Submission 2 to The Civil Justice Review 2018 by Haydn Price Total words excluding attachments: 467

Obtaining a transcript of a public hearing or judgment: End the out dated need for unnecessary Motions, Affidavits and court appearances for parties to a case to be given permission to purchase a transcript of their own open hearing or judgment

- 01. I ask the Civil Justice Review to please look at simplifying the process for parties to a case to obtain permission to purchase transcripts of their own, open, public court hearings and judgments (not relating to private or sealed hearings).
- O2. Changing this convoluted, Dickensian, process would be cost benefiting and remove an outdated procedure. It would improve efficiency and reduce costs to the court service and users.
- O3. At present the Irish system for obtaining permission to purchase a transcript is over complex, unnecessarily costly and less than open. It is simply outdated when compared with other common law countries. It wastes the time of both court staff who have to receive and list these Irish motions and judges who then have to hear them in open court. It causes litigants represented by solicitors to incur additional cost preparing and filing these motions, then swearing the accompanying affidavits before another separate charging solicitor and then attending court; firstly to file the motion and secondly for the hearing of the motion. The whole process is outdated and unnesseccary complex for cases heard in public. It also causes weeks of delay, which in turn can hold up the lodging of appeals to higher courts. It further erodes the image of modern, open, transparent, public justice in Ireland.
- 04. For 30 years, English transcript requests have been made without any of these hurdles and complexities. The system there is still working well. To save the panel time, I simply attach the English transcript guidance from the English Courts' website and their transcript form. The attachments/evidence speaks for its self. It is hard to think of a valid reason why such a transparent, cheap and direct process has not been adopted by now in Ireland? One wonders how many Irish transcript requests by the parties involved in an open case are ever refused and if refused on what grounds? There appears no good reason not to simplify the Irish procedure.
- 05. Finally, it should be noted that in Northern Ireland the transcript request process is even more modernised than the English system. In the North, a simple letter to the court explaining valid reasons why a transcript is required is enough and for a £25 court fee litigants can even receive an actual audio CD of the hearing. I attach the public information from the Northern Irish Court Service for ease.



- 1. Home (https://www.gov.uk/)
- 2. Crime, justice and the law (https://www.gov.uk/browse/justice)
- 3. Courts, sentencing and tribunals (https://www.gov.uk/browse/justice/courts-sentencing-tribunals)

Apply for a transcript of a court or tribunal hearing

You can apply for a transcript of a court or tribunal hearing if the hearing was recorded.

The court can refuse to provide part or all of a transcript (for example, if details of the hearing are confidential).

Where hearings are recorded

Hearings at the Crown Court and at civil and family courts are always recorded.

Tribunal hearings aren't always recorded. Contact the tribunal (https://www.gov.uk/find-court-tribunal) to find out if the hearing was recorded.

Hearings at magistrates' courts are never recorded.

How to apply

Download and fill in form EX107 (http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=161) and read the guidance notes.

The form is also available in Welsh (Cymraeg) (http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=162).

Return the form by email or post to the court or tribunal (https://www.gov.uk/find-court-tribunal) where the hearing took place.

How long it takes

You can choose how soon you'd like the transcript to arrive from the options on the form.

Hearings at the Court of Appeal Criminal Division or the Administrative Court

For a transcript of a judgment:

- download and fill in form EX107 (http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=161)
- email or post it to the transcriber using the details in section 2d of the guidance notes

For any other proceedings, complete form EX107 and submit this to the court.

Hearings at the Court of Appeal Civil Division

You can usually get a free transcript by contacting the British and Irish Legal Information Institute (BAILII) (http://www.bailii.org).

How much it costs

You'll usually have to pay for the transcript unless the court believes there are special circumstances (for example, you need the transcript urgently but can't afford to pay).

The final cost varies depending on the transcript's size, whether it's a new transcript or a copy, and other factors. Read the form EX107 guidance notes (http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do? court forms id=161) for full details.

Applying for a free transcript

For civil and family court hearings:

- download and fill in form EX105 (http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do? court_forms_id=1279)
- send it with form EX107 to the court or tribunal

For Crown Court and tribunal hearings, contact the court (https://www.gov.uk/find-court-tribunal) to apply.

Complaints

Contact the transcriber first if you aren't satisfied with the transcript or the service you've received.

If you feel they haven't dealt with your complaint properly, contact HM Courts and Tribunal Service (HMCTS).

Court Reporting and Transcription

HMCTS Operational Performance and Contracted Services
Post Point 6.10
102 Petty France
London SW1H 9AJ
contracts_and_perf@hmcts.gsi.gov.uk

Related content

Criminal courts (https://www.gov.uk/courts)

Explore the topic

- Statutory rights (https://www.gov.uk/topic/law-justice-system/statutory-rights)
- Courts, sentencing and tribunals (https://www.gov.uk/browse/justice/courts-sentencing-tribunals)

Tape Transcription Request

For help on completing this form and for the full list of transcription companies and prices, please see the guidance 'EX107 Info'.

In the	
	Court
Claim No.	
Claimant	
Defendant	

You should seek a quote i	from one or more	Ciairriant			
transcription companies.		Defendant			
A. Hearing details					
Judge's name			Courtroom	No.	
Court name and DX or postal address (include postcode)			Date of hea	aring	
Telephone hearing?	☐Yes ☐ No If 'Yes', who is y	our service pro	vider:		
B. Transcription ord	er placed by:				
Name			Reference		
DX or postal address			Phone		
(include postcode)			Fax		
email address					
C. Transcription ord	er placed with:				
Company's name	•		Date requir	ed	
D Transcription root	uirements (continue overleaf if ne	ecessary)	See Term 5 of St	andard 1	Terms of Agreement overleaf.
☐ a new transcript	required		hole hearing	Г] the judgment
a new transcript and	•		ss evidence		legal argument(s)
Copy(s) of a					s after judgment
Date of recording	Approx. start & end times W	itness name(s)	/ legal argum	ent to	ppics (if applicable)
E. Invoicing details:	(if different from B)				
Name	<u> </u>		Reference		
DX or postal address (include postcode)			For court use o Business Entity Operating Unit	Code [
	der, in accordance with the Standard to tape transcription company, which				

I understand that I am responsible for paying all of the costs of transcription direct to them.

Signature	Date	

u irements (continue	d)		
	required of	the whole hearing	☐ the judgment
copy(s)		□ witness evidence	legal argument(s)
an existing transcript		discussion / procee	dings after judgment
Approx. start & end	times Witnes	s name(s) / legal argume	nt topics <i>(if applicable)</i>
	copy(s) in existing transcript	copy(s) in existing transcript	required of

Standard Terms of Agreement

The Department for Constitutional Affairs does not accept any liability for services provided.

The agreed **maximum** prices that may be charged by a transcriber are set out in the guidance *EX107 info* but you may wish to negotiate a price within the maximum with the transcriber.

Terms

- 1. Transcripts and copies will be provided only with the approval of the court.
- 2. All gueries relating to orders placed must be raised with the transcriber.
- 3. Unless otherwise agreed, the transcriber will provide all transcripts of evidence within 15 working days of receipt of the tape(s) from the court.
- 4. Transcripts of judgments will need to be approved by the judge prior to distribution and shall be certified to that effect. The transcriber will therefore provide transcripts of judgments within 5 working days of the judge returning the approved judgment to the transcriber.
- 5. Upon request, the transcriber will endeavour to provide transcripts or copies of judgments and evidence within 48 hours of receipt of the tape(s) or authorisation, at a 20% premium.
- 6. Copies of existing transcripts of evidence or judgment shall be supplied within 5 working days of receipt of authorisation from the court, and should be charged at copy rate.
- 7. Invoices shall be submitted by the transcriber to the ordering party identified on the request form only and payment terms shall be as agreed between the ordering party and the transcriber.
- 8. If, prior to completion of an order, an additional Authorised Body requests a complete transcription (or exact part of, i.e. judgment/legal argument etc), the total cost will be divided equally between all those who have submitted an order. The total cost will comprise one transcript fee, plus the cost of additional copies.

Guidance Notes – Request for Transcription of Court or Tribunal proceedings

If you want a transcript of proceedings in any court or tribunal (except the Court of Appeal Criminal Division or the Administrative Court*), please complete form EX107. If you want to order a transcript for more than one case, please complete a separate form EX107 for each different case in which you're interested.

Please note that not all Tribunals record proceedings so transcription services may not be available. Enquiries should be made to the relevant tribunal prior to completion of this form.

EX107 can be sent digitally or by post to the court or tribunal. Contract details for the relevant venue can be obtained via Court Finder at https://courttribunalfinder.service.gov.uk/search/

For Civil and Family jurisdictions where you are selecting a transcription company, you are advised to talk with the transcription company before you complete form EX107. If an EX107 is requested by your chosen transcription company this should, where possible, be sent digitally using the e-mail addresses in Section 2a. You may send by post if you do not have an e-mail account.

There may be occasions where a transcript you have requested via the EX107 may have already been produced for HMCTS. There may also be times where the court's authorised Transcription Company provided a stenographer or court logger to make a record of the proceedings. In these circumstances the court's authorised Transcription Company will provide the transcript and the court will tell you who to contact.

Where a transcript is required of Court proceedings from which was held in private (ex-parte) authorisation will be required from a Judge. All transcripts of private proceedings will be produced by the authorised transcription company for the Sensitive Case Service, OPUS2. Due to the sensitive nature of these proceedings transcription will take place at the Secure Transcription Unit through an attendance based service. You are advised to consult with the relevant court prior to completion of the EX107 form.

*If you want a transcript of a judgment given by the Court of Appeal Criminal Division or the Administrative Court (i.e. the judge's reasons for the decision), please complete form EX107 and e-mail or send it to the official transcribers.

If you want a transcript of any other part of the proceedings, complete form EX107 and email or send it to the Court. See Section 2d for the contact details for the authorised suppliers of Court of Appeal Criminal Division and Administrative Court transcripts.

Please note, if the transcript you require is from a hearing of the Court of Appeal Criminal Division sitting at a regional Crown Court on circuit or from the Administrative Court sitting in the regions then you can choose any of the six suppliers to undertake the work and are not restricted to the authorised suppliers of Court of Appeal Criminal Division and Administrative Court transcripts.

Table A

Type of transcript	Description and comments	Jurisdiction
Whole hearing	Transcript of the whole hearing from start to finish. For a hearing lasting a day or less, please supply the start and finish times. For a hearing lasting over a day, please supply the different dates and, if possible, the start and finish times for each day. Please note that if you request a transcript of a criminal trial, this will cover the Prosecution opening speech up to and including the verdict.	
Prosecution Opening of the Facts	The Prosecution's summary of the facts of the case following a guilty plea.	Crime
Mitigation	Transcript of the defence barrister's speech to the judge putting forward factors on behalf of the defendant about the type of sentence which should be imposed.	Crime
Judge's Summing Up	The judge's directions on law and summary of the evidence heard during trial to assist the jury in making their decision.	Crime
Sentencing Remarks	The judge's decision on sentencing and reasons for imposing the sentence.	Crime
Antecedents	The defendant's background and previous offences.	Crime
Proceedings after Verdict	Transcript of proceedings and discussion after the jury has delivered its verdict.	Crime
Evidence	Please provide the name of the witness and if relevant state whether you want all the evidence or just evidence in chief/cross examination/re-examination.	All
Counsels' Opening/ Closing Remarks	Please specify the name of the relevant barrister (or their role e.g. Prosecution) and whether you want the opening or closing speech(es).	All
Judgment	A formal decision and reasons given by the judge at the end of the proceedings in a Civil or Family case (or in the Court of Appeal Criminal Division).	Civil, Family, CACD, Tribunal
Legal Argument(s) and Ruling	The submissions (argument) made to a Judge/Master by a legal representative or party on a specific issue during the proceedings and a transcript of the decision (ruling) given by the Judge/Master. Please indicate if you are seeking just the arguments or just the ruling.	All
Confiscation Ruling	Transcript of the Ruling given by the Judge in a Confiscation hearing.	
Other - provide details	For any other transcript request, describe the precise nature of the proceedings for which the request is being made. Include the start and finish times for the relevant part of the proceedings.	All

Table B

B1 – Transcription Companies authorised to provide transcripts of Crown Court proceedings in the Regions

Service Level Band	Service Description	Ubiqus	Epiq	Auscript	Marten Walsh Cherer	The Transcription Agency	Opus 2	
Band 1	Overnight (24 hours)							
Band 2	48 Hours							
Band 3	3 Working days	All prices on application to the individual transcription companies						
Band 4	7 Working days	All p	onces on ap	plication to tr	ie maividuai ti	ranscription comp	ariies	
Band 5	12 Working days							
Band 6	Copy rate							

B2 – Transcription Companies authorised to provide transcripts of proceedings other than in the Crown Court

The price shown is the cost per folio. A folio consists of 72 words. The total cost of the transcript will be the number of folios multiplied by the price show.

Service Level Band	Service Description	Ubiqus	Epiq	Auscript	Marten Walsh Cherer	The Transcription Agency	Opus 2
Band 2	48 Hours	£1.24	£1.21	£1.22	£1.33	£1.78	£2.20
Band 5	12 Working days	£0.70	£0.98	£0.95	£1.11	£1.34	£1.60
Band 6	Copy rate	£0.00	£0.30	£0.10	£0.30	£0.40	£0.40

Any of the 6 Transcription Companies in Table B2 above can be used to provide a transcript in Civil, Family or Tribunal proceedings. Table B2 above shows the maximum cost charged by each of the six suppliers for the two standard service levels which are available. If you require the transcript at an alternative service level please contact the Transcription Company to agree the charge.

The prices above shall apply where the transcript is delivered within the requested timescale (service level). If it takes the Transcription Company longer to deliver the transcript (i.e. they deliver a lower service level), the price payable will be the price applicable to the lower service level.

SECTION 2 – Additional information for persons ordering transcript

2a) Contact details for authorised Transcription Companies

Name	Address	Telephone/Email
Ubiqus UK Ltd	291–299 Borough High Street	T 020 7759 2695
	London	F 020 7405 9884
	SE1 1JG	E legal@ubiqus.com
	DX 149165 Southwark 9	W https://www.ubiqus.co.uk/
Epiq Europe Ltd (formerly DTI)	165 Fleet Street	T 020 7421 4036
	London	E courttranscripts@epiqglobal.eu
	EC4A 2DY	
	DX 414 LDE	W http://www.epiqglobal.com/en-gb
Auscript Ltd	Central Court	T 03301 005223
	Suite 303	F 03301 005213
	25 Southampton Buildings	E uk.clientservices@auscript.com
	London	
	WC2A 1AL	W https://www.auscript.com/
Marten Walsh Cherer Ltd	1st Floor, Quality House	T 020 7067 2900
	6–9 Quality Court	F 020 7831 6864
	Chancery Lane	E crown@martenwalshcherer.com
	London	(for Crown Court)
	WC2A 1HP	E civil@martenwalshcherer.com (for Civil, Family and Tribunals)
	DX 410 LDE	W https://www.martenwalshcherer.com/
The Transcription Agency	24–28 High Street	T 01303 230038 (public)
	Hythe	E court@thetranscriptionagency.com
	Kent	
	CT21 5AT	W https://www.thetranscriptionagency.com/
Opus 2 International Ltd	5th Floor	Helpdesk 020 7831 5627
	5 New Street Square	T 020 7831 5627
	London	E criminal@opus2.digital
	EC4A 3BF	(for Crown Court orders)
		E civil@opus2.digital (for all other orders)
		W http://www.opus2.com/

2b) Tracking the progress of your order

- 1. Authorised Transcription Companies are required to provide up to date tracking and order status information on your transcription. Details of the tracking system are available on the relevant Transcription Company's website or by using the contact details in the previous table.
- 2. Please note that, save for audio recordings in open court in the Crown Court, there will be a 'lead time' of on average 10 working days for the Court staff to locate and send the audio recording to the transcription company. Courts will always try, where possible, to accommodate requests of an urgent nature.
- 3. Any requests for a transcript for a Judgment will need to be approved by the Judge therefore additional time will be required before the transcript can be released.

2c) Judgments of the Court of Appeal Civil Division

Appeal Judgments are usually available free of charge online at www.bailii.org

2d) Contact details for Court of Appeal Criminal Division and Administrative Court transcripts

Name	Authorised Transcription Company for Court judgments	Court Contact details - for transcripts of proceedings other than judgments
Court of Appeal Criminal Division	Epiq Europe Ltd	Criminal Appeal Office
	165 Fleet Street	Royal Courts of Justice
	London	Strand
	EC4A 2DY	London
		WC2A 2LL
	DX 414 LDE	
	T 020 7421 4036	T 020 7947 6011
	E courttranscripts@epiqglobal.eu	E criminalappealoffice.generaloffice@hmcts.x.gsi.gov.uk
Administrative Court	Opus 2 International Ltd	Administrative Court Office
	5th Floor	Royal Courts of Justice
	5 New Street Square	Strand
	London	London
	EC4A 3BF	WC2A 2LL
	T 020 7831 5627	T 020 7947 6655
	E civil@opus2.digital	E administrativecourtoffice.generaloffice@hmcts.x.gsi.gov.uk

2e) Complaints about Transcription Companies

All suppliers on the above list of authorised Transcription Companies are subject to a contract with the Ministry of Justice. Under the terms of that contract, providers are obliged to have a robust complaints procedure in place.

- If you wish to make a complaint relating to the provision of a transcript, including in relation to prices, billing, and quality of product or other technical issues this should be directed initially to the relevant Transcription Company.
- If you wish to make a complaint relating to the response or conduct of the Transcription Company further information can be found on GOV.UK.

Annex A – list of Crown Courts and the region to which they belong

London Midlands		South West & Wales	North West	South East	North East
Ubiqus	Epiq	The Transcription Agency	Marten Walsh Cherer	Auscript	Opus2
Blackfriars Crown Court	Birmingham Crown Court	Bournemouth Crown Court			Bradford Combined Court - Crown Court
Central Criminal Court	Coventry Combined Court- Crown Court	Bristol Crown Court	Burnley Combined Court - Crown Court	Aylesbury Crown Court	Doncaster Crown Court
Croydon Crown Court	Derby Combined Court Centre - Crown Court	Exeter Crown Court	Carlisle Combined Court - Crown Court	Basildon Combined Court - Crown Court	Durham Crown Court
Harrow Crown Court	Hereford Crown Court	Gloucester Crown Court	Chester Crown Court	Bury St. Edmunds Crown Court	Great Grimsby Crown Court
Inner London Crown Court	Leicester Crown Court	Isle of Wight Combined Court	Lancaster Crown Court	Cambridge Crown Court	Kingston-upon- Hull Crown Court
Isleworth Crown Court	Lincoln Crown Court	Plymouth Combined Court - Crown Court	Liverpool Crown Court	Canterbury Combined Court - Crown Court	Newcastle Combined Court - Crown Court
Kingston Upon Thames Crown Court	Northampton Combined Court - Crown Court	Portsmouth Combined Court - Crown Court	Manchester Crown Court (Crown Square)	Chelmsford Crown Court	Leeds Crown Court
Snaresbrook Crown Court	Nottingham Crown Court	Salisbury Law Courts - Crown Court	Manchester Crown Court (Minshull)	Chichester Combined Court - Crown Court	Sheffield Crown Court
Southwark Crown Court	Shrewsbury Crown Court	Southampton Crown Court	Preston Crown Court (Sessions House)	Guildford Crown Court	Teesside Combined Court - Crown Court
Wood Green Crown Court	Stafford Combined Court - Crown Court	Swindon Combined Court - Crown Court	Warrington Crown Court	Ipswich Crown Court	York Crown Court
Woolwich Crown Court	Stoke On Trent Combined Court - Crown Court	Taunton Combined Court - Crown Court	Barrow-in-Furness (Satellite Court for Carlisle Crown Court)	Kings Lynn Crown Court (satellite of Norwich Crown Court)	
	Warwick Combined Court - Crown Court	Truro Combined Court - Crown Court		Lewes Combined Court Centre - Crown Court	
	Wolverhampton Combined Court - Crown Court	Winchester Combined Court - Crown Court		Luton Crown Court	
	Worcester Crown Court			Maidstone Combined Court - Crown Court	
		Caernarfon Crown Court		Norwich Combined Court - Crown Court	
		Cardiff Crown Court		Oxford Combined Court Centre - Crown Court	

London	Midlands	South West & Wales	North West	South East	North East
Ubiqus	Epiq	The Transcription Agency	Marten Walsh Cherer	Auscript	Opus2
		Merthyr Tydfil Combined Court - Crown Court		Peterborough Combined Court - Crown Court	
		Mold Crown Court		Reading Crown Court	
		Newport (South Wales) Crown Court		Southend Crown Court	
		Swansea Crown Court		St Albans Crown Court	

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Audio Recordings and Transcripts of Court Proceedings

Topics: Courts and Tribunals (/topics/courts-and-tribunals), Services (/topics/northern-ireland-courts-and-tribunals/services

Here you will find information on how to request audio or transcripts of court proceedings within Northern Ireland.

On this page

- Making a request
- Considering a request
- Fees

Making a request

Requests for an audio recording or written transcript of court proceedings within Northern Ireland

Requests for a CD of audio recordings or written transcripts should be made in writing to the Central Office, Royal Courts of Justice.

Requests will be placed before the Lord Chief Justice for consideration. This policy also applies where a judge directs the parties to obtain a CD/transcript (except in the case of ongoing proceedings).

When making a request, the following information should be provided:

- the full details of the case including ICOS number, names of the parties, dates and times of hearings, the presiding judge and the court venue (including, where possible, the Courtroom)
- detailed reasons for the request including the purpose for which the material is required and
- whether the request is for the whole or a specific part of the proceedings

Considering a request

The Lord Chief Justice will consider the request and, if approved, the applicant will be required to pay an upfront fee of £25.00 and sign an undertaking before the CD will be processed. The prescribed fee will be applied to all requests unless the applicant is eligible for remission or exemption of the fee.2 The applicant will be required to pay the balance of the fee (if any) before the CD will be provided. If the applicant fails to submit the fee, the request will be deemed to be withdrawn and a fresh application (including payment of an upfront fee) will have to be made. Undertakings should be signed and returned by post, fax or as an attachment to an email (electronic signatures will not be accepted).

CDs will ordinarily be provided. The Lord Chief Justice will only approve written transcripts in exceptional circumstances. If a written transcript is required, a full and detailed written reason must be supplied.

Our aim is to issue a response in 10 working days. Transcripts may take longer to produce depending on the length of the hearing. If a request is more urgent than this

timeframe, the applicant should highlight the reason for this in the request (e.g. a case is listed for a particular date).

In general, CDs or transcripts will only be available in respect of proceedings in the Court of Judicature, Crown Courts and Family Care Centres. It should be noted that for cases before August 2004 there will be no digital recording, although there may be an audio tape. For older cases, the court reporter's shorthand notes may no longer be available.

Contact details for the Central Office:

Central Office Royal Courts of Justice Chichester Street Belfast BT1 3JF

DX: Central Office, DX 456 NR, Belfast

Email centraloffice@courtsni.gov.uk (mailto:centraloffice@courtsni.gov.uk)

Fax Number - 028 90 313836

Fees

1 £25.00 is the fee prescribed for a CD audio recording of up to one hour of the proceedings. The fee for transcripts is 78p per folio in criminal trials and 68p per folio in civil trials.

- 2 Email the Central Office for enquiries in relation to paying the fees.
- $3\ \mbox{For cases}$ heard prior to 2004 this may take longer.

Related articles

- Bankruptcy (/articles/bankruptcy-1)
- CJSM Secure Email System (/articles/cjsm-secure-email-system)
- Commerical Lists (/articles/commerical-lists)
- Coroners Service for Northern Ireland (/articles/coroners-service-northern-ireland)
- $\underline{Coroners\ Service\ for\ Northern\ Ireland\ Booklets\ and\ Leaflets\ ({\it /articles/coroners-service-northern-ireland-booklets-and-leaflets})}$
- Court Fees (/articles/court-fees-0)
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- Family Forms (/articles/family-forms)

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