

**PROVINCE OF BRITISH COLUMBIA**  
**REGULATION OF THE ATTORNEY GENERAL AND**  
**MINISTER RESPONSIBLE FOR HOUSING**

*Court Rules Act*

Ministerial Order No. M348

I, David Eby, Q.C., Attorney General and Minister Responsible for Housing, order that

- (a) the Official Reporters Regulation, B.C. Reg. 222/84, is repealed, and
- (b) the attached Official Reporters (Supreme Court) Regulation is made.

August 13, 2021

\_\_\_\_\_  
*Date*



\_\_\_\_\_  
*Attorney General and Minister Responsible for Housing*

\_\_\_\_\_  
*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: *Court Rules Act, R.S.B.C. 1996, c. 80, s. 5*

Other: \_\_\_\_\_

R20482419

# OFFICIAL REPORTERS (SUPREME COURT) REGULATION

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### **Qualifications of official reporter**

- 1 (1) In this section, “**certificate of proficiency in shorthand reporting**” means a certificate or other form of official recognition issued to a person attesting to the person’s ability to type machine shorthand, using a stenograph machine or real-time reporting technologies, at a speed of not less than 200 words per minute.
- (2) Subject to subsection (3), a person is qualified to become an official reporter
  - (a) if the person holds a certificate of proficiency in shorthand reporting that was issued to the person by an institution, association or other body that trains or tests persons in shorthand reporting and is recognized by the National Court Reporters Association, and
  - (b) if the person’s certificate of proficiency in shorthand reporting was not issued within the immediately preceding 3 years, the person has completed at least 500 hours actively engaged in shorthand reporting within the immediately preceding 3 years in British Columbia or in another jurisdiction recognized by the Attorney General.
- (3) A person is not qualified to be an official reporter if the person
  - (a) has been discharged from the performance of any functions referred to in subsection (2) (b) or section 2 (2) or 4 (2) for a cause that renders the person unfit to perform the functions and duties of an official reporter, or
  - (b) has a criminal record in respect of an offence that renders the person unfit to perform the functions and duties of an official reporter.

### **Official reporter functions and duty**

- 2 (1) An official reporter may be retained by a party to a civil proceeding in the Supreme Court to perform the functions set out in subsection (2).
- (2) The functions of an official reporter are
  - (a) to attend an examination for discovery in the course of the proceeding, and
  - (b) to record in machine shorthand, using a stenograph machine or real-time reporting technologies, the evidence given.
- (3) An official reporter retained by a party must make a full and accurate record of the evidence given at the examination for discovery.

### **Qualifications of authorized reporter**

- 3** (1) Subject to subsection (2), an official reporter is qualified to become an authorized reporter if
- (a) the official reporter has, within a 2-year period in the immediately preceding 5 years, at least 1 000 hours of work experience
    - (i) performing the functions of an official reporter, or
    - (ii) performing functions that are equivalent to those of an official reporter before a court or a tribunal outside British Columbia, or
  - (b) the official reporter
    - (i) has, within a 2-year period in the immediately preceding 5 years, at least 500 hours of work experience
      - (A) performing the functions of an official reporter, or
      - (B) performing functions that are equivalent to those of an official reporter before a court or a tribunal outside British Columbia, and
    - (ii) holds Certified Realtime Reporter certification with the National Court Reporters Association.
- (2) An official reporter is not qualified to be an authorized reporter if the official reporter
- (a) has been discharged from the performance of any functions referred to in subsection (1) or section 4 (2) for a cause that renders the official reporter unfit to perform the functions and duties of an authorized reporter, or
  - (b) has a criminal record in respect of an offence that renders the official reporter unfit to perform the functions and duties of an authorized reporter.

### **Authorized reporter functions and duty**

- 4** (1) An authorized reporter may be retained by a party to a proceeding in the Supreme Court to perform any of the functions set out in subsection (2) or section 2 (2).
- (2) The functions of an authorized reporter are,
- (a) in the case of a civil proceeding or a criminal proceeding,
    - (i) to attend some or all of the proceeding, and
    - (ii) to record in machine shorthand, using a stenograph machine or real-time reporting technologies, the proceeding or portion of the proceeding, including the evidence given, any submission, address or other statement made and any order of the court,
  - (b) in the case of a civil proceeding, to transcribe some or all of the proceeding, whether or not the authorized reporter recorded any portion of the proceeding, and
  - (c) in the case of a criminal proceeding, to transcribe some or all of the proceeding, if the authorized reporter recorded the portion of the proceeding to be transcribed.

- (3) An authorized reporter retained by a party must make a full and accurate record or transcript of the proceeding or portion of the proceeding or of the evidence given at the examination for discovery.

#### **Duty to take oath**

- 5 (1) An official reporter or authorized reporter must, before beginning to perform functions or duties under this regulation,
  - (a) take and sign the oath or solemn affirmation set out in subsection (2) before a commissioner for taking affidavits,
  - (b) obtain the completed oath or solemn affirmation, or a certificate of it, from the person who administered the oath or solemn affirmation, and
  - (c) file the completed oath or solemn affirmation, or the certificate, with the Supreme Court.
- (2) The oath or solemn affirmation required under subsection (1) is as follows:

I, ...*[name]*..., solemnly swear/affirm [*circle one*] that I will faithfully and accurately, to the best of my skill and ability, record in machine shorthand, using a stenograph machine or real-time reporting technologies, the evidence given on examination and at a proceeding in which it is my duty to act as a reporter, and I will transcribe or have transcribed my notes, should that be required.

#### **Form, content and delivery of transcripts**

- 6 (1) An authorized reporter who transcribes some or all of a proceeding must, subject to any directions of the Supreme Court,
  - (a) transcribe the proceeding or portion of the proceeding in paper and electronic format, and
  - (b) deliver the original paper transcript and an electronic transcript, to the Supreme Court registry in which the proceeding was commenced, no later than
    - (i) in the case of a transcript of oral reasons for judgment, 5 business days after the transcript is ordered, and
    - (ii) in any other case, 22 business days after the transcript is ordered.
- (2) A transcript may be prepared in one or more volumes.
- (3) A transcript or a volume of a transcript must include the following:
  - (a) a front cover that includes
    - (i) the court file number,
    - (ii) the court registry name,
    - (iii) the level of court,
    - (iv) the style of proceedings, which may be shortened if necessary to permit the cover to fit on one page,
    - (v) the title and surname of the presiding judicial officer,
    - (vi) the type of proceeding, which may include a short description of the nature of the proceeding,

- (vii) the location of the proceeding,
  - (viii) the date or dates of the proceeding,
  - (ix) any applicable ban or sealing order, and
  - (x) the name, address and telephone number and, if applicable, the business name, not including any logo, of the authorized reporter or authorized reporters who prepared the transcript or volume;
- (b) a frontispiece;
  - (c) an index of proceedings;
  - (d) an index of exhibits, if applicable.

**Certificate of authorized reporter**

- 7** (1) Each transcript or volume of a transcript must be certified by
- (a) the authorized reporter who prepared the transcript or volume, or
  - (b) if more than one authorized reporter prepared portions of the transcript or volume, each of the authorized reporters.
- (2) A certificate under subsection (1) must certify that the transcript, volume or portion of the transcript or volume is a true transcript of the proceeding or portion of the proceeding, transcribed to the best of the authorized reporter's skill and ability.
- (3) A certificate under subsection (1) must be placed as follows:
- (a) in the case of an authorized reporter referred to in subsection (1) (a), immediately at the end of the transcript or volume;
  - (b) in the case of an authorized reporter referred to in subsection (1) (b), immediately below each portion of the transcript or volume prepared by the authorized reporter.

**Transition – qualifications**

- 8** (1) Subject to subsection (2), a person is qualified to be an official reporter despite not meeting the qualifications set out in section 1 (2) if the person
- (a) performed any of the functions referred to in section 2 (2) or 4 (2) at any time during the 5 years immediately preceding the coming into force of this regulation, and
  - (b) provides to the Attorney General, within 3 months after the coming into force of this regulation, the authorization necessary for a criminal record check to be obtained for the person.
- (2) A person referred to in subsection (1) is not qualified to be an official reporter if the person
- (a) has been discharged from the performance of any functions referred to in section 2 (2) or 4 (2) for a cause that renders the person unfit to perform the functions and duties of an official reporter, or
  - (b) has a criminal record in respect of an offence that renders the person unfit to perform the functions and duties of an official reporter.

- (3) Subject to subsection (4), a person who performed any of the functions referred to in section 4 (2) at any time during the 5 years immediately preceding the coming into force of this regulation is qualified to be an authorized reporter despite not meeting the qualifications set out in section 3 (1).
- (4) A person referred to in subsection (3) is not qualified to be an authorized reporter if the person
  - (a) has been discharged from the performance of any functions referred to in section 2 (2) or 4 (2) for a cause that renders the person unfit to perform the functions and duties of an authorized reporter, or
  - (b) has a criminal record in respect of an offence that renders the person unfit to perform the functions and duties of an authorized reporter.