

C A M E R A S
in the
NOVA SCOTIA COURT OF APPEAL
Rules and Guidelines

1. Television or other photographic coverage or audio recordings of proceedings in the Nova Scotia Court of Appeal is not permitted except by order of the Court and in conformity with these rules.
2. Applications for coverage of an appeal or application shall be brought under the name of the appeal or application for which coverage is desired, with the applicant shown as an additional party designated as “media intervenor” only on pleadings or other documents related to the application for coverage.
3. The applicant for an order permitting coverage shall have standing as a media intervenor at the chambers hearing, including a telephone chambers hearing conducted by conference call when approved by the chambers judge, and all subsequent hearings in which coverage is an issue, and shall be entitled to notice of all hearings which are subject to the order; the media intervenor shall have no standing in the appeal or application for any other purpose.
4. An application for an order permitting coverage shall be made to the Registrar, upon written notice to the parties or their counsel of record, not less than fourteen days before the day scheduled for the hearing of the appeal; applications shall be accompanied by a draft of the order sought and evidence that arrangements have been made for pooling coverage. Applications should be supported by affidavit.
5. A notice of objection to the application for coverage shall be filed with the Registrar with notice to the media intervenor and all other parties or their counsel within two clear days of the receipt of the notice of application; if no notice of objection is so filed the order permitting coverage may be granted without hearing by the Chief Justice, the chambers judge, or the panel hearing the appeal.
6. Three copies of each application or notice of objection shall be filed with the Registrar; notice may be given in any of the modes mentioned in Paragraph 7; the burden of proving notice shall be on the person required to give the notice.
7. The notice of objection shall include a date for a hearing in chambers on the application for coverage, which shall be the first chambers day occurring not earlier than two clear days after filing of the notice of objection, and shall give two clear days’ notice of the hearing, in writing, by facsimile transmission, by telephone or orally, to the applicant and the other parties (or their counsel) to the appeal; after hearing the application and the objections, the chambers judge may grant or refuse an order permitting coverage, or may grant the order subject to conditions.

8. No appeal or application scheduled for hearing shall be rescheduled to permit media coverage.
9. Television and other media coverage of proceedings of the Court of Appeal shall be deemed to be in the public interest. It shall be grounds for refusal of an order permitting coverage if the prejudice, disadvantage, hardship or other valid reason apprehended by a party resulting from coverage of the appeal or application outweighs the interest of the public in the granting of the order, or if media coverage of the proceedings to which the application applies is shown not to be in the public interest.
10. An order permitting coverage shall apply with respect to the appeal or application for which it was issued and any other appeals or applications heard concurrently therewith, provided that parties to the appeal or application shall be entitled to all relevant notices.
11.
 - (a) Television stations, radio stations, newspapers or other persons may register with the executive assistant to the Chief Justice their names and the names of persons designated to make applications for orders permitting coverage on their behalf; otherwise the person making the application may be required to satisfy the court that the application he or she has made is on behalf of the organization he or she purports to represent, that it is in the public interest and not frivolous, and if the court is not so satisfied the clerk may schedule the matter to be heard in chambers upon two days' notice to all interested parties;
 - (b) Any requirement for notice to the media shall be satisfied by notice to media representatives registered pursuant to this provision.
12. Notwithstanding the notice requirements referred to above, the chairman of a panel hearing an appeal or application in appropriate circumstances after taking into account the interests of all parties may grant, suspend, rescind or vary an order for coverage at any time.
13. A chambers judge may, after considering any objections by counsel or parties to an application at chambers, grant an order permitting coverage of any application at chambers. The Registrar will provide certified copies of the order granted to all the parties to the appeal and will arrange a meeting with all counsel and the media in advance of the hearing of the appeal.
14. An order permitting coverage may contain such restrictions upon coverage within the courtroom as the judge granting the order, or the panel hearing the appeal, shall determine.
15. Documents on counsel tables, the clerk's desk or the bench shall not be photographed in such a manner that the text can be magnified, read or deciphered.
16. A notice informing the public that proceedings are subject to media coverage shall be affixed to the door of the courtroom.

17. (a) The term “coverage” in an order permitting coverage shall, unless specifically restricted in the order, include still and television photography of the courtroom, all officers of the court including judges, counsel and court officials and parties representing themselves without counsel and members of the public, and audio recordings from the central recording system of everything said during the course of the hearing, which may be used for delayed broadcasting purposes or, with the consent of the panel hearing the appeal, live broadcast.
- (b) Any wiring installed by the media for the purpose of receiving audio recordings from the central recording system shall include a switch or switches which may be turned off by the recording room staff to prevent media reception of recordings of proceedings in appeals for which no media coverage order is in effect.
18. Provided they are not disruptive, in the opinion of the panel hearing the appeal, portable tape recorders may be used during hearings as an aid to note-taking, but may not be used for rebroadcast, and portable computers may be used for the same purpose.
19. (a) Not more than one television camera with one operator, and no still cameras, shall be used while a hearing is in progress without leave of the panel hearing the appeal.
- (b) The television camera shall remain on a tripod fixed in one position designated by the panel hearing the appeal and neither the operator nor other media personnel shall move about the courtroom when court is in session.
- (c) The operator shall wear neat business apparel which shall be subject to the approval of the panel hearing the appeal.
- (d) No logos, call letters or identifying words or symbols shall be visible on the television equipment or the person of the operator.
- (e) Signal lights showing when the equipment is operating shall not be visible.
- (f) All equipment shall be in good working order and shall operate without distracting noise and without spotlights, floodlights or other lighting additional to the regular lighting of the courtroom.
20. The broadcasting of proceedings in the court of appeal shall be delayed provided that with the permission of the panel hearing the appeal they may be broadcast live.
21. Statutory publication bans and those ordered by another court with respect to a party or witness in a proceeding which is the subject of a coverage order shall be deemed to be in effect in the Court of Appeal unless revoked by an order of the Court, and shall be observed in all broadcasts or other publication of proceedings in the Court.

22. When a coverage order has been granted for an appeal or application, or by leave of the panel hearing the appeal or application, still and television photographs of the courtroom and court officers may be taken during a period not to exceed two minutes immediately after the court convenes and before the hearing commences.
23. Only dialogue between counsel or parties and the bench, and formalities of the opening and closing of the court, shall be recorded or broadcast without additional permission of the panel hearing the appeal.
24. Transcripts and/or video and audio tapes of all broadcasts of Court of Appeal proceedings shall not be destroyed for a minimum of six months following the expiration of the pilot project, and shall be made available within ten days without cost to the court if required by a term of the order for coverage or upon the request of the clerk.
25. During hearings for which permission for coverage has been granted, media intervenors may address the court only at the beginning or end of the hearing or at the beginning or end of a recess.
26. Only one order permitting coverage shall be made in any appeal or application.
27.
 - (1) One courtroom on the fifth floor of the Law Courts at 1815 Upper Water Street shall be designated for the use of cameras and may be referred to as the media courtroom.
 - (2) The media courtroom shall be permanently wired to the room in the Law Courts designated as the media room with at least one camera receptacle in the media courtroom and at least six outlets in the media room to provide for pooled coverage; one such outlet shall be reserved for the print media and one for television stations from outside Halifax County.
 - (3) The cost of wiring and any related capital costs shall be the responsibility of the media and may be shared by various media representatives by agreement, provided however that no fee or charge shall be payable for receipt of the television signal from the media room outlets.
 - (4) No wiring nor fixtures shall be installed without the approval of the Department of Justice and the Department of Transportation and Public Works.
 - (5) With respect to any proceeding subject to a coverage order, the media representative named in the order shall be responsible for operation of the television camera in the courtroom and shall be entitled to the exclusive use of one of the media room outlets.
 - (6) With respect to a proceeding subject to a coverage order, use of each media room outlet not otherwise reserved shall be governed by a pooling agreement among media

members which may be filed with the court; in the absence of such agreement each outlet not otherwise reserved shall be at the disposal of the first media representative to make use of it.

28. All inquiries relating to the use of cameras in the Nova Scotia Court of Appeal are to be addressed to the Registrar.

Revised - March 1, 2003

NOVA SCOTIA COURT OF APPEAL - CAMERAS IN THE COURT

The Application Process

The media must make a formal legal application in writing to the Appeal Court for permission to film or photograph on a case by case basis. The process will be governed by the provisions in the Rules and Guidelines, but here is a summary of how it will work:

1. The application is a Court application. The media outlet requesting permission to film or photograph (the “media intervenor”) must prepare a formal notice (an **Application to Permit Coverage**); a draft **Order** for the Court to sign (which sets out the action requested - generally permission to televise a specific case); and an **Affidavit** (which sets out the reasons for the request, gives the Court evidence that arrangements have been made for pooling coverage, that the media intervenor has read and will abide by the Guidelines etc.). The Affidavit can be sworn by the Registrar of the Court of Appeal.
2. Three copies of each application (including supporting documents) must be filed with the Registrar of the Court of Appeal (address: The Law Courts, 2nd Floor, 1815 Upper Water Street, Halifax, Nova Scotia B3J 1S7) at least **14 days** before the day scheduled for the hearing of the appeal. For example, if a case is scheduled for the 17th of a month, the Registrar must have the media’s application **in hand** no later than the 3rd of the month.
3. Court date stamped copies of all documents filed with the court as set out at item 2 above are to be either delivered personally to the parties on the appeal or delivered by fax transmission where the consent of the parties was obtained in advance to use this method of transmission, no less than 14 days prior to the hearing of the appeal. Where the parties are represented by counsel the documentation should be transmitted as set out above to counsel rather than to the parties themselves.
4. If none of the parties object to coverage, the Order may be granted by the Court without a hearing.
5. If there is an objection by any of the parties, the objecting party must file a Notice of Objection with the Court and must either deliver personally to the parties on the appeal and the media applicant or deliver by fax transmission, where the consent of the parties and/or media applicant was obtained in advance to use this method of transmission, court date stamped copies of the Notice of Objection within two clear days (this excludes weekends and holidays) of the filing of the Notice of Application to Permit Coverage.
6. The Notice of Objection will include a date for a hearing at Appeal Court Chambers before an Appeal Court Judge. The media intervenor must attend that hearing, and will be asked to speak to its application then. The Judge will determine whether to permit coverage after hearing from all sides.

Revised - March 1, 2003

SAMPLE

C.A.C. (Court File No.)

IN THE NOVA SCOTIA COURT OF APPEAL

BETWEEN:

ABC

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

- and -

XYZ BROADCASTING CORPORATION

Media Intervener

APPLICATION TO PERMIT MEDIA COVERAGE

TAKE NOTICE that the media intervener hereby applies for an Order permitting media coverage of proceedings in the above noted matter, scheduled to be heard on ***(date of appeal hearing)***, in accordance with the Rules and Guidelines of this Court.

AND FURTHER TAKE NOTICE that in support of this application is filed the affidavit of ***(name of person)***, a copy of which is attached.

AND FURTHER TAKE NOTICE that a copy of this application and the supporting affidavit has been given to the parties or their counsel.

AND FURTHER TAKE NOTICE that if no objection to this application is received by the court within two clear days of the receipt of this application, the Court may grant this application without hearing.

DATED this day of , 20 .

***(person designated to make
the application)***

TO: *(fill in names of parties/counsel)*

(Copies of this document must be given to each party or their counsel before it is filed with the Court)

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BETWEEN:

ABC

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

- and -

XYZ BROADCASTING CORPORATION

Media Intervener

AFFIDAVIT

I, (***name and occupation of applicant or person swearing affidavit***), of Halifax, in the County of Halifax, and Province of Nova Scotia, make oath and say as follows:

1. THAT I am the designated representative of the Media Intervener in this proceeding and as such have personal knowledge of the matters herein deposed except where otherwise stated.

2. THAT I believe it would be in the public interest to have this matter televised for the following reasons:

1.

2.

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BETWEEN:

ABC

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

- and -

XYZ BROADCASTING CORPORATION

Media Intervener

ORDER PERMITTING COVERAGE

BEFORE THE HONOURABLE JUSTICE

, IN CHAMBERS

UPON READING the application of the media intervener for an Order permitting media coverage of proceedings in the above matter to be heard on the ***(date of appeal hearing)***, pursuant to the Rules and Guidelines adopted by this Court;

AND UPON READING the affidavit on file herein;

AND IT APPEARING no objection has been filed to the application;

OR

AND UPON HEARING counsel for the Appellant and the Respondent and the Media Intervener;

AND UPON IT APPEARING that the public interest in granting an order permitting coverage outweighs any reasons advanced for not granting such an order;

IT IS HEREBY ORDERED that the application of the Media Intervener be granted.

AND IT IS FURTHER ORDERED that media coverage of the hearing of this matter on the day of , 20 , be permitted in accordance with the Rules and Guidelines adopted by this Court.

DATED at , Nova Scotia, this day of , 20 .

Registrar, Court of Appeal

(copies of this document must be given to each party or their counsel before it is filed with the Court)

SAMPLE

C.A.C. (Court File No.)

IN THE NOVA SCOTIA COURT OF APPEAL

BETWEEN:

ABC

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

- and -

XYZ BROADCASTING CORPORATION

Media Intervener

NOTICE OF OBJECTION

TO: The Media Intervener and All Other Parties

AND TO: The Prothonotary
1815 Upper Water Street
Halifax, NS B3J 1S7

The Appellant/Respondent hereby gives Notice of his/her objection to the Application for Media Coverage in this appeal on the following grounds:

(set out specifics of objection)

And Further Take Notice that this objection will be heard by the Appeal Court Justice sitting in Chambers at 10:00 in the forenoon on Thursday, the day of , 20 .

Dated at Halifax, in the County of Halifax, Province of Nova Scotia this day of , 20 .

***(name and address of
Appellant/Respondent or solicitor)***

(Copies of this document must be given to each party or their counsel before it is filed with the Court)