

Notice to Profession and Public – Updated COVID–19 Directive

This Updated Directive effective September 12, 2022, replaces any previous directive on the operations of the Provincial Court of New Brunswick during the COVID-19 pandemic.

On September 24, 2021, in response to the growing number of cases of COVID-19, the Province of New Brunswick declared a state of emergency and imposed restrictions in addition to the measures that were already in place. On March 14, 2022, the Province lifted all its remaining COVID-19 measures. Please consult the Province’s website for additional information.

Throughout the COVID-19 pandemic, all courtrooms of the Provincial Court of New Brunswick have been operating under restrictions designed to ensure the safety of all participants. Given the unique position of the Courts, where persons who attend are often compelled to do so, and where vulnerable segments of the population attend, there is an ongoing need to continue with the restrictions contained in this directive until further notice.

ENTRY IN COURTROOMS, USE OF MASKS AND PHYSICAL DISTANCING:

Masking is no longer required to enter a courtroom and to circulate inside. However, attendees are strongly encouraged to wear an adequate mask in courtrooms. If the circumstances require (for example, if the Court is made aware of the presence of a vulnerable person or the courtroom is particularly crowded), the presiding judge may order those present to wear a mask.

The presiding judge may also direct that court participants and members of the public be required to maintain physical distancing between themselves and others with whom they do not reside.

The presiding judge may limit the number of people who may be present in courtrooms at any given time.

CRIMINAL MATTERS:

All criminal matters including first appearances, pleas, elections, trials, sentencing hearings, preliminary inquiries, applications to vary court orders, judgments and other hearings (i.e. default hearings for fines) will proceed as scheduled and the Accused shall appear before the Court in person.

If approved by the presiding judge, individuals required to attend Court for a first appearance, a plea or to set a trial date can continue to appear via telephone (audioconference), but they are required to contact the local court office at least 48 hours in advance of the scheduled appearance to confirm their contact information.

If an individual is granted permission to appear via telephone (audioconference), he or she shall appear from a private location where decorum is always maintained.

A judge may require that an individual who is not represented by counsel appear before the court, in person, at least for a first appearance.

If approved by the presiding judge, Counsel can continue to appear via telephone (audioconference) for a first appearance, plea, to set a trial date and request for adjournment. They are required to contact the local court office at least 48 hours in advance of the scheduled appearance to confirm their contact information. The presiding judge may limit the audioconference appearances of Counsel to those matters which are scheduled for the day in question.

Counsel who have been granted permission to appear via telephone (audioconference) shall appear from a law office or from a private office where decorum is always maintained.

Counsel must also file a Designation of Counsel as per s. 650.01 where required

ACCUSED IN CUSTODY:

Unless instructed otherwise by the presiding judge, an Accused in custody will appear by videoconference for a first appearance, election, plea, appearance to set a trial date and request for adjournment.

An Accused in custody will also appear by videoconference for Show Cause Hearings (Bail Hearings). However, if the technological means are not satisfactory to the judge, he or she may require the Accused to appear in person.

All OTHER MATTERS (Regulatory Offenses, Provincial tickets and By-laws):

All individuals shall appear for trial in person.

If approved by the presiding judge, individuals required to attend Court for a first appearance or for a plea can continue to appear via telephone (audioconference), but they are required to contact the local court office at least 48 hours in advance of the scheduled appearance to confirm their contact information.

If an individual is granted permission to appear via telephone (audioconference), he or she shall appear from a private location where decorum is always maintained.

ELSIPOGTOG COURT:

The Court will resume its full operation.

This directive, issued by the Honourable Marco R. Cloutier, Chief Judge of the Provincial Court of New Brunswick, on September 12, 2022, is effective September 12, 2022 and until further notice.