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I have a question on Court Transcripts for a party in the

Civil Courts in England Wales... [Show More](#)

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Customer reply

This government page gives the impression you CAN have a transcript... <https://www.gov.uk/apply-transcript-court-tribunal-hearing>

in my situation the transcript EX107 was processed and acknowledged as processed. They just did not send the audio or the EX107 files to the transcribers, now it seems 3 months later the court is trying to stop me getting access to a crucial transcript, so as a party (so not just a general member of the public) what are my rights to access what it seems I was already granted? and my understanding is permission is not needed for a transcript of proceedings if not sealed proceedings anyway.



Stuart J, Solicitor

Satisfied Customers: 39,209

Experience: High street practice 30 years. Former Senior Partner

My name is Stuart,

Thank you for the question.

It is my pleasure to assist you with this today.

I have been in the UK legal profession, in high street practice , for almost 30 years, so I have a wide range of experience and a great many different aspects of UK law and in particular, England & Wales and some Northern Ireland.

Please bear with me and I will be online and off-line from time to time and therefore, may be delayed getting back to you.

You will receive an email when I reply.



Although I am shown as being online, I may be dealing with other people, on the telephone, or

typing.

Just Answer is not a chat service, it's an email reply board.

So please bear with me as I cannot usually reply instantly.

Sometimes it will be minutes, sometimes it may be longer, even hours or overnight.

I apologise for any delay.

I will now ask you some questions in order that I can answer you fully.

Kind Regards

Good Morning.

1. Can you please provide more information on why the court is now trying to stop you from accessing the transcript, and if there were any specific reasons mentioned in the order passed by the Judge?
2. Have you received any communication or explanation from the court regarding the delay in sending the audio or the EX107 files to the transcribers after acknowledging the processing of the form?
3. Could you clarify what you mean by "sealed proceedings" and how it is relevant to your situation of accessing a transcript of proceedings?

Customer reply

Good afternoon Stuart, I submitted an EX107 form for a transcript of a proceedings hearing. I am in the process of compiling an appeal bundle. the N161 appellants notice went in and guidance came back from the court on the bundle, one part quoted CPR Part 52 PD 52B in particular 6.4 Documents relevant to the appeal section 6.4 (2) (g): any other documents which any party considers would assist the appeal court. After this I had cause to seek several transcripts, most of which I received, except one. Back in November the court sent me a letter acknowledging the ex107 had been processed, the audio had been sent to the transcribers, the transcribers later say they received nothing. both I and the transcribers write 5 times asking where is it? meanwhile I have to apply for time extension for appeal bundles. Then on applying for the last time extension the latest High court judge accuses me of creating confusion to the transcriber and court, (which could not be further from the truth if the transcribers are telling me they are writing to the court for the missing audio). So as a consequence the latest judge says no transcripts of previous hearings can be included in the bundle and the court will not be providing any further transcripts and me one more time extension of four weeks to produce the appeal bundle or be debarred from appeal. It is a shock and totally unfair and I am in the middle of writing a witness statement



N244 application to go in today because he also put a 7 day deadline to have this order varied or set aside.

Customer reply

re: sealed proceedings, I meant my case is not sealed proceedings but public.



STUART J, Solicitor

Thank you. What is the reasoning behind this alleged Confusion, why "no more transcripts" and why do you need so many? Is it just something which was said in the transcript which you need to refer to?

Customer reply

i need to refer to several things, on one occasion when I referred to something very important in a previous hearing both the judge and barrister denied what had been said was said, and it was a very important thing. Transcripts will prevent that happening again.



STUART J, Solicitor

Thank you. If that's the case then you need to appeal the decision not to allow any transcripts and in the appeal you need to refer to this particular incident although you cannot just get the transcript on the off chance that they don't believe something, you would have to say what you are trying to prove which they are denying. Remember that you can only appeal if the judge made an error of law or an error of fact and here, it is an error of fact.



STUART J, Solicitor

Does that all make sense now whether or not it's the answer you wanted and whether or not is the answer which you expected.?

Have I answered all your questions for you?

If you have any further queries or need any clarification, I am happy to answer any specific points arising from this.

Please don't hesitate to ask.

Thank you for letting me assist you with your legal problem. I am glad that I was able to help you.

It will be my pleasure to help you again, either further with this, or any future questions you have, if you want to just ask for me on any new question.



Please don't forget to add me to your list of favourite experts if you have not done already. If you have, thank you.. It really helps me. You can do that by just clicking the five stars at the top of the question page and then adding me to your favourites.

(PS if you can't find it, don't worry because it's not always on the page. It's the thought that counts)

Thank you.

Kind regards

Stuart

Customer reply

Just to let you know I had the Judges order overturned on the issue of transcripts, thanks for your help.



STUART J, Solicitor

Excellent. Well done you. Thank you for letting us know. Really appreciated.

Kind regards.

Stuart

Customer reply

Evening Stuart, I was quite pleased because it was set aside completely in essence removing all the stumbling blocks going forward, which going in to a high court as litigant in person I thought it was going to be lamb to slaughter. (and actually it might have been but not quite yet) The Judge agreed I was entitled to the transcripts, and it was unfair to try to stop them and also unfair that the previous High court Judge struck out any potential for appeal on two previous judgements that are both over a year old. But I am not holding my breath for further success because there was some further complication at this hearing. I need to ask you more questions going forward about these transcripts how do I do that?



STUART J, Solicitor

Thank you for the update. Glad that we helped.

For a new question thread to get to me, then please go to:

HYPERLINK "<http://www.justanswer.com/computer>" www.justanswer.com/computer

In just the same way that you did for your initial question and then.....

just type....



@ Stuart J (the "at" sign followed by my name) and you should be able to select my username to tag me in the question.

It will help further if you can also put

"For Stuart J and Stuart J only. Other experts please leave alone"

in the question thread and then the other experts will know that it's for me.

You can also tag me as one of your favourite experts.

Thank you

Kind regards.

Stuart

PS Please also tell me (on this thread), when you have posted the new question, so that I can go and look for the new question to avoid you waiting. I do get a notification when you've asked for me but it's easy for me to miss it which is why it's better if you posted on this thread that you posted a new question because then, I go straightaway and pick it up. Thank you.

Customer reply

Got that thx



STUART J, Solicitor

:-)

Customer reply

I have posted the message.



STUART J, Solicitor

Cheers

Customer reply

Hi Stuart, have you managed to look at my question yet ?



STUART J, Solicitor

No outstanding questions with my name on. Can you repost please?



Thanks

Customer reply

Hi Stuart, someone else picked it up even though I said for you only, so I asked her why she did that, she apologised and then said leave it open, now a moderator is saying they are looking for a suitable lawyer. I don't know how to close that question as in delete it. (i will double check) here it is at the moment <https://my-secure.justanswer.co.uk/question/index/57939d2f97ba410bb4d51c32f8df2444>



STUART J, Solicitor

I can only apologise. Totally out of my control. Unfortunately the link will not take me to the question. It's not an uncommon problem. Sorry.

Customer reply

Are you online I want to put a question up for you?



STUART J, Solicitor

Apologies. Was off-line. Back now. On all day

Customer reply

Morning Stuart, I have a question up now, it starts off as "If previously I had not chosen to have a copy from the standard disclosure list of certain documents are the opposing party allowed to refuse a copy now and also if I suspect the they had not actually disclosed a copy of title deeds anyway but have hidden them in another solicitors am I right in saying that those documents are still under the control of the other party" nobody has picked it up yet



STUART J, Solicitor

I don't have a question outstanding so let me answer on here. If there was a document that you didn't think you wanted so you didn't ask for it to be disclosed, but now you've discovered the document exists or you've now decided that you wanted it, you can always ask for specific disclosure and if they decline make an application to court to compel them to disclose it and the court to the cost to be awarded against them on the basis of their unreasonable behavior.



Some solicitors are just awkward because they get paid for the argument even though there is actually no reason to withhold a document. On the other hand, when you didn't request it they may be rubbing their hands particularly if there is something in it which they don't like or which is to their disadvantage

Customer reply

The claimant is very devious, they are using 2 solicitors, now that I am a position to continue making an appeal I want them to disclose their actual title deeds and the corresponding plan which I believe they have with the other solicitor. Am I right in saying that even though though the Judgement I am appealing went against me and that in effect has come to an end, because all avenues of appeal have not been exhausted, they still have the duty to disclose? and I have a right to inspect? and I am going to ask again but this time quote that the relevant CPR rules being CPR 31, PD31 CPR 18, give them 7 days to agree and if not make the application (which I have to make one to adduce new evidence anyway) am I reasonably correct with the above?

i.e to date and despite a couple of years of litigation their actual title deeds have not seen the light of day.

just land registry documents

I have a letter from their second solicitor that references 'clients title deeds' he doesnt say land registry documents

that was written to a third party not me



STUART J, Solicitor

It depends whether your appeal has failed and why. Do you think that this evidence would give grounds for appeal?

These are preregistration title deeds they are of little value anyway and in any event they are available from the land registry.

Customer reply

I don't believe the pre registration deeds are actually with the land registry, there was a TP1 but I believe there are other deeds held. The evidence would be gold dust for an appeal for a number of reasons, I already have a very good wrong finding of fact by the judge, this would be a much bigger wedge to drive in. (and they know it).

I am at the permission to appeal stage, have to get a bundle in by end of month, and the high court judge has already told me any application to adduce new evidence needs to go in soon. So I am trying to get the additional information from them too. (if I get permission to appeal I would be making that application anyway).



STUART J, Solicitor



The transfer could be with the land registry. A scanned copy at least. They don't keep originals. There is no need to keep preregistration title deeds except out of interest. Are

Customer reply

very old property so I would keep them if I was them. plus they tried to hide a statutory declaration plan, that plan was the basis of the land registration, it showed a boundary plus three additional shaded areas in pink claimed as long use (adverse possession without calling it that) so the registration was based on that declaration, point being the calibration/reference was to something else hence why the seller made the declaration, i.e the deeds say this, but plus these 3 bits,,,,register that.

if I force that out of them and i make it past the permission to appeal, I think it would reflect badly on them.



STUART J, Solicitor

The problem is that if they say they haven't got them, that's the end of it. People lie.

By all means make the application for specific disclosure if they will not volunteer this

Customer reply

They certainly do!

Customer reply

Do I have to quote anything other than cpr31, pd31? when requesting?



STUART J, Solicitor

No that would be sufficient.

Customer reply

Thx Stuart



STUART J, Solicitor



em. I'm glad to help.

Please come back to me if anything else crops up which needs clarification.

I am on here most days but more frequently during the week days than evenings and weekends. Even then, I do sometimes pop in and out just in case anybody is waiting.

Kind regards.

Stuart

Customer reply

Much appreciated



STUART J, Solicitor

No problem. I'm glad to help.

Please come back to me if anything else crops up which needs clarification.

I am on here most days but more frequently during the week days than evenings and weekends. Even then, I do sometimes pop in and out just in case anybody is waiting.

Kind regards.

Stuart

Customer reply

are you on today?



STUART J, Solicitor

only briefly 2 or 3 times per day at weekends

Customer reply

ok, briefly, those transcripts I have been chasing, I now know a judge can change the complete wording and judgement terms in the transcript of an oral judgement he had given.(although I am unsure if he is allowed to do that after serving the sealed judgement order) I think it's called the judges prerogative, or something like that, there is case law on it. Can he/she legally change the wording of a proceedings hearing audio?

not his judgement but what he might have said (or not said) during proceedings hearings?



**STUART J, Solicitor**

Basically change reasons and commentary but not substance

Customer reply

can he insert words into a remedies hearing transcript? not a judgment hearing, just a hearing where witnesses are examined?

**STUART J, Solicitor**

Depends if it alters the substance

Customer reply

Hi Stuart, Now they have no record of a CVP video platform being recorded so cannot provide a transcript of one hearing at all!. (we had a remote hearing by video, so there was at least 4 tied in by video, Judge, claimants, defendants, counsel, solicitor) Have you ever come across that before?

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I have filed in a EX107 in March but have not heard back



I have filed in a EX107 in March but have not heard back from the employment tribunal This is for a preliminary hearing. I didnt inform the respondent ... read more

**Vineet S**

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Thankyou for your responses. I have already filled in an

Thankyou for your responses. I have already filled in an EX107 form and sent it to the Tribunal. This was done in March and didn't notify the ... read more

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Hi there i sent audio transcripts to the respondent and they do not agree with it. What should I do? ... read more

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I have been involved in multiple court hearing at a

i have been involved in multiple court hearing at a particular county court... anytime i request for the transcript, there is always delay of more ... read more

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Court hearing transcriptions. I am aware that an EX107 form

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★★★★★

is it possible to obtain the transcript of a family court case ... read more

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Hi how can I writeCORE BUNDLE INDEX Pages Document 1. Sealed Appellant's Notice and grounds of appeal 2. Skeleton argument 3. Chronology of ... read more

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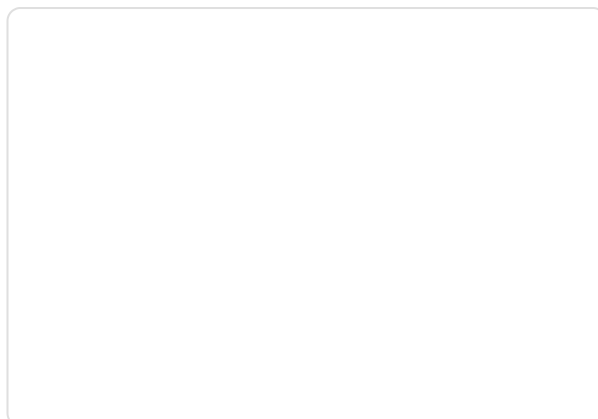
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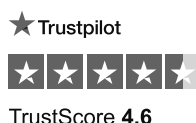


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