

Professional Negligence in Translation: Occupational Status, Linguistic Competence and the Required Standard of Care

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ABSTRACT

In a globalised society where effective communication in public and private sectors often necessitates facilitation by translators and interpreters, this paper examines the standard of care required of language service providers from the perspective of the law of negligence. The discussion begins by evaluating the qualification requirements for translators and interpreters in the United Kingdom and assesses whether these occupations can be classed as professions, drawing comparisons with other jurisdictions. Having established the duty of care owed by translators and interpreters to their clients, the analysis delves into the required standard of care, focussing on the practitioner's linguistic and cultural competence in legal and medical settings, and the potential consequences of their negligence. The paper concludes with practical recommendations for language service providers and users, underscoring the urgent need for the professionalisation of the industry in order to match and uphold the high professional standards observed in other jurisdictions.

Keywords: tort law, professional negligence, translation, interpreting, linguistic competence