



Revised Process to Notify Media of Applications for Publication Bans

Wednesday, April 26, 2023

Effective Monday, May 1, 2023, there will be a new process in place for counsel and self-represented litigants to notify media of applications for publication bans in the Nova Scotia Courts. This change is related to the new Courts website that is scheduled to go live on the same day.

The Court of Appeal Practice Directive on Orders Restricting Media Reporting or Public Access, Rule 85.04 of the Civil Procedure Rules of Nova Scotia, and the Provincial Court's Practice Direction on Publication Bans all require that reasonable notice be provided to media when there is an application for a discretionary publication ban, confidentiality order, or a request to seal a document or court file. This ensures media outlets are aware of the application and have sufficient time to prepare a challenge if they want to contest the application.

This notification process is not required for mandatory or automatic publication bans under the *Criminal Code* or provincial legislation, such as the *Children and Family Services Act*.

To provide notice under the current process, applicants must fill out an online form embedded in the Courts website, then complete a two-step verification process and an automated notification is emailed to subscribers.

Under the new process, applicants can use the attached fillable PDF form, which can also be downloaded from the Publications Bans page of the new Courts website. Applicants would then follow these steps:

Step 1: Complete the form, including contact information for the applicant and as much information as you can provide on the reason you are requesting a publication ban or confidentiality order.

Step 2: Email the completed form to publicationbans@courts.ns.ca.

Staff in the Executive Office of the Judiciary will confirm receipt of your email and review the form to ensure all the required information is included.

If the notification form is completed properly, the applicant will receive email confirmation that a notification will be sent to media and other subscribers on their behalf. If information is missing, staff in the Executive Office will respond by email outlining what additional information is required before the notification can be sent.

Except in urgent circumstances or unless a judge directs otherwise, the applicant should start this process early enough so that notice goes out to media at least three clear days before the application is scheduled to be heard in court.

It is important to note that this process is only for notifying the media of an application for a publication ban. It is not a substitute for the usual requirements to bring a motion or an application before a judge. Unless otherwise directed by the Court, a Notice of Application, Supporting Affidavit, and Draft Order must also be filed with the Court before the matter will be scheduled.

Subscribing to Receive Notifications

Media, counsel and others who currently receive notifications through the automated process will have to resubscribe by sending an email to publicationbans@courts.ns.ca.

Please note that anyone who does not resubscribe by email will be removed from the notification list. Individuals can subscribe or unsubscribe from this notification service at any time.

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