

HOW TO FILE A NOTICE OF APPEAL
FROM A PROVINCIAL COURT SUMMARY CONVICTION
TO THE SUPREME COURT OF NOVA SCOTIA

1. An Appeal from a summary conviction at the Provincial Court level is to be filed with the Nova Scotia Supreme Court using Notice of Summary Conviction Appeal (Form 63.05). The notice of appeal must be filed at the Supreme Court in the municipality where the proceeding under appeal was heard, unless the prothonotary or a judge permits otherwise.

2. A Notice of Appeal must be filed
 - a) not more than twenty (25) days after the day the Appellant is sentenced, if the appeal is from a conviction, finding of guilt, sentence or both a conviction or finding of guilt and a sentence **or**
 - b) not more than twenty-five (25) days after the decision is made, if the appeal is from a decision that is not a conviction, find of guilt or sentence.

3. Carefully read the Notice of Summary Conviction Appeal (Form 63.05) and retype the document with your own information paying particular attention to the areas you must complete:
 - a) the charge number and person number which is obtained from Provincial Court
 - b) the name of the judge and the court appealed from as well as the date of the decision
 - c) time, date and place when and where you will make a motion for directions and setting the time, date and place for the hearing of the appeal. The Motion for Directions will be your first court appearance. This is a procedural hearing only to set dates for the hearing and filings on the appeal proper. You must select this date - it is a Thursday at 9:00 a. m. and may not be more than twenty-five (25) days after the day your Notice of Summary Conviction Appeal is filed with the court.
 - d) the particulars of the decision appealed from
 - e) a concise statement of the grounds of appeal
 - f) the order you are asking the court to grant you
 - g) the date by which you will deliver a transcript of the lower court proceeding to the court and the respondent
 - h) contact information

4. The court filing fee for Notice of Summary Conviction Appeal is \$133.77 plus a law stamp fee of \$28.75.
5. You must serve the respondent with the Notice of Appeal. If the Respondent is the Crown, you must deliver a copy of the Notice of Appeal to the office of the person who represented the Crown in the proceeding at the lower court.
6. You must file the original and one copy for the Appellant and each Respondent named. The court will keep the original Notice of Summary Conviction Appeal.
7. If your Notice for Summary Conviction Appeal is in correct form, the prothonotary will sign and certify the copies which will be returned to you for service on the Respondent.
8. The Appellant must notify each respondent, who is not the Crown, in accordance to Rule 31- Notice no less than ten days before the day the motion for directions is to be heard .
9. It is recommended that you seek legal advice before filing documentation to start a court proceeding and attached is a resource list to assist you in this regard.
10. The “Court Data Information Sheet” is to be completed by a self-represented appellant(s) and filed with the Court.
11. Time is calculated in accordance with Civil Procedure Rule 94 - this means you do not count the day you file the documents nor do you count the hearing date. You count the days between excepting Saturday, Sunday or a day the Prothonotary’s Office is closed.