



# BECOMING A SWORN TRANSLATOR

## What is a sworn translator?

A sworn translator is someone who has been authorised by the state, on the basis of having proved their competence, to produce translations that will be accepted for official purposes. Examples of work that has to be done by a sworn translator are documents required in court or other legal proceedings, for migration purposes or for use abroad. Largely these will be official or legal documents. The sworn translator will stamp and sign such documents, indicating that they are a true translation of the original. In general, such translations will be accepted around the world.

## Sworn translator vs. interpreter

There is no such thing as a permanently sworn interpreter in the same way that there is a sworn translator. Interpreters who are able to convince the court of their competence will be sworn in for a particular matter, and this is repeated each time they undertake such work.

A client will sometimes request a sworn translator when they need an interpreter in court, on the false assumption that as a sworn translator they will also be able to interpret. This is not necessarily the case: translation and interpreting are two very distinct skills and not everyone has the capacity to do both. Being a sworn translator does not entitle one to work as a court interpreter without being duly sworn in for that matter in the same way as someone who is not a sworn translator.

## The process

The rules regulating the process for becoming a sworn translator require prospective sworn translators to be tested, to draw up a set of documentation as specified and then to appear in the high court and be sworn in by a judge. Thereafter they are issued with a certificate by the High Court, recognising them as sworn translators for the language combination(s) indicated on the certificate.

There are two avenues for completing the first step – being tested:

- You can locate a sworn translator who had been sworn in the relevant language combination(s) for a minimum of seven years and ask that person to set an examination for you, testing your translation ability. As there is no regulation of the examinations set by these sworn translators, the standards differ widely, as do the fees charged for this service. In addition, many sworn translators do not feel competent to test someone else or they do not want competition, and so it is not always easy to find someone prepared to test you in this way.
- You can become a member of the South African Translators' Institute (SATI) and, if you qualify, undertake an exam specially designed to test prospective sworn translators as part of the Institute's accreditation system.

SATI has published a **manual on sworn translation**, which gives information about the process and the conventions related to sworn translation. It is strongly recommended that any prospective sworn translator buy a copy and study the manual before attempting any exam. If the candidate is being tested by SATI, they are required to have a copy of the manual.

## Procedure for the sworn translator's examination

Sworn translation accreditation is available only to members of the Institute. The sworn translator's examination is a written examination in which various compulsory texts must be translated. The main objective of the examination is to test the final translation product that the candidate can present and candidates are therefore given 24 hours to complete the exam. Candidates are also free to use all and any sources that they may have available. They may not, however, consult another translator, either in person or electronically.

Candidates are not required to have a sworn translator's stamp for the examination. However, they should include a reasonable facsimile of a stamp on texts translated in the examination.

Marking of the examination scripts is as follows: Errors are classified as either major or minor errors. Two major errors in one text, or one major error and four minor errors in one text, means that one fails the examination as a whole. In addition, candidates will fail the examination overall if there are two or more major errors or more than eight minor errors in the entire examination. The candidate is penalised only once for major errors of a technical nature, such as failure to certify.

**Major errors:** *Gross mistranslation, in which the meaning of the word/phrase in the original text is lost altogether; omission of vital words or other information; insertion of information not contained in the original (except in the case of translator's notes); inclusion of alternate translations, where the translator should have made a choice; any*

*important failure in target-language grammar; misspelling of names of persons or places or reference numbers; miscopying of a date; and failure to certify at all, as without certification the document is useless.*

**Minor errors:** *Mistranslation that distorts somewhat, but does not wholly falsify, the intent of the original; omission of words that contribute only slightly to meaning; presentation of alternate translations where the terms offered are synonymous or nearly so; 'inelegance' in target language grammar; typographical errors; and failure to certify every page.*

The examination script is submitted to two markers, who mark it independently and anonymously. The identity of the candidate also remains secret. If both examiners pass the candidate, s/he passes; if both fail the candidate, s/he fails. Examiners will indicate the number of major and minor errors made by the candidate. The papers are also moderated by the Examinations Officer. In the event of one examiner passing and the other failing a candidate, the script is submitted to a third examiner, whose decision is final.

Members must provide the name of a responsible person to act as invigilator. Invigilators need not sit with candidates all the time, but the examination paper will be sent to them and they should open it and seal the script in the candidate's presence, after having witnessed the sworn statement (included in the package) to the effect that the translation(s) is/are the candidate's own work. Candidates may not have the examination paper in their possession for more than 24 hours. Invigilators should return the script to the Examinations Officer within three weeks of the examination material being posted to the invigilator.

### **Procedure on passing the sworn translator's examination**

Once you have passed the sworn translator's examination, you will receive a certificate. On the strength of this document, contact the Registrar at your nearest High Court. S/he will tell you what to do to appear in court. You may be told that this will entail the services of an advocate or a lawyer, but it is possible to do it yourself if you know the procedure.

### **What you need to hand in to the Registrar of the court:**

1. Your certificate certifying that you have passed the examination.
2. Notice of set down: This is so that your name can be placed on the roll, after which you will be given a case number (which is called when you are sworn in by the judge).
3. Notice of motion: This document tells the court what your business is and why you would like to appear before the judge. A revenue stamp is required on this document.
4. An affidavit in which you yourself testify that you have sat and passed the examination. This has to be certified by a Commissioner of Oaths (police officer, school principal, religious minister or sworn translator who has the correct stamp).
5. A short statement in which you testify to your own proficiency in the language(s) concerned and in which you undertake to translate "faithfully and correctly to the best of your knowledge and ability". This is signed by yourself and the judge on the day you are sworn in – do not sign it beforehand.

These documents need to be delivered to the Registrar. You are then assigned a case number, which is stamped onto all documentation. You will then be informed of the date on which you are to appear in court. When you arrive at the High Court on the day, ask for directions to the "roll". This will tell you which courtroom to go to. When your case number is called, you will be called to the front to raise your right hand.

Once you have been admitted as a sworn translator, you are entitled to have a stamp made giving your name and stating that you are a sworn translator of the High Court of South Africa. This must then be stamped onto any translations you do in your capacity as a sworn translator. If you wish (and if there's space!) you may also include your qualifications on the stamp. No requirements are laid down by the court.