

# ᑕᑭᑦᑎᑦᑎᑦᑎ Memo



ᑕᑭᑦᑎᑦᑎᑦᑎ To: The Bar of Nunavut  
ᑕᑭᑦᑎᑦᑎᑦᑎ From: Chief Justice Neil Sharkey  
ᑕᑭᑦᑎᑦᑎᑦᑎᑕᑭᑦᑎᑦᑎ CC:  
ᑕᑭᑦᑎᑦᑎᑦᑎ Date: 4/21/2020  
ᑕᑭᑦᑎᑦᑎᑦᑎ Re: Temporary Suspension of 1) Practice Directive #35 requirement that sureties sign Surety Caution in Form 35A; and 2) Surety signing Release Orders in Form 11.

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The Nunavut Court of Justice (“NCJ”) has suspended the following:

- Practice Directive #35’s requirement that sureties sign Surety Cautions in Form 35A; and
- The requirement that sureties sign Release Orders in Form 11.

The temporary suspension of surety signing requirements has resulted from a recognition that requiring sureties to attend at a law office or RCMP detachment to sign legal documents is inconsistent with public health efforts to promote social distancing during the COVID-19 crisis.

Throughout the suspension period, the Court will endorse the Release Order to reflect that the signing requirements have been dispensed with on the following conditions:

1. The surety acknowledges on the record his or her understanding about the obligations and duties associated with being a surety (pursuant to s. 515.1(1)(e)-(g)); and
2. The surety agrees on the record to be bound by the Release Order.

In exceptional situations when a surety is unable to appear via telephone to make such an attestation, the Court may accept a statement on the record by defence counsel that they have spoken with the proposed (named) surety, and believe that the person understands their duties, obligations, and liabilities in their role as a surety.

A notice will be published on [www.nunavutcourts.ca](http://www.nunavutcourts.ca) advising when the suspension of the signing requirements has lapsed.

Please feel free to contact Mark Mossey, Executive Legal Officer, Office of the Chief Justice, at [mmossey@gov.nu.ca](mailto:mmossey@gov.nu.ca) with any questions or concerns you may have with the above.

Chief Justice Neil Sharkey  
Nunavut Court of Justice