



COVID-19: SOME IN-CUSTODY TRIALS AND IN-CUSTODY PRELIMINARY INQUIRIES WILL RESUME IN PROVINCIAL COURT

Thursday, May 14, 2020

Effective June 1, 2020, the Provincial Court and Youth Justice Court will permit some in-custody trials and in-custody preliminary inquiries to proceed in-person, where all public health directives can be followed.

Last week, the Chiefs Justices and Chief Judge met again with public health officials, including the province's Chief Medical Officer of Health, to discuss when it may be safe for the Courts to start returning to normal operations.

Any expansion of court services will be gradual and must consider the ongoing public health directives related to social distancing, disinfecting procedures, good hand hygiene and other precautions to protect the health and safety of those working in and attending the courthouses. A committee of judges and court staff is working on the practical issues of how to make courtrooms safer workspaces, as per those public health directives.

When rescheduling matters, the Provincial Court will give priority to in-custody trials and in-custody preliminary inquiries. New matters and matters previously adjourned for appearances in June and July will be heard by telephone.

For in-custody trials and in-custody preliminary inquiries, the Judge will hold a pre-trial hearing with counsel to determine whether the necessary precautions can be put in place to proceed safely. Whether the matter can proceed will depend on several factors, including its urgency, its complexity, the number of people involved, the size and layout of the courtroom where the matter will be heard, and staffing.

To arrange for a pre-trial hearing with a Judge, counsel are asked to contact the Judicial Support Supervisor at the courthouse where their matter is scheduled to be heard. Email addresses for the Provincial Courts are available online [here](#). The Supervisor will bring these requests to the attention of the presiding Judge.

Bail and peace bond hearings in the Provincial Court will continue to be heard virtually by telephone and video conferencing. All trials and preliminary hearings where the accused individual is not in custody will be adjourned to a later date.

The resolution of non-urgent matters remains a priority for the Provincial Court. Counsel are encouraged to continue reviewing their matters to see what can be resolved without an in-person hearing.

The process for holding virtual pre-trial and resolution conferences is available online at https://www.courts.ns.ca/News_of_Courts/documents/NSPC_Telephone_PTC_and_Resolution_Conferences_NR_04_15_20.pdf.

If counsel reach an agreement or substantial agreement on the resolution of a file, they can apply for a teleconference with a Judge. That process is also available online at https://www.courts.ns.ca/News_of_Courts/documents/NSPC_Resolution_of_Non_Urgent_Matters_NR_04_09_20.pdf.

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