

THE TRANSCRIPTION AGENCY

24 - 28 High Street, Hythe, Kent, CT21 5AT, UK

TERMS AND CONDITIONS FOR THE PROVISION OF CRIMINAL COURTROOM TRANSCRIPTION SERVICES (FOR THE SOUTHWEST AND WALES CROWN COURTS)

Receipt of a court approved EX107 by The Transcription Agency and/or payment of the estimated fee constitutes an agreement to the terms and conditions below

Terms and Conditions

1. The Transcription Agency (TTA) corresponds by email. Email communication will be sent to the contact specified on the EX107 form.
2. Transcripts and copies will only be provided with an authorised EX107 form from the relevant court. Requestors are responsible for submitting the EX107 form to the relevant court and for ensuring it has been received by the court. EX107 forms are normally approved by a court within 10 working days of them receiving an EX107 request, although no guarantee is given by TTA or the court on these timescales. If you have not heard from TTA within 10 working days of the date you sent the EX107 to the court, TTA advises that you chase up the approval with the relevant court. TTA does not chase up approval with the court on behalf of Requestors. If you receive the approved EX107 form from the court but cannot see that the court has copied in TTA, we recommend you check with the court if they have also sent the approved EX107 form to TTA.
3. On receipt of an approved EX107 form from the court, TTA will only be permitted to transcribe what has been requested on the EX107 form. Please check that all sections and all dates of what you require transcripts of have been noted on the form. Any omissions will result in Requestors needing to submit an additional EX107 form to the court.
4. Documents that are quoted during the course of proceedings (witness statements, letters, emails, faxes, prior transcripts, etc) must be provided to TTA once TTA have confirmed receipt of the order from the court and before transcription work commences. This facilitates the transcription process and means that quotes from documents can be checked for accuracy. If documents are not provided before transcription commences then quotes will not be checked. Names of parties involved in the proceedings (Defendant/s, witnesses, counsel etc) must be provided to TTA before transcription commences – where this information has not been provided and if amendments of this nature are required following transcript delivery this will be charged at an additional administration rate per hour of time taken.
5. Occasionally, TTA will need to contact Requestors during the transcription process with queries. Any time delays as a result of TTA waiting for responses to such queries are not included in TTA's delivery timescales. Please be aware that the number of days where TTA are awaiting a response may be added to your original transcript completion date.
6. Pricing and payment
 - i. Full payment of the estimated cost of transcription is required prior to transcription commencing. Estimated costs are provided by email and are based upon the durations that Requestors advise TTA of. Where possible, TTA will seek to confirm these durations once recordings have been received. On such occasions, where Requestors believe that TTA have underestimated a duration of the section of proceedings to be transcribed, it is the responsibility of the Requestor to alert TTA to this.
 - ii. As an authorised supplier for offsite HMCTS transcription, TTA is obliged to transcribe every single word that is uttered during the course of proceedings. This means that the final number of folios is subject to change dependent on the nature of proceedings, the speed at which individuals speak and the number of interjections from parties. TTA reviews its estimated costs on a regular basis and uses data from recent finalised orders to calculate the average number of folios per minute of recording. This calculation is then used to generate estimated costs for new orders. If a hearing features parties that consistently speak at once or quickly, then it should be expected that the costs will be higher due to more words being spoken and therefore transcribed. It is the responsibility of the Requestor to advise TTA of any reason why the hearing may incur above average costs in order that a realistic estimate of costs is provided.
 - iii. Please note that under our contract with HMCTS, like all authorised suppliers of offsite HMCTS transcription, we are obliged to charge per folio and therefore cannot provide a fixed price per hour of recording. The only cost that is fixed is TTA's folio rate and it will be this rate and the number of folios that are transcribed that will determine the final cost of transcripts. Receipts are provided detailing the number of folios completed only – we do not provide receipts detailing the number of minutes transcribed or a per minute of recording rate.
 - iv. Exact and final folio counts will not and cannot be known until the transcription has been completed and the number of words spoken in the course of the hearing has been transcribed. If, upon transcribing the required section, the folio count exceeds the estimated folio count, further payment will be required before transcription is continued/released. Please be aware that the number of days where TTA are awaiting payment may be added to your original transcript completion date.
 - v. Where more than one order has been placed for a transcription prior to its completion, the total cost will be divided equally between all those who have submitted an order. The cost will comprise one transcript fee, plus the cost of any additional copies, administration fees and, if utilised, the cost of any expedited service, whether requested by one party or more parties.
 - vi. Additional copies of transcripts from pre-approved transcription requests will be provided to the contact, previously authorised to receive the transcription by the court, within 1 working day of receipt of the payment. Any copies of transcripts are charged at the rate of £0.52p per single sided A4 page.
 - vii. All folio rates are for English audio to English text transcription or Welsh audio to Welsh text transcription. The folios rates do not cover any element of translation from Welsh into English and vice versa. If you require a translation service, please liaise with the HMCTS Welsh Language Unit.
 - viii. All prices are subject to VAT at 20%.

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7. Split requests

- i. Orders which are advised on the EX107 form as needing to be split between different payees will be charged at £20 per additional invoice on all occasions and the full costs will be split equally between all parties - orders will not be split so that one party pays a higher proportion of the costs than the other parties.
- ii. Orders which are not advised as needing to be split between different payees on the EX107 form but informed at a later date will be charged at £25 per additional invoice. The full costs will be split equally between all parties - orders will not be split so that one party pays a higher proportion of the costs than the other parties.
- iii. If any of the parties do not wish to pay the split invoice fee, they are required to pay their full share of the cost to TTA and then seek reimbursement for the split invoice fee from the other relevant party themselves.
- iv. If none of the additional parties wish to pay the split invoice fee, it will be the responsibility of the original Requestor to provide full payment of the estimated cost of the order and for the Requestor to seek reimbursement from the other parties themselves. The order will be changed to a single Requestor order and communication will only occur with the original Requestor.
- v. Orders split between parties will have the split invoice fee detailed on the receipts/requested pro-formas as standard and will not be removed. Receipts/pro-formas for split orders will also have a line detailing the charge without the split invoice fee for Legal Aid Agency purposes. If you require additional receipts/pro-formas beyond this for the Legal Aid Agency or other purposes, these will be charged on a case by case basis, depending on your requirements.
- vi. On split requests, relevant communications and completed transcripts will be sent to all paying parties on split requests.

8. Order cancellation

If the estimated cost is not paid in full within 3 weeks of TTA confirming receipt of approval and the recordings, the order will be cancelled and closed. You will be required to submit a new transcription request to the court should you require the transcript following the order cancellation.

If TTA does not receive a response to any queries raised in relation to your order to enable TTA to progress your order within 3 weeks of TTA raising the query, the order will be cancelled and closed. You will be required to submit a new transcription request to the court should you require the transcript following the order cancellation.

9. Non response to emails

If TTA does not receive a response to emails requesting or following up payment of any balances/requests for additional funds within 6 months of the initial query, the order will be closed without the order being finalised/the work being returned to the Requestor and no refund provided for the works carried out to date. No further follow ups with the Requestor will be initiated by TTA.

10. Delivery timescales

- i. Transcripts will be provided and distributed within a standard 12 working day turnaround from receipt of both the recordings and the estimated payment, unless otherwise confirmed by TTA.
- ii. TTA has a 1, 2, 3 or 7 working day turnaround service which are charged at premium rates. Availability for the requested service will only be confirmed by TTA once TTA are in receipt of the recordings for a request.
- iii. Approved EX107 forms for 1 working day requests need to be received by 4pm on a working day. Approved EX107 forms received after 4pm will be registered as having been received the next working day.
- iv. Delivery timeframes begin when the relevant recording/s have been received and the full estimated cost has been received.
- v. Payments need to be received by 2pm on a working day. Payments received after 2pm will be registered as having been received at the beginning of the next working day.
- vi. Due to capacity fluctuations, for orders where TTA has confirmed an expedited turnaround can be provided, payment of the estimated cost is required to be received within 3 working days of TTA confirming the estimated cost. If payment is made outside of this timeframe, TTA reserve the right to change the order to the next available turnaround.

11. Approval of transcripts

- i. Occasionally transcripts are requested to be approved by the judge prior to distribution to Requestors. If this is a requirement of the court, you will be notified by TTA by email of this requirement.
- ii. Delivery timescales are for supplying unapproved transcripts to the court only.
- iii. TTA has no control over the time that a judge takes to approve transcripts.
- iv. Any time delays as a result of TTA waiting for transcripts to be approved are not included within TTA's delivery timescales.
- v. TTA will follow up with the relevant court by email if an approved transcript has not been received after 4 weeks of submitting the transcript for approval.
- vi. TTA will chase up unapproved transcripts by telephone with the court sooner, if requested by email, for an administration cost of £10 per call.
- vii. We are not permitted to release unapproved transcripts without the court's permission.
- viii. Distribution of any approved transcript will take place within 2 working days of receiving approval from the judge/the court.
- ix. If you have any queries regarding amendments made as a result of a transcript being approved by a judge, TTA will advise you of the relevant court/court staff to liaise directly with.

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12. Transcription delivery and format

- i. Transcripts and copies will only be provided with an authorised EX107.
- ii. Completed transcripts are not sent to the court by TTA.
- iii. Completed transcripts are returned as a PDF document by email to the contact specified on the EX107 only.
- iv. For orders placed by a company, completed transcripts may be sent to other contacts with the same email domain as the email address noted on the EX107 form if requested in writing.
- v. If you require a hard copy of the transcript, this will be charged at the rate of £0.52p per single sided A4 page, plus postage fees.
- vi. Transcripts are verbatim, with the exception of some stylistic requirements of HMCTS. False starts, stumbles and irrelevant repetitions are not transcribed in sentencing remarks.

13. Query period

Any queries relating to transcripts returned to Requestors by TTA must be raised with TTA and not with HMCTS. Any queries must be made within 5 working days from the issue of completed work. If no queries regarding the transcription are received within 5 working days, it will be deemed that the work provided was satisfactory, the order closed down and the recordings removed from TTA's system. Queries raised after 5 working days from the issue of completed work will incur additional charges.

14. Postage charges

Reasonable postage charges will be applied on all occasions where hard copies are requested to be posted. All hard copy documents are sent by Recorded Delivery Second Class post as standard. If you require hard copy documents to be sent via Recorded Delivery First Class post or Special Delivery, please confirm via email. Any time delays as a result of posting hard copy transcripts rather than sending transcripts via email are not included within TTA's delivery timescales.

15. Methods of payment

Personal debit card We are unable to take card payments over the telephone. If you would like to pay by personal debit card, please advise by email in order that we can create a payment link. You would need to quote your case details when emailing.

Payment by corporate/commercial card If you would like to pay by corporate or commercial card, please advise by return of email in order that we can create you a payment link. Please note additional charges apply.

BACs transfer **Bank address:** NatWest Folkestone, Europa House, 49 Sandgate Road, Folkestone, Kent, CT20 1RU
Account name: The Transcription Agency LLP
Account number: 54554187
Sort Code: 52-41-42

Instructions: Please quote your case number as the payment reference and confirm via email to court@thetranscriptionagency.com once payment has been made (including your case details). Payments cannot always be matched up without this email and therefore if an email is not sent, delays may occur.

We do not accept payment by cheque. Any cheque payments will be returned.

TTA's VAT number 754 0865 19

Please note, receipts for payments made will be issued with the final transcript for an order and not any earlier.

16. Refunds

Upon completion of the work, any overpayments to TTA will be refunded via a BACs payment. We do not make refunds via cheque or back to cards. If a refund is due, the receipt provided when returning any final transcript to you will contain a table requesting your bank details which you should complete and return to accounts@thetranscriptionagency.com. The refund will be made within 15 working days of receipt of your completed form.

TTA can donate any refund due to the British Heart Foundation if preferred – there is an option to select this on the refund table.