

JUDICIARY
GUIDELINES FOR CERTIFICATION OF DOCUMENTS
CRIMINAL CASES

Introduction

1. The Guidelines aim at assisting court users in the preparation of translations for certification.
2. The Court Interpreters of the Court Language Section are authorized under the Official Languages (Translation) Rules to certify as true and correct, translations of documents provided by law enforcing agencies, law firms and individual members of the public for use in court proceedings.
3. The contents of the Guidelines will be revised from time to time to incorporate new practices as directed by judges and judicial officers.

Documentation

4. The Court Language Section only accepts documents handed in by hand. Documents sent by post or fax will not be accepted.
5. If only a portion of a document is translated for certification:
 - (i) please underline the relevant part in the original copy of the source document OR photocopy thereof ;
 - (ii) provide a letter* at the time of the application stating such request.
6. Hand in the original of the source language document(s) for certification. Where only photostat copies are handed in, it would be necessary to provide at the time of the application a letter* stating:
 - (i) why the original is not provided;
 - (ii) whether the original has been handed in for the purpose of certification by the other party to the case.

* Preferably signed by a Superintendent of the Hong Kong Police Force or an officer of similar rank in other government departments

7. In an application for certification of a witness's statement, a letter* stating that such statement will be produced in court will suffice.
8. Fair copies of certified translation (normally prepared by the Applicant) are required for proceedings in the Court of First Instance of the High Court.

Time needed

9. The time required for certification of any translation of documents varies depending on the court levels.

<u>Court for which documents are required</u>	<u>Working days</u>
Magistrate's Court	7
District Court	14
Court of First Instance of the High Court	21
Court of Appeal and the Court of Final Appeal	21

10. The number of days above is exclusive of the day when application is made and the day for collection.
11. If the collection date falls on a Sunday or a public holiday, the actual collection date shall be the following working day.
12. When the certified translations have to be re-typed for production in court, extra time will be needed.

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Special cases

13. The time required for certification of the following documents will be considered on a case-to-case basis:
 - (i) translations of over 50 pages;
 - (ii) translations with format irregularities (please see Notes for Translators at the Annex)
14. Where urgent certification is required, it would be necessary to provide a letter* stating the reason for such urgency at the time of the application. Consideration will then be given on an individual basis.

Poor quality translations

15. Since our job is to certify the translations are true and correct, we may need to reject any translation of poor quality and to ask the applicant to redo the translation. Any delay in the court proceedings caused by re-translation will not be the responsibility of the Office of Court Language Section.

Documents containing a language other than Chinese or English

16. The time required for certification will be considered on a case-to-case basis.
17. For certification of a tape transcript, hand in the corresponding tape at the time of application so that certification can be arranged.
18. For details on format, please refer to “Guidance Notes for the Preparation of Translation of Documents involving Foreign Language(s) in Criminal Cases”.

JUDICIARY ADMINISTRATOR

March 2005

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NOTES FOR TRANSLATORS

Format:

1. Type out all translations in double-line spacing to facilitate amendments and corrections, where necessary.
2. Type out all English translations in font size not smaller than 13, and Chinese translations not smaller than 14 to achieve the best possible reading performance.
3. Allow at least 3 cm margin space for all four margins.
4. Show all amendments (e.g. insertions, deletions, corrections, etc.), signatures, wrong characters, homonyms, etc. in their corresponding places in the translation.

e.g. 陳 PC 12345 D[^] 粉係我~~今~~琴日响公遠買。

(sd) CHAN I bought the (insertion) powder at a park

PC 12345 (homonym) (deletion) yesterday.

5. Put the translated word(s) in quotes and add the word ‘(sic)’ when a certain word or phrase does not fit into its contents.

e.g. 我用左\$300 賣 D 白粉。

I ‘sold’ (sic) the white powder for \$300.

6. Add the word ‘(transliteration)’ when a transliteration is used.

e.g. 呢 D 碟係 4 仔。

These discs are ‘sei chai’ (transliteration).

7. Put the translator’s note (including those mentioned in para. 4, 5 and 6) in round brackets and the round brackets in the original text in square brackets.

8. Put the name of the translator and /or that of the translation agency at the end of the last page of the translation.