



COVID-19: NOTICE TO COUNSEL AND THE PUBLIC RE: MATTERS IN THE PROVINCIAL COURT AND YOUTH JUSTICE COURT

**This Notice consolidates, and in some cases updates, the measures previously announced.*

Updated: Tuesday, Aug. 25, 2020

In-Person Proceedings

During the COVID-19 pandemic, the Provincial Court and the Youth Justice Court have been hearing urgent and essential matters, primarily by telephone and video. That includes in-custody bail hearings, peace bond applications and hearings, and some sentencings and youth criminal sentence reviews.

On June 1, 2020, the Provincial Court and Youth Justice Court expanded service to permit some in-custody trials and in-custody preliminary inquiries to proceed in-person, where all public health directives can be followed.

Starting July 2, 2020, the Court will further expand in-person hearings to a limited number of trials and preliminary inquiries for accused individuals not in custody, if the hearing can proceed safely.

The Judge will hold a pre-trial hearing with counsel to determine whether the necessary precautions can be put in place for a trial or preliminary inquiry to proceed safely. Whether the matter can proceed will depend on several factors, including its urgency, its complexity, the number of people involved, the size and layout of the courtroom where the matter will be heard, and staffing.

To arrange for a pre-trial hearing with a Judge, counsel are asked to contact the Judicial Support Supervisor at the courthouse where their matter is scheduled to be heard. The full process for in-custody trials and in-custody preliminary inquiries is outlined [here](#).

Some hearings may need to be adjourned as work continues to modify courtrooms and public court spaces. These modifications are required to adhere to public health directives and to protect the health and safety of those working in and attending courthouses. In these instances, the court file will indicate the adjournment is due to the situation with COVID-19.

Safety Measures for In-Person Proceedings

As part of the assessment being done by the Court Recovery Committee, all courtrooms have been measured for social distancing purposes. Occupancy limits will be posted outside courtrooms and seating in the courtroom will be designated to ensure participants are seated two metres (six feet) apart.

Hand sanitizer and sanitizing spray and/or wipes will be available in courtrooms. Counsel are encouraged to clean their immediate surroundings (e.g. counsel table, chairs) before leaving. Witness boxes and seats in the gallery will be cleaned between uses.

Measures will be in place to ensure safe social distances between counsel, court staff and any witnesses involved in a hearing, and to reduce the risk of transmission through the handling of exhibits and paperwork.

Individuals are permitted to wear a health mask to court. If you wish to wear a mask, we encourage you to bring your own. Masks are not required when social distancing can be achieved. Masks will not be made available to prosecutors and defence counsel, but limited amounts of masks will be made available for accused individuals and witnesses who do not have their own.

Matters Involving Accused Individuals Not in Custody

Starting July 2, 2020, the Provincial Court will further expand in-person hearings to a limited number of trials and preliminary inquiries for accused individuals not in custody, if the hearing can proceed safely.

For all other matters involving an accused person who is not in custody, social distancing measures remain in effect. All parties are encouraged to appear virtually by telephone, unless specifically directed otherwise.

Self-represented individuals who are not in custody are encouraged to contact their local courthouse for instructions on how and when to call in for their upcoming court appearance. Self-reps are also reminded they can contact Nova Scotia Legal Aid (NSLA) for full service or summary advice. Fill out the NSLA [online form](#) to apply or click [here](#) for help adjourning a court date scheduled in the Halifax or Dartmouth Provincial Court.

Intake Court and Other Matters Not Requiring Personal Attendance

The Provincial Court will continue to operate Intake Court by telephone and video, except where personal attendance is necessary.

Individuals represented by a lawyer can generally instruct their lawyer to appear on their behalf. Counsel will generally appear by telephone.

Accused individuals who are currently unrepresented are encouraged to apply to Nova Scotia Legal Aid, either online at <https://www.nslegalaid.ca/online-application/> or by calling their [local Legal Aid office](#). If accused individuals are unable to obtain counsel before their court date, they can apply for Legal Aid duty counsel assistance by filling out the online form [here](#).

Self-represented individuals who attend court in-person for a matter that does not require them to be physically in the courtroom (e.g. first appearance, setting a trial date) may be taken to a video conference room in the courthouse, where they can appear before the judge by video. The surfaces in those rooms will be cleaned in between uses.

Dartmouth Wellness Court

The Dartmouth Wellness Court resumed telephone hearings only on June 4, 2020, to deal with scheduled matters in the Mental Health Court Program, the Opioid Court Program and the Alcohol Court Program.

Clinicians are doing screening assessments for new referrals by telephone, 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; however, any formal admissions into the Dartmouth Wellness Court may be adjourned until the Court resumes in-person appearances. To review the full public notice on Dartmouth Wellness Court, click [here](#).

Domestic Violence Court (Halifax)

Effective June 10, 2020, the Domestic Violence Court will resume weekly telephone hearings for scheduled matters in Halifax. New applications to the Halifax program will be put on the docket for consideration starting July 8, 2020. Read the full notice [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 new 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 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](#).

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. 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. Where possible, other types of technology (i.e. email or live video conferencing) will be considered. This full virtual process is outlined [here](#).

Access to Courthouses

As per public health advice regarding social distancing, public access at Provincial Courts continues to be restricted. Sheriffs are screening to ensure visitors are required in court and that it is safe for them to attend. To maintain the open courts principle, members of the media are permitted to attend court proceedings in person.

Anyone who has travelled outside the Atlantic provinces in the past 14 days, is experiencing symptoms of COVID-19 (as identified by public health) or has been directed by public health officials, 811 or a doctor to self-isolate, should not visit a courthouse.

For those permitted inside, hand sanitizer will be available throughout the building (e.g. entrances, outside elevators and courtrooms, inside courtrooms and near high-touch areas). All visitors will be required to use hand sanitizer upon entering a courthouse.

Filing of Informations

Until further notice, all law enforcement agencies must fax or email this paperwork to the Justice of the Peace Centre in Dartmouth for matters in the Halifax Regional Municipality, or to Court Administration for the courthouses elsewhere in the province.

Individuals in Police Custody

The Justice of the Peace Centre will deal 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 daytime hours. The full process for individuals in police custody is outlined [here](#).

Bail Hearings

All bail hearings in the Provincial Court and Youth Justice Court will continue to be held by video or telephone conference, unless a judge orders otherwise.

Surety Declarations

The Provincial Court has adopted a new procedure for individuals applying to the Court or at the Justice of the Peace Centre for a release order with surety under s. 515.1 of the Criminal Code (Declaration of Surety). The new 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 the [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](#).

File Access

Public access to court files is suspended until further notice, except in urgent situations. Court Administration staff are still accepting file requests from media, if they relate to urgent or essential matters proceeding before the Court. File requests for media should be directed to the [Judiciary's Communications Director](#) to facilitate.

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 a new 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.

Prosecution services seeking to unseal an ITO are asked to prepare the unsealing application documents and file those 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. The full process is outlined [here](#).

Consent Variation of Release Orders and Probation Orders

The 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.

The new 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). The new procedure and fillable PDF application form are available online [here](#).

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](#).

Please note that due to COVID-19, 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.

Pre-Trial and Resolution Conferences

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

Night Court

Starting Sept. 1, 2020, some Night Court matters in Halifax will be proceeding to trial in person, if the hearing can proceed safely and provided the trial involves only one police witness. Others Night Court matters not proceeding in person will continue to be dealt with by telephone or adjourned.

Court staff are contacting individuals who have a summary offence matter scheduled for trial in Halifax on Sept. 1, 2020, or later to advise whether the matter be proceeding and when it will happen. The dockets for Night Court in Halifax are also available on the [Dockets Page](#) of the Courts' website. View the full Night Court notice online [here](#).

Summary Offence Tickets and Default Convictions

Public access to courthouses continues to be restricted to those who work in the building, who are involved in a court hearing or those who have an appointment. No front counter services are available.

Individuals who want to pay a fine have the option to [pay online](#). Please note that you will need a debit card or credit card and your ticket number to complete an online payment.

For those who may need more time to pay, the Provincial Court has extended payment deadlines a further 90 days from the original due date on the ticket. That directive was first issued in March and has been extended twice, each time an additional 90 days, to help reduce the number of people that need to visit a courthouse during the pandemic.

Individuals who received parking tickets with court dates in July and August should have received a new summons with directions to appear by telephone on a specific date and time if they wish to plead not guilty.