



COVID-19: CONSENT VARIATION PROCEDURES FOR UNDERTAKINGS, RELEASE ORDERS AND PROBATION CONDITIONS IN THE PROVINCIAL COURT

**Tuesday, March 31, 2020
Updated: Monday, May 17, 2021**

The Provincial Court of Nova Scotia and the Youth Justice Court have amended the procedures for individuals to apply to vary an undertaking, a release order or probation conditions without having to go to court in person.

The procedures outlined below allow 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).

Variation of an Undertaking or a Release Order

PLEASE NOTE: *If counsel complete this application 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 1

The applicant or counsel for the applicant completes Part 1 of the [Application to Vary a Release Order by Consent](#) (this is an interactive PDF form that can be filled out on your computer; for instructions on how to electronically sign documents, please see the section at the end of this notice). This step sets out the requested change and the reasons for the change.

The applicant or counsel for the applicant must electronically sign and date Part 1 of the form. Part 2 of the form is signed electronically by the surety(ies).

Step 2

The applicant or counsel for the applicant sends the form electronically to the Crown, including copies of the previous order(s) to be varied. The Crown either consents or does not consent to the request. The Crown then signs and dates Part 3 of the form and sends it electronically to the Court via the applicable Provincial Court 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.

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.

Finally, court staff will update the JEIN system to reflect the variation and distribute the new order to the enforcement agency and the Crown.

Variation of Probation Conditions

PLEASE NOTE: *If counsel complete this application 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 1

The applicant or counsel for the applicant completes Part 1 and Part 3 of the [Application to Vary a Probation Order by Consent](#) (this is an interactive PDF form that can be filled out on your computer; for instructions on how to electronically sign documents, please see the section at the end of this notice).

Part 1 of the form sets out the requested change and the reasons for the change, while Part 3 is a recognition, on the part of the party seeking the variation, that the original order remains in effect until the court contacts them to advise the variation has been approved.

Step 2

The applicant or counsel for the applicant sends the form electronically to the Crown, including copies of the previous order(s) to be varied. The Crown either consents or does not consent to the request. The Crown then signs and dates Part 2 of the form and sends it electronically to the Court via the applicable Provincial Court 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

Court staff will sign and date Part 4 of the form, and it will be attached to the court file.

If the applicant signed Part 3 of the form, court staff must then contact the applicant to read the terms of the probation 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. If counsel for the applicant signed Part 3 of the form, then this step is not required.

Finally, court staff will update the JEIN system to reflect the variation and distribute the new order to the enforcement agency and the Crown.

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/>.

For unrepresented individuals in the Halifax Regional Municipality, complete this simple [webform](#) for duty counsel assistance or call 902-420-7800.

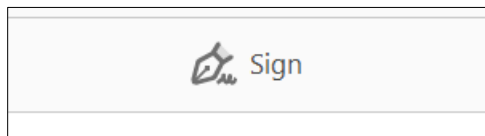
***If you already have a lawyer representing you, please contact your lawyer directly and they will assist you.**

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