



## COVID-19: Access to In-Person Court Proceedings

Friday, Oct. 23, 2020

Due to the ongoing situation with the COVID-19 pandemic, access to courthouses across Nova Scotia continues to be restricted to those who work in the building, who are essential to a hearing or those who have an appointment.

**Access to courtrooms is also restricted for in-person proceedings. Anyone not essential to a hearing must get advance permission from the presiding judge to attend a courtroom in person.** This is required to respect public health guidelines on physical distancing.

During the development of the Court Recovery Plan, every courtroom in Nova Scotia was assessed for its suitability for use during the pandemic. The All Courts Recovery Committee carefully considered the numbers of people that can be safely accommodated in each courthouse and courtroom.

There are certain people essential to a hearing. Those will usually include the judge, counsel, the court clerk, sheriff deputies, a witness giving evidence, the accused individual in a criminal case and the parties in other types of cases.

**Until further notice, to ensure courtrooms do not exceed maximum capacities for physical distancing, advance permission from the presiding judge is required for anyone else to attend a courtroom in person.**

The judge will determine who may attend based on several factors, the primary one being the size of the courtroom and public health guidelines on physical distancing. The presiding judge may agree to additional people if the courtroom is large enough to accommodate them safely. Please note this may not always be possible and must always be arranged in advance of the hearing.

Counsel or a self-represented person may seek permission for someone to attend in-person by sending a request to Court Administration, who will bring it to the attention of the presiding judge. Such requests can also be made during pre-trial conferences.

Parties (including an accused individual) or witnesses who wish to be accompanied by a support person should advise counsel for one of the parties, who can make the request on their behalf. Complainants or others who are clients of the Nova Scotia Department of Justice Victim Services who wish to attend hearings, with or without a support person, should advise department staff, who can make the request through the Crown assigned to the case. In some cases, where physical attendance is not possible due to the size of the courtroom, arrangements may be made to participate in the proceedings by telephone or video.

In some courthouses or court programs, permission may have been generally granted to specific service providers to attend. To be safe, it is important to confirm local practice in advance of the hearing or check if local practice has changed since your last hearing.

To maintain the open courts principle, members of the media are also permitted to attend court in person, if there is space available in the courtroom. Media are encouraged to contact the Judiciary's Communications Director beforehand to confirm their attendance can be accommodated. Otherwise media can participate by telephone or video, as outlined in the [pandemic media access policy](#).

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