



THE SOCIAL SECURITY & CHILD SUPPORT COMMISSIONERS
OF GREAT BRITAIN

PRACTICE MEMORANDUM No 4

Transcripts at Public Expense

1. As all Commissioners' decisions and determinations must be in writing and are issued to all parties, the provision of transcripts of oral decisions and determinations is never required. This Practice Memorandum concerns the provision of a transcript of what has been said at an oral hearing before a Commissioner.
2. Where proceedings before a Commissioner are recorded, tapes shall normally be kept for six months and shall not be released to any party or other person, save for official transcribers for the purposes of transcription.
3. Where a tape of proceedings is in existence, a transcript shall be provided upon request but:
 - (i) subject to the following paragraphs, only at the expense of the person making the request; and
 - (ii) where the hearing was not in public, only to a party to the proceedings unless the Commissioner otherwise directs.
4. A court considering an appeal or judicial review (including an application for permission) seldom requires a transcript of any part of the proceedings before the Commissioner. However, if unusually such a transcript is likely to be required by the appropriate court, a party to proceedings may request that the transcript be supplied at public expense. The decision whether or not to grant the request shall be made by a Commissioner, usually the Commissioner who heard the case. The Commissioner shall only grant the request and direct a transcript be made at public expense if satisfied that:
 - (i) a tape of the relevant proceedings is in existence; and
 - (ii) the person asking for a transcript either
 - (a) has applied or intends to apply for permission to appeal from, or for permission to apply for judicial review of, the Commissioner's decision and has reasonable grounds for making that application for permission; or
 - (b) has been granted leave to appeal or leave to apply for judicial review and has brought or intends to bring such proceedings; or
 - (c) is a respondent to any such application for permission or appeal or application for judicial review; and
 - (iii) the transcript is necessary for the purposes of the application for permission, appeal or application for judicial review; and

- (iv) the party's financial circumstances are such that that party cannot afford to pay for the transcript from his or her own income or funds.

In any event, the transcript of proceedings directed to be made at public expense shall be restricted to that part of the proceedings necessary for the purposes of the application or appeal proposed.

6. For the purposes of considering an application for a transcript at public expense, the Commissioner may give directions, e.g. requiring the applicant to disclose details of financial circumstances.

7. This Practice Memorandum does not affect the power of a court to order that a transcript of proceedings before a Commissioner be provided to any person.

**His Honour Judge Hickinbottom
Chief Commissioner
31 December 2004**