



COVID-19: CONSENT VARIATION PROCEDURE FOR RELEASE ORDERS AND PROBATION ORDERS PROVINCIAL COURT AND YOUTH JUSTICE COURT

Tuesday, March 31, 2020

To help reduce the spread of the COVID-19 virus, the Nova Scotia Provincial Court and the Youth Justice Court have adopted a new procedure to help individuals apply to vary their release or probation conditions without having to go to court in person.

Effective immediately, the following procedure allows 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).

Step 1

The applicant or counsel for the applicant completes **Part 1** of the [PDF fillable form](#) setting out the requested change and the reasons for the change. **Part 1** of the form is signed electronically and dated by the applicant or counsel for the applicant.

Part 2 of the form is signed electronically by the surety(ies).

Part 4 of the form is completed by the applicant or counsel for the applicant. **Part 4** states the variation is not in effect until court staff contact the applicant or counsel for the applicant to confirm. **Part 4** also confirms the understanding of the applicant/counsel that once verbally acknowledged and accepted, failure to comply without lawful excuse with the release order or probation order as varied is an offence.

*****If counsel complete the application form on behalf of a client, the Court accepts that action as an undertaking from counsel to the Court to explain the process, including the potential consequences for not complying with the varied conditions to their client.***

Step 2

The form is sent electronically to the Crown who either consents or does not consent to the request. **Part 3** of the form is signed electronically and dated by the Crown. Once the Crown portion of the form is complete, it is sent by the Crown to the Court via the Court's email address:

Amherst Provincial Court:	AmherstProvincialCourt@courts.ns.ca
Antigonish Provincial Court:	AntigonishProvincialCourt@courts.ns.ca
Bridgewater Provincial Court:	BridgewaterProvincialCourt@courts.ns.ca
Digby Provincial Court:	Digbyprovincialcourt@courts.ns.ca
Dartmouth Provincial Court:	DartmouthProvincialCourt@courts.ns.ca
Halifax Provincial Court:	HalifaxProvincialCourt@courts.ns.ca
Kentville Provincial Court:	kentvilleprovincialcourt@courts.ns.ca
Pictou Provincial Court:	Pictoucourt@courts.ns.ca
Port Hawkesbury Provincial Court:	PortHawkesburyProvincialCourt@courts.ns.ca
Sydney Provincial Court:	Sydneyprovincialcourt@courts.ns.ca
Truro Provincial Court:	TruroProvincialCourt@courts.ns.ca
Yarmouth Provincial Court:	YarmouthProvincialCourt@courts.ns.ca

Step 3

Upon receipt of the form, court staff will print the form and provide/send it to a judge for review. If the judge agrees to the variation, the judge will sign and date **Part 4** of the form, confirming the variation.

Step 4

Court staff will contact the applicant or counsel for the applicant to read the terms of the order and confirm the new order is now in effect. Once staff complete this step, the applicant is then bound by the new order and will continue to be bound by that order for the duration of the case or until further variation by the court.

Court staff will sign and date **Part 5** of the form, and it will be attached to the court file.

Court staff will then update the JEIN system to reflect the variation and distribute the new order to the enforcement agency and the Crown, via email.

Assistance from Nova Scotia Legal Aid

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. Rather than coming to a courthouse, anyone without a lawyer should contact the Legal Aid office nearest to the courthouse from which you were released. Locations and contact information for Legal Aid offices across the province are available online at <https://www.nslegalaid.ca/legal-aid-offices/>.

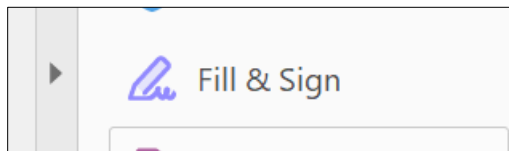
Please note that all Legal Aid offices are currently closed to walk-in traffic, but staff can be reached by telephone or email.

For unrepresented individuals in the Halifax Regional Municipality, call the office or complete this simple [webform](#) for duty counsel assistance.

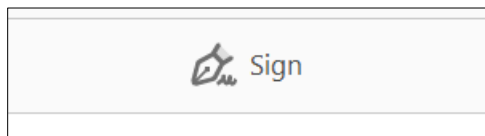
***If you already have a lawyer representing you, please contact your lawyer directly and they will assist you.**

Instructions for Electronic Signatures in the Fillable PDF Form

At the signature line, click **Fill & Sign**.



On the tool bar at the top, click **Sign**.



A drop-down menu will appear. Click **Add Signature**. Type the name of the person signing and then click **Apply**. You can then drag the signature text box to the signature line.

Once the form has been completed, save the file using the Applicant's name: last name, first name, and the date (see example below):

Doe, John – March 28, 2020