



John Finnie MSP  
M3.19  
The Scottish Parliament  
Edinburgh  
EH99 1SP

Chief Executive's Office  
Parliament House  
Edinburgh  
EH1 1RQ

DX 549306  
LP1 Edinburgh 10

26 March 2015

Dear Mr Finnie

**SCOTTISH PARLIAMENTARY QUESTIONS S4W-24581 and S4W-24582  
INTERPRETATION AND TRANSLATION**

I am writing to inform you of the arrangements put in place by the Scottish Court Service (SCS) in relation to interpretation and translation within Scotland's courts. This builds upon the Cabinet Secretary for Justice's statement that your (above numbered) Parliamentary Questions related to operational matters within the responsibility of the Scottish Court Service (SCS) corporate body.

Please note that the following information relates solely to the role of the SCS in relation to the provision of interpreters and translators in the justice system.

**S4W-24581** asks: *whether people accessing the civil or criminal justice court system who require a translator have equal access to such a service regardless of location, and what the reasons are for its position on this matter*

In relation to the principles underlying access to interpretation services in civil and criminal cases, the Cabinet Secretary for Justice's answer to your question S4W-24580 provided you with information on the statutory right to interpretation and translation in criminal proceedings.

It also explained that where a court determines that an accused person requires interpretation or translation assistance these arrangements are put in place by the Scottish Court Service (SCS). In civil proceedings this duty generally falls to the parties in the case, with payment becoming an expense in the action. On occasion the Scottish Court Service will arrange the attendance of an interpreter in civil proceedings where a party requiring these services is unrepresented. I have appended a copy of that PQ answer to this letter for ease of reference.

The SCS is a party to the Scottish Government's collaborative Framework for Interpreting, Translation and Transcription services which went live on 12 November 2013. The framework contract covers provision of interpretation and translation services to all courts in Scotland in criminal cases.

You may wish to contact other justice partners such as the Crown Office and Procurator Fiscal Service and Police Scotland in relation to their duties and actions on this issue (for example in relation to interpretation and translation for suspects in custody and for witnesses).

**S4W-24582** asks: *what assessment it has made of the availability of translators in Mandarin in the civil or criminal justice court system*

The provision of interpretation and translation services to the courts is monitored by court staff. The SCS is not aware of any issues affecting the criminal court process caused by the availability of Mandarin translators. However, if you have been alerted to a specific issue in relation to interpretation arranged by the SCS, please do not hesitate to contact me and I will ensure it is investigated.

I hope that this information is helpful. A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Court Service website.

Yours sincerely



Eric McQueen  
Chief Executive  
0131 444 3301  
[emcqueen@scotcourts.gov.uk](mailto:emcqueen@scotcourts.gov.uk)

ANNEX

**Question S4W-24580: John Finnie, Highlands and Islands, Independent, Date Lodged: 23/02/2015**

To ask the Scottish Government what arrangements are in place to ensure that the civil or criminal justice court system does not place at a disadvantage people who do not have a sufficient understanding of English.

**Answered by Michael Matheson (04/03/2015):**

Where a person is the subject of criminal proceedings, interpretation and translation assistance is statutorily required by the Right to Interpretation and Translation in Criminal Proceedings (Scotland) Regulations 2014. The court hearing those proceedings must take all reasonable steps to determine whether the person requires interpretation or translation assistance. Where the court determines that a person requires such assistance it must ensure that arrangements are made for the person to be provided it.

The Regulations may be found at:

<http://www.legislation.gov.uk/ssi/2014/95/contents/made>

In the case of civil proceedings, ordinarily this would be a matter for the parties, with payment becoming an expense in the cause. However, I am advised by the Scottish Court Service that, as an exception, it will provide and pay for an interpreter in civil proceedings where a party requiring these services is unrepresented.

