



## THE SUPREME COURT OF BERMUDA

Ref. A/50

Tuesday, September 19 2006

CIRCULAR NO. 13 OF 2006

TRANSCRIPTS FOR CRIMINAL APPEALS

The preparation of full transcripts for all criminal appeals is proving expensive, and it also causes delay. In order to address this it is proposed to limit the initial transcript to arraignment, summing-up, verdict and sentencing. No other part of the evidence or proceedings will be transcribed without an order of the Court of Appeal or a single judge thereof. This is the approach adopted in many Commonwealth jurisdictions which use voice recording, including England and Jamaica.

The English practice is set out in Archbold 7-241, and the Guidance Notes at paragraph 7-166. In summary it is not the practice to transcribe everything in every case; transcription requires justification; and, as Archbold notes, "Transcripts of materials other than that contained in the 'short transcript' [i.e. charges, pleas, summing-up and evidence after verdict] are rarely necessary." The English practice is not embodied in any Rules, but derives from a direction given in 1951 in the case of Lurie (1951) 35 Cr. App. Rep. 113, which also explains the rationale for this.

It is proposed to implement this limitation by means of a formal amendment to the Court of Appeal Rules. The President of the Court of Appeal has asked that the Bar be consulted before he makes these rules, and to that end a copy is attached. Any comments or submissions on these proposals should be submitted to the Registrar no later than Friday 20<sup>th</sup> October 2006.

A handwritten signature in black ink, appearing to be 'S. Scott', written in a cursive style.

REGISTRAR

Enc (1) Current Draft of the Rules

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BR /2006

COURT OF APPEAL ACT 1964

1964 : 221

**RULES OF THE COURT OF APPEAL FOR BERMUDA  
AMENDMENT RULES 2006**

The President of the Court of Appeal, in exercise of the powers conferred by section 9(1) of the Court of Appeal Act 1964, makes the following Rules:

**Citation**

1 These Rules may be cited as the Rules of the Court of Appeal for Bermuda Amendment Rules 2006.

**Interpretation**

2 In these Rules the "principal Rules" means the Rules of the Court of Appeal for Bermuda.

**Amends Order 3/ 10**

3 Rule 10 of Order 3 of the principal Rules is amended—

(a) by revoking, in paragraph (1), subparagraphs (c), (d), (e) and (f) and substituting the following subparagraphs next after subparagraph (b)—

“(c) a transcript of the arraignment and the plea entered to the indictment;

(d) a transcript of the Judge’s summing-up to the jury, however recorded;

