

PROVINCIAL COURT OF NEW BRUNSWICK

UPDATED COVID-19 DIRECTIVE

This Updated Directive replaces previous directives on the operations of the Provincial Court of New Brunswick during the COVID-19 pandemic.

On September 24, 2021, the province of New Brunswick declared a state of emergency in response to the growing number of cases of COVID-19 in the province and a mandatory order came into effect. Please consult the Province of New Brunswick's [website](#) to familiarize yourself with the [Revised Mandatory Order](#) and to obtain additional information.

ENTRY INTO COURTHOUSES & COURTROOMS

Under the Province's Revised Mandatory Order, courthouses are closed to the general public, except to judges, persons whose work requires their presence in a courthouse, litigants, accused persons, witnesses and other persons attending under a summons, one person attending a trial or sentencing hearing in support of each accused person and each complainant (two in support of each accused or complainant minor person), unless the presiding judge increases that number, and accredited media. Other persons may enter a courthouse by appointment to pay a fine or to meet with a Crown prosecutor, and any other person may be admitted to drop off documents for filing with a court. These measures apply to all Provincial Court locations in New Brunswick.

Please note in keeping with public health guidelines, the Provincial Court limits the number of people who may be present in courtrooms at any given time. Priority will be given to parties and their counsel.

Anyone who plans to attend a court hearing while experiencing COVID-19 symptoms, awaiting the result of a COVID-19 screening test, or is required to self-isolate under any applicable federal guidelines for international travellers is prohibited from entering a courtroom and must instead, in a timely manner, arrange to attend the hearing by video or telephone conference by contacting the [appropriate court office](#).

USE OF MASKS

The wearing of a mask is mandatory in all indoor public spaces, including in courthouses, in New Brunswick.

In courtrooms, court participants and the public are required to maintain two metres or more of physical distancing between themselves and others with whom they do not reside, and to wear an adequate mask, until receiving direction from the presiding judge. Upon considering the number of persons in attendance and any other relevant factor, the presiding judge may, in his or her discretion, permit all or some persons

in attendance to remove their masks, and impose other public health measures to be applied in the courtroom.

CRIMINAL MATTERS:

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

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 well in advance of the scheduled appearance to confirm their contact information for the audioconference on their scheduled appearance date.

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 in advance of the scheduled appearance to confirm their contact information so that an audioconference can be scheduled with the Court on their client's scheduled appearance date. 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 scheduled for trial shall appear in person on their scheduled trial dates.

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 well in advance of the scheduled appearance to confirm their contact information for the audioconference on their scheduled appearance date.

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 December 21, 2021, is effective immediately and until further notice.