



COVID-19: PROVINCIAL COURT ANNOUNCES SAFETY MEASURES TO EXPAND IN-PERSON HEARINGS

Tuesday, June 16, 2020

The Provincial Court of Nova Scotia is expanding the types of matters that could be heard in-person during the COVID-19 pandemic through the implementation of strict measures for social distancing, modifying courtrooms and other spaces, and enhanced cleaning.

Throughout the pandemic, the Provincial Court has restricted who can enter courthouses or attend court in person. Initially, attendance in court was generally restricted to some counsel and sureties for bail hearings. In June, the Provincial Court expanded in-person hearings to include trials and preliminary inquiries for accused individuals in custody, if all public health directives could 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. Some hearings may still be delayed 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.

“As the situation with the pandemic evolves, we are continuing to adapt and expand the services available, where it is safe to do so,” said Chief Judge Pamela Williams. “We expect that social distancing will continue for some time. That will require us to continue limiting the number of people who can be physically be in the courthouse and individual courtrooms at once. We ask for your continued cooperation by not coming to court in person, if you are not required to do so. If you are unsure, please contact the courthouse for further instructions.”

Sheriff Services will be screening people at the entrance to the courthouse to ensure the individual’s presence is required in court and that it is safe for them to attend. Anyone who has travelled outside the province recently, is experiencing symptoms of COVID-19 or has been directed by public health officials, 811 or a doctor to self-isolate, should not visit a courthouse.

At this time, it is unclear how the June 5, 2020, amendment to the [Health Protection Act Order](#) will be applied in Provincial Court matters. The Court expects this will have to be assessed on a case-by-case basis.

The applicable part of that amendment is as follows:

- 3.6 Notwithstanding Clause 3.1, individuals who are engaged in a legal proceeding in Nova Scotia, whether the accused, victim, witness or party in such proceeding, may enter Nova Scotia for participation in the legal proceeding if the individual:
- a) self-isolates/self-quarantines for the period of time they are in Nova Scotia, other than when they are in court; and
 - b) complies with the requirements of physical distancing as set out in Clause 6.1 while in Nova Scotia.

Measures for In-Person Matters

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.

Measures for Inside Courthouses

Sheriffs will monitor the number of people in the courthouse and in individual areas within the courthouse (e.g. courtrooms, waiting rooms, meeting rooms, hallways) to ensure that occupancy limits for social distancing are not exceeded.

Signage throughout courthouses will help remind people of social distancing, to assist with traffic flow inside the building and to advise people of occupancy limits in courtrooms, waiting rooms and washrooms. Sheriffs will enforce social distancing inside the courthouse and in the area around the entrance.

Cleaning in the courthouses has increased, including regular disinfecting of high-touch areas. Hand sanitizer will be available at monitored locations throughout the buildings (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.

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.

For more information on the measures the Provincial Court has implemented during the COVID-19 pandemic, please refer to the consolidated directive on the Courts' website at https://www.courts.ns.ca/News_of_Courts/documents/NSPC_Consolidated_Directive_COVID19_03_31_20.pdf.

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