CHAPTER 284

ELECTRO-MAGNETIC RECORDING OF PROCEEDINGS ACT

To make provision for the recording of proceedings by electro-magnetic means.

(9th May, 1980)*

Enacted by ACT XVI of 1980, as amended by Act XXIV of 1995.

Short title.

1. This Act may be cited as the Electro-Magnetic Recording of Proceedings Act.

Interpretation. *Amended by: XXIV.1995.360.*

2. In this Act, unless the context otherwise requires -

"court" means any court of law, Board, arbitration, tribunal, commission or committee of inquiry, empowered by law to receive evidence during proceedings;

"proceedings" includes evidence, oral pleadings, award, finding, order, decree, decision or sentence and any words said in open court or *in camera* during the conduct of business of any court;

"Registrar" means the Registrar of the Courts and any secretary of any Board, arbitration, tribunal, commission or committee of inquiry;

"tapes" means the tapes or other objects on which proceedings have been recorded by any electro-magnetic means and includes also a master tape;

"transcriber" means the person charged by the Registrar with the duty of rendering in written form the recordings on the tapes.

Recording and transcription of proceedings.

3. (1) Notwithstanding any provision in any other law, any court may order that its proceedings or any part thereof be recorded by electro-magnetic means.

(2) The Registrar shall cause the recording on the tapes to be transcribed:

Provided that in trials on a bill of indictment the Registrar shall not be bound to cause such transcription to be made except when, and to the extent that, the Criminal Court or the Court of Criminal Appeal has so ordered:

Provided further, that any court may order that only part of the proceedings be transcribed.

(3) The transcription may be handwritten or typewritten by the transcribers as the Registrar may direct, and shall form part of the records of the proceedings.

(4) The transcriber shall put his signature on every page of the transcript and shall make a declaration at the end thereof that he has honestly and faithfully and to the best of his knowledge and ability,

**See* Government Notice No. 266 of 9th May, 1980.

transcribed the recordings on the tapes.

(5) The tapes shall be deemed to form part of the records of the proceedings of the court until they are erased according to the provisions of this Act.

Substance of proceedings may be recorded.

4. (1) Notwithstanding the provisions of article 3 and of any other law, the court may order that only the substance of proceedings or of the evidence produced during proceedings, as dictated by the court, be recorded by electro-magnetic means.

(2) Where the court has ordered that the substance only of the evidence of any witness be recorded by electro-magnetic means and such summary is dictated by the court in the presence of the witness, notwithstanding the provisions of any other law requiring that the transcript thereof shall be read over by the witness during or after the sitting and that a note of such reading be made at the foot of such script, such reading over shall be dispensed with, and the transcript shall be deemed to have been duly read over and confirmed by the witness, provided that the court shall make at the end of such summary a declaration that the substance of the evidence has been dictated by the court in the presence of the witness.

Custody of tapes.

5. The Registrar shall be responsible for the custody and safe-keeping of the tapes:

Provided that the Minister responsible for justice may appoint any other person to perform the duties aforesaid.

Erasure of tapes.

6. Where final judgment has been delivered or where the matter in issue has been finally resolved or where a transcription of the recording has been made, the Registrar may direct that the recording be erased:

Provided that the court may, either *ex officio* or on an application filed, within seven days from the date of the recording, by any of the parties, direct that the recording or any part thereof be not erased until such time as a counter order is given on the application of the Registrar.

Copies of tapes. *Added by: XXIV.1995.360.*

7. The Registrar may give copies of the originals of the tapes on payment of such fee prescribed as the Minister responsible for justice may by regulations prescribe.