

## Webinar Q&A – 20230920

### CPR Rules and taking Foreign Language Witness Statements

We have previously blogged about foreign language witness statements, feel free to check them out at the below links:

<https://imdtranslation.co.uk/blog/witness-statements-in-a-foreign-language-the-correct-procedure>

<https://imdtranslation.co.uk/blog/foreign-language-witness-statements-in-the-business-courts>

<https://imdtranslation.co.uk/blog/foreign-language-witness-statements-and-the-importance-of-accurate-translation>

- **Can you certify translations prepared elsewhere? (e.g., by another translator/agency/solicitor)**
  - o No. We cannot certify the work of another, only our own work.
  
- **What is the difference between standard certification and sworn certification?**
  - o We have previously prepared some guidance on this, check it out at the following links:
    - <https://imdtranslation.co.uk/blog/sworn-translations-everything-a-solicitor-needs-to-know>
    - <https://imdtranslation.co.uk/blog/sworn-or-certified-translation-whats-the-difference>
  - o The short answer though: our standard certification ticks all the boxes required for most UK organisations; sworn translation is a particular system employed by certain foreign jurisdictions (such as Italy and the Netherlands), wherein an ‘official’ translation should be performed by a ‘sworn translator’, i.e., a qualified linguist registered with a government body (usually the MFA).  
(Hint: we can facilitate sworn translations if you need them!)
  
- **How quickly can you turn around a translation?**
  - o How long is a piece of string (answer: double half its length!) – many factors impact on the amount of time a translation may take, such as file type and quality, number of words, specialism/topic etc. However, general rule of thumb is a single linguist can, on average, translate between 2-2.5k words per working day.
  
- **What languages do you cover?**
  - o All of them! Or at least all we have come up against so far. However, for rarer languages there may be an increased lead time and cost.

- **What legal disciplines do you cover?**
  - o All of them! Legal is our speciality and pure focus, so we cover all legal practice areas.
  
- **What geographical area do you cover?**
  - o All of them! Well, depending on the service and language pair. The majority of our clients are UK based, and most of them are in England and Wales; however, we also have clients in Germany, France, Italy, Canada, the US... (however, at time of writing we unfortunately cannot deal with potential customers resident in the Russian Federation, Belarus, or the DPRK)
  
- **Are your interpreters qualified to appear in Court?**
  - o Yes!
  
- **Can you help me arrange a call with a witness to arrange the taking of a witness statement? (i.e., the witness and I do not speak the same language, can you help with organising a call?)**
  - o Yes; although for transparency, if we are helping you set up a call, we will be expecting to be booked in for interpreting/translation on that call/for related documents.
  
- **What does your certification include?**
  - o Standard certification is in line with gov.uk requirements: states that it is an accurate translation, the date of delivery, contact details of our office, name of contact person at our firm, the language(s) translated to and from, our internal ID number for the linguist(s) that performed the translation, the name of the client firm and contact person, and our ATC (Association of Translation Companies) membership number.
  
- **If a witness can speak English, do they still have to give a statement in their native tongue (i.e., the foreign language), or can they just give it in English?**
  - o Rule of thumb is if their native tongue is foreign, then it should be taken in that language. If their native language is English, then it should be taken in English.
  - o **However!** An individual can have more than one native tongue, if brought up bilingually for example, and the CPR rules state that a witness statement should be in a witnesses' 'own language'.  
If the claimant is therefore capable of giving evidence in English then the provision of a statement on that basis should not breach the rules.  
For further reference please see the Business and Property Courts Guide, the Queen's Bench Guide [2016], the King's Bench Guide [2022] and the Chancery Guide (at 19.13).

- **Can you provide quick machine translation?**
  - We would not recommend this unless for gist translation only. And certainly not if it is for something that is going to be submitted to Court or relied upon as evidence.
  
- **Can you take and draft the witness statement for us?**
  - We can; however, this is a different service to standard interpreting and translation, and involves the services of a qualified solicitor or paralegal – as such, costings for this are different (and higher) to pure language services only.  
  
(Note also this service is only available in personal injury Fast Track and simple Multi-track cases, but is not available in catastrophic and serious injury cases, where we can only provide language services)
  
- **What is a minimum charge and why is it there?**
  - Essentially, similar to a 'booking fee' to secure the linguist's time. Otherwise, if you only need an interpreter for 30mins, that interpreter would not be able to take on other, potentially longer and more lucrative jobs, at or around that time.
  
- **Do you offer a service where a translator and interpreter can attend an appointment with a client and a legal rep at the same time?**
  - We are able to provide interpreters to attend meetings in-person or remote to help facilitate the taking of witness statements. We provide language services to help facilitate communication such as interpreting and translation, and not the actual drafting of legal documents or witness statements (that would be performed by the trained legal professional – yourself!) (we do have a separate service regarding Witness Statement drafting that is answered in an above question)
  
- **What if the client cannot read and write in their own language or English?**
  - We are able to provide language services such as translation and interpreting between written and spoken languages respectively to aid and facilitate communication.  
  
If a witness cannot read, then our understanding is that it should be read to them and a note made of that fact, a signed declaration by the person who read the statement to the witness must also be provided.
  
- **If an English-speaking Solicitor is taking a witness statement from someone who does not speak English, can the interpreter assisting be a family member of the person who is unable to speak English. Or does the interpreter need to be qualified and or impartial?**
  - An interpreter should be qualified and impartial – consider, for example, a client wishing to prepare a will, and a family member helpfully agree to interpret, only to state the individual in question wishes to leave the entire estate to the helpful family member...

- Similarly, we have written previously on the ethical considerations of a lawyer acting as a linguist for a client also: <https://imdtranslation.co.uk/blog/ethical-considerations-of-a-bilingual-lawyer-acting-as-an-interpreter-or-translator>
  
- **What if the client brings in a typed statement in their language - e.g., Chinese. How would this work?**
  - We are able to translate documents and exhibits provided by your clients.
  - A witness statement is a document recording the evidence of a person to whom you have spoken, which is signed by that person to confirm that the contents of the statement are true. If a witness provides you with a written statement, you must satisfy yourself that it is permissible. If you are satisfied it is permissible, then of course we would be delighted to assist with the translation.
  
- **Can you please clarify whether the updates to the CPR (Civil Procedure Rules) have been mirrored in the Criminal Procedure Rules?**
  - In short no, the updates have not been mirrored in the Criminal Procedure Rules. The rules are quite different and there are no equivalent rules/directions.  
Relevant links of potential interest:  
<https://www.gov.uk/guidance/rules-and-practice-directions-2020>  
  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/923968/crim-proc-rules-2020-part-16.doc](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923968/crim-proc-rules-2020-part-16.doc)  
  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1159603/criminal-practice-directions-2023.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1159603/criminal-practice-directions-2023.pdf)
  
- **Any further reading?**
  - Why yes! Aside from the links provided at the top of this document, and links provided in answer to some of the above questions, we have a wealth of [articles](#) and several [downloads](#) available on our [site](#).