



COVID-19: MATTERS IN THE PROVINCIAL COURT AND YOUTH JUSTICE COURT
**This Notice consolidates, and in some cases updates, the measures previously announced.*

Updated: Monday, Aug. 9, 2021

In-Person Proceedings

Effective June 14, 2021, in-person proceedings will be permitted, provided they can be held in accordance with Public Health directives. That means preliminary inquiries and trials scheduled on June 14 or later will be able to go ahead, unless otherwise ordered by the presiding judge.

Masking in Courthouses

All participants attending court in person are expected to wear a mask at all times, including in the courtroom and when speaking. As per the [May 27, 2021 Update on Masking](#), the All Courts Recovery Committee is now strongly recommending individuals wear disposable medical masks, rather than reusable cloth masks.

Sheriffs will provide a disposable medical mask to all witnesses, defendants and other participants involved in an in-person court proceeding. Counsel are expected to bring their own disposable medical mask. However, for those who may not have one, a supply will be available at the front doors of the courthouses.

Virtual Court Proceedings

In an effort to hear more matters and help address the backlog of court proceedings, the Provincial Court will continue to deal with matters by telephone or video on Microsoft Teams, where appropriate.

The Provincial Court appreciates that counsel and parties may have family obligations that make it difficult to participate in a virtual court proceeding. Counsel are nevertheless encouraged to take advantage of this opportunity to move their matters forward. We must all be flexible when it comes to technical difficulties or other challenges that participants may experience during virtual court proceedings.

Access to Courthouses

Public access at courthouses across Nova Scotia continues to be limited to those who work in the building, who have an appointment or those who are involved in a court proceeding. To maintain the open courts principle, members of the media may attend court proceedings in person, with the permission of the presiding judge. Otherwise, media are encouraged to participate remotely by telephone or video.

Out-of-Province Court Participants

Counsel and self-represented individuals involved in matters before the Provincial Court are required to get permission from the presiding judge before arranging to have anyone, including clients, attend court in person from outside the province. Read the full notice [here](#).

Even if a Provincial Court matter has already been subject to a pre-trial conference or a focus hearing, counsel should contact the presiding judge if they are seeking leave to bring a participant into court from outside Nova Scotia.

This direction also applies to individuals charged in Nova Scotia but in custody in another province. Counsel should not bring a Transport Order to a Supreme Court justice for issuance until they have first obtained leave from the presiding Provincial Court judge. The accompanying affidavit filed with the Supreme Court should state that the presiding Provincial Court judge has agreed that the prisoner be transported, thus satisfying Sec. 527(1)(b) of the Criminal Code.

Filing of Informations

The Provincial Court is running a pilot project that permits law enforcement agencies to securely submit Informations to the Halifax and Dartmouth Provincial Courts by fax. The full process is outlined [here](#).

All new Informations to be laid in Halifax and Dartmouth (including release documents to be confirmed) will be received by fax in the Court Administration Offices in Dartmouth and Halifax, pursuant to Sec. 508.1(1) of the Criminal Code. When submitting these documents, law enforcement agencies are expected to use the new fillable PDF [fax cover sheet](#). The fax number for the Court Administration Office is included in the cover sheet.

The exception will be for any daily Cells matters. Informations for Cells will continue to be received by fax through the Justice of the Peace Centre and exempt from the pilot.

Individuals in Police Custody

Until further notice, the Justice of the Peace Centre in Dartmouth is dealing with all new matters involving individuals in police custody by telephone, unless otherwise directed by the presiding judge.

Individuals will either be released on conditions or remanded to a correctional facility with the next appearance by video in Provincial Court. Duty Crown and Duty Legal Aid counsel will assist during the day. The full process is outlined [here](#).

Resolution of Non-Urgent Matters

The resolution of non-urgent matters remains a priority for the Provincial Court and Youth Justice Court. Counsel are encouraged to continue reviewing their matters to see what can be resolved without an in-person hearing.

Subject to the availability of a judge and court staff, the Provincial Court has introduced a process to help clear matters off the docket where the prosecutor and defence counsel have come to an agreement or substantial agreement on the resolution of a non-urgent matter.

Counsel must complete the [Request for Resolution of Non-Urgent Matters form](#) and send it to the Supervisor of the Provincial Court. This form can be used to seek a date to appear by telephone and/or video before a Provincial Court Judge for matters including:

- Resolution by way of restorative justice referral
- Resolution by way of peace bond and dismissal of charges
- Resolution by way of withdrawal or dismissal of charges
- Resolution by way of guilty plea and request the preparation of a Presentence Report, Gladue Report, or Impact of Race and Culture Assessment (IRCA)
- Resolution by way of guilty plea and recommendation for non-custodial sentence

The full process to request the resolution of a non-urgent matter is outlined [here](#).

Pre-Trial and Resolution Conferences

Until further notice, the Provincial Court will hold all pre-trial and resolution conferences via telephone or Microsoft Teams. The full process and fillable PDF forms to assist counsel in preparing for and setting up such telephone conferences are available online [here](#).

Consent Variation of Release Orders and Probation Orders

The Provincial Court and the Youth Justice Court have adopted procedures and fillable PDF forms for individuals to apply to vary an undertaking, a release order or probation conditions without having to go to court in person.

The procedures outlined in the updated [May 17, 2021 Notice](#) allow for the consent variation of release conditions for individuals who have been released either by the Court (s. 515 of the Criminal Code) or by the police (s. 498, 499 or 503 of the Criminal Code), or for variation of probation conditions (s. 732.2(3) of the Criminal Code).

To help reduce the number of people visiting courthouses, staff at Nova Scotia Legal Aid will assist any unrepresented people who need urgent changes to their undertaking, recognizance or release order.

Anyone who does not have a lawyer and is looking to vary their release conditions should contact the Legal Aid office nearest to the courthouse from which they were released. Locations and contact information for Legal Aid offices across the province are available online [here](#).

Peace Bond Applications

The Provincial Court has adopted a virtual process to triage and hear applications for peace bonds during the pandemic, where full disclosure, due process and trial fairness can be assured. The full process is outlined [here](#).

Under this virtual process, Presiding Justices of the Peace will triage peace bond applications by telephone to determine whether an agreement can be reached, and if not, whether hearings can be conducted virtually by telephone or in person. Where possible, other types of technology (i.e. email or live video conferencing) will be considered.

Dartmouth Wellness Court

The Dartmouth Wellness Court is operating by telephone and videoconferencing to deal with scheduled matters in the Mental Health Court Program, the Drug Court Program and the Alcohol Court Program.

Clinicians are doing screening assessments for new referrals by telephone or video, whenever possible. Those clients who require an in-person assessment will be dealt with when the clinicians can safely meet with the applicants.

Applicants who complete the screening phase will have their files referred to the court team for review and determination of whether they qualify for admission to the program.

Domestic Violence Court (Halifax)

The Domestic Violence Court in Halifax is operating by telephone and videoconferencing to deal with scheduled matters in the Halifax Regional Municipality.

Night Court

Effective June 14, 2021, in-person attendance for summary offence matters and peace bond hearings will resume in Night Court in Halifax and Sydney.

Presiding Justices of the Peace may still handle some Night Court matters by telephone and video on Microsoft Teams, including trials, if all participants consent to a virtual proceeding.

Summary Offence Tickets

If you have a new or outstanding summary offence ticket(s), the Provincial Court has extended payment deadlines a further 90 days from the original due date on the ticket.

This directive was first issued in March 2020 and has been extended several times since — each time an additional 90 days — to help reduce the number of people who need to visit a courthouse in person during the pandemic.

Individuals who want to pay a summary offence ticket or other court fine now can do so online [here](#). A debit or credit card and the ticket number are needed to complete an online payment. Court Administration may help find the ticket number if you do not have it.

Surety Declarations

The Provincial Court has adopted a procedure for individuals to apply remotely to the Court or the Justice of the Peace Centre for a release order with surety under s. 515.1 of the Criminal Code (Declaration of Surety). The full procedure and fillable PDF form are available online [here](#). Counsel are reminded that s. 515.1(2)(a) and (b) allow for dispensing with the need for a declaration.

Posting Cash Bail

Individuals posting cash bail should go to the front entrance of the courthouse and must answer the screening questions asked of everyone visiting a courthouse. Those who pass the screening questions will be allowed into the courthouse and sent directly to the front counter. Court Administration staff can facilitate the posting of cash bail. Those who do not pass will not be admitted and should make other arrangements to post cash bail.

Surety Rendering

In order to be relieved as a surety, you must complete this [fillable PDF form](#), follow the instructions for electronic signing and send the form to the courthouse where your original documents were signed. The full process is outlined [here](#). If you are unable to complete the form online, please contact the courthouse by phone to arrange a time to appear by telephone before a Provincial Court judge. Phone numbers for the courthouses can be found online [here](#).

Warrants and Judicial Authorizations

The Provincial Court and the Justice of the Peace Centre will continue to be available to process warrants and judicial authorizations. However, the processes to obtain search warrants have been modified to reduce in-person contact and the handling of paperwork at the courthouses and the Justice of the Peace Centre. The new process to apply at the Justice of the Peace Centre is available online [here](#).

Provincial Court judges outside the Halifax Regional Municipality will continue to sign production orders, tracking warrants and transmission data recorder warrants, as the Criminal Code does not authorize their execution by tele-warrant. That process is available online [here](#).

Ex Parte Applications to Unseal ITO Search Warrants & Judicial Authorizations

The Provincial Court has implemented a remote process for *ex parte* applications to unseal Informations to Obtain (ITO) search warrants and other forms of judicial authorizations. These applications are necessary for the Crown to fulfill its disclosure obligations to defence counsel. The full process is outlined [here](#).

Prosecution services seeking to unseal an ITO are asked to prepare the unsealing application and file the documents electronically with the Provincial Court where the original ITO is filed. The original ITO will be photocopied, and a paper copy will be handed to the designated person named in the Order to Unseal. The new remote application process is intended to balance this legal requirement with public health advice regarding social distancing and the safe handling of paper documents.

Out-of-Province Subpoenas

The Provincial Court has created a new fillable PDF form for counsel to request an out-of-province subpoena. This form is meant to help the presiding judge understand how counsel anticipates the witness will testify, before a subpoena is issued.

The form is only for the purpose of having the subpoena signed and issued. It does not take the place of an application before the trial judge to request that an out-of-province witness appear in person. That directive remains in effect and is outlined [here](#).

This form must be completed for each out-of-province subpoena before a judge will issue the document. Please note that in addition to this form, the Court still requires a video application to be filed and heard by a judge, as well as an Affidavit in support of an out-of-province subpoena.

File Access at Courthouse

Public access to court files is being handled by appointment. To make an appointment, please contact Court Administration at the courthouse where the matter was or is being heard. Contact information for courthouses is available online [here](#). File requests for media should be directed to the [Judiciary's Communications Director](#) to facilitate.