

## **Nova Scotia Court of Appeal Practice Directive**

### **Orders Restricting Media Reporting or Public Access**

1. Unless otherwise provided for in the Civil Procedure Rules, this practice note applies to any application in the Nova Scotia Court of Appeal for:

- a) the use of pseudonyms,
- b) a publication ban,
- c) a sealing order, or
- d) an order for an in camera hearing,

under a judge's or the Court's discretionary, legislated or common law authority.

2. "Interested parties" include the parties to the appeal, the electronic and print media, and any other person named by a judge.

3. a. The Applicant must file with the Registrar of the Court two copies of the Notice of Application, the affidavit in support and the proposed order, and, except with leave of a judge, serve the interested parties, other than the media, with a copy of the application, the affidavit and the proposed order, at least three clear days before the application or matter to which the ban or order is to apply.

b. Unless otherwise ordered, notice to the media shall be given by filling in and submitting the electronic notice of an application for a publication ban on the Nova Scotia Courts' website: <http://www.courts.ns.ca> (click on the Media Guide tab on the left under Resources)

4. The application must be made in Chambers in accordance with Rule 90.34.

5. The Applicant may apply to a judge for further directions as to the parties to be served and the manner of service.

6. Any party not referred to in paragraph 2 above and claiming an interest in the proceedings must apply to a judge for standing to be heard on the application.

7. The information that is the subject of the initial application may not be published without leave of a judge until that application is heard.

8. If satisfied that there has been a failure to comply with the requirements of this practice directive, the judge, may:

- a) dismiss the application
- b) require the party to pay the reasonable costs and expenses incurred because of any noncompliance with this practice directive, or
- c) make any other appropriate order.

J. Michael MacDonald, C.J.N.S.

November 8, 2005