- (a) is a person to whom an advocate has been assigned under section thirty-three of the Law (which relates to legal aid),
- (b) is a person who has not been granted or has not been refused legal aid under that section and is, in the opinion of [the President of the Court of Appeal], a person who is or would be entitled to that aid.

NOTES

In rule 5,

the words in square brackets in, first, paragraph (1)(a) and, second, paragraph (1)(b) were substituted by the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules, 2012, rule 1, respectively paragraph (a) and paragraph (b), with effect from 1st January, 2013;¹

the words in square brackets in paragraph (2)(b) were substituted by the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules, 1985, rule 1(c), with effect from 19th February, 1985.

[Fee for listening to Recordings.]

5A. Where Her Majesty's Greffier permits a party interested in any proceedings or in any appeal under Part III of the Law connected with those proceedings to listen to the original tape recording of any proceedings there shall be payable to Her Majesty's Greffier a fee of [£52] for each hour or part of an hour during which access to such recording is granted. [A fee of [£32] for each hour or part thereof shall be payable if the recording is held in digital format.]]

NOTES

Rule 5A was inserted by the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules, 1989, rule 1(b), with effect from 31st January, 1989.

In rule 5A,

the symbols and figures in the first pair of square brackets and in the square brackets within the second pair of square brackets were substituted by the Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) (Amendment) Rules, 2018, rule 1, with effect from 1st January, 2019;²

the words in the second pair of square brackets were inserted by the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules, 2012, rule 1(c), with effect from 1st January, 2013.

Citation and commencement.

6. (1) These Rules may be cited as the Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) Rules, 1964.

(2) These Rules shall come into force on the fourth day of June, nineteen hundred and sixty-four.

REVOKED

SCHEDULE

Rule 3

THE SHORTHAND NOTES AND TRANSCRIPTS (CRIMINAL CASES)
(GUERNSEY) RULES, 1964

Declaration verifying transcript of shorthand notes

Law Officers of the Crown v.

I, _____ of _____
hereby declare that having been required by the Registrar of the Court of Appeal to
furnish to him a transcript of the shorthand note relating to the trial (or other
proceedings) in relation to the above-named _____ and
purporting to have been signed and certified by _____
(or signed and certified by me), I have made a correct and complete transcript thereof
to the best of my skill and ability in pursuance of the said requirement.

Dated the _____ day of _____, 19____

(Signed)

¹ Previously, the words substituted in paragraphs (1)(a) and (b) were amended, in part, in accordance with the provisions of the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 15th February, 1971; and by the

Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules, 1985, rule 1, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 19th February, 1985; the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) Rules, 1990, rule 1, respectively paragraph (a) and paragraph (b), with effect from 1st January, 1991; and paragraph (1)(a) was previously amended by the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules, 1989, rule 1(a), with effect from 31st January, 1989.

² These figures and symbols were previously substituted by the Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules, 2012, rule 1(c), with effect from 1st January, 2013; the Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) (Amendment) Rules, 2014, rule 1, with effect from 1st January, 2015; the Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) (Amendment) Rules, 2016, rule 1, with effect from 1st January, 2017.

REVOKED