



## **COVID-19: OUT-OF-PROVINCE PARTICIPANTS IN PROVINCIAL COURT MATTERS**

**Thursday, Dec. 3, 2020**

Until further notice, counsel and self-represented individuals involved in matters before the Provincial Court of Nova Scotia must get permission from the presiding judge before arranging to have anyone, including clients, attend court in person from outside the province.

With other Atlantic Provinces temporarily pulling out of the Atlantic Bubble, this direction now also applies to court participants coming from New Brunswick, Prince Edward Island and Newfoundland and Labrador.

Even if a Provincial Court matter has already been subject to a pre-trial conference or a focus hearing, counsel should contact the presiding judge if they are seeking leave to bring a participant into court from outside Nova Scotia.

This direction also applies to individuals charged in Nova Scotia but in custody in another province. Counsel should not bring a Transport Order to a Supreme Court Justice for issuance until they have first obtained leave from the presiding Provincial Court Judge. The accompanying affidavit filed with the Supreme Court should state that the presiding Provincial Court Judge has agreed that the prisoner be transported, thus satisfying Sec. 527(1)(b) of the Criminal Code.

Earlier this year, Nova Scotia's *Health Protection Act* Order was amended to permit people from outside Atlantic Canada to participate in legal proceedings in this province without the need to self-isolate for 14 days, so long as they were well and not showing any symptoms of the COVID-19 virus.

That exemption is still available, but before it can be used in any court, counsel or self-represented litigants must apply to the presiding judge for permission, as outlined in the [Operational Guidelines](#) developed by the All Courts Recovery Committee.

For more information on the preventative measures the Nova Scotia Courts have taken to help reduce the spread of COVID-19, while continuing to hear matters, please visit [https://www.courts.ns.ca/News\\_of\\_Courts/COVID19\\_Preventative\\_Measures.htm](https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm).

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