

**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-five (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, finding 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 \$145.80 plus a law stamp fee of \$25.00 + HST.
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 of the Appellant and each Respondent named. The court will keep the original Notice of Summary Conviction Appeal.
7. If your Notice of Summary Conviction Appeal is in correct form, the Prothonotary will sign and certify the copies of 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 (10) 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 filed the documents, nor do you count the hearing date. You count the days in between, excepting Saturday, Sunday or a day the Prothonotary’s Office is closed.

April 2015

Legal Services:

1) *Nova Scotia Legal Aid*: <http://www.nslegalaid.ca>

The addresses of all of the regional Legal Aid Offices are provided at:

<http://www.nslegalaid.ca/contact.php>

*(These Offices require that you sign an Application for Legal Aid and give them proof of your household income. You must qualify financially for this service.)

In case of a conflict, if you are in the Halifax Regional Municipality, you may be referred to Dalhousie Legal Aid Service if you qualify for Legal Aid Services: 423-8105

2) *Legal Information Society of Nova Scotia*: www.legalinfo.org

Lawyer Referral Service

Toll Free Number: 1-800-665-9779

(Referral to private lawyer(s) on roster, each of whom would provide a 30-minute consultation for \$20.00+GST)

If you are disabled, you may qualify for the following service:

3) *ReachAbility*:

3845 Joseph Howe Dr. Suite 201 Halifax, NS B3L 4H9

Tel/TTY: (902) 429-5878; Toll Free/TTY: 1 866 429-5878; Fax: (902) 429-5858;

E-Mail: legal@reachability.org ; Website information available: www.reachability.org

(Free consultation - one hour with roster lawyer for qualified clients)

4) *Employee Assistance Plans*:

Some E.A.P. Plans offer legal consultations or representation as part of their programs

5) *Other Lawyer's Services*:

Check your local telephone book Yellow Pages and on the Nova Scotia Barristers' Society website: www.nsbs.org for a further list of practicing lawyers and the services they provide

(Updated June 2014)

LEGAL SERVICES IN NOVA SCOTIA

Where to get Legal Information:

Legal Information Society of Nova Scotia

The Society provides legal information and resources about the law for Nova Scotians. Their office is located at 5523 B Young Street, Halifax

Telephone: (902) 454-2198
Fax: (902) 455-3105
Web Site: <http://www.legalinfo.org/>
Email: lisns@legalinfo.org

Other Information Resources

Other general legal information may be available through the Public Libraries, Dalhousie Law School or other community agencies.

How to Find A Lawyer

Yellow Pages: Lawyers and firms are listed in the Yellow Pages. In addition, lawyers may advertise in the areas in which they prefer to practise, and a guide to lawyers by areas of practise are included in the yellow pages.

Lawyer Referral Service -

Telephone: (902) 455-3135
Toll free: 1-800-665-9779

The Legal Profession

The Nova Scotia Barrister's Society is responsible for governing the legal profession in the Province. One of its functions is to regulate the conduct of its members; any complaints about a lawyer's conduct should be addressed to the Director of Discipline, The Nova Scotia Barrister's Society, 101-1645 Granville Street, Halifax, Nova Scotia B3J 1X3

If you cannot afford a Lawyer:

The Nova Scotia Legal Aid Commission

provides legal assistance to people who cannot afford to pay for the service of a lawyer. Assistance is provided for all types of legal problems. The office nearest you is 400-5475 Spring Garden Road, Halifax, Nova Scotia B3J 3T2

Telephone: (902) 420-6583

Dalhousie Legal Aid Service is community based legal aid clinic which provides free legal services to individuals in many areas of law. More information can be obtained by contacting the Dalhousie Legal Aid Service. Legal advice is not given over the phone; however personal appointments can be arranged.

Telephone: (902) 423-8105