



NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE #6

The availability of appropriate facilities for Court in communities in Nunavut can impact the viability of trial matters. The *Criminal Rules of Court* in Nunavut set out the steps for determining the adequacy of facilities in a community that is being proposed to set a trial. This Practice Directive sets out the procedure for the preparation and distribution of the report and for the submissions of Counsel in the event the Court has concerns about the ability of the trial to be held in the Community.

PROCEDURE TO DETERMINE TRIAL VIABILITY

A viability assessment shall be prepared by the Sheriff or his designate upon the request of the Court for matters that are scheduled in Assignment Court.

Dates given for matters subject to an assessment shall be considered tentative until confirmed by the Court following the review of the assessment. Such matters will be set to the next available Assignment Court list to be spoken to for the receipt of the assessment.

The NCJ Trial Coordinator shall, following each sitting of Assignment Court, advise the Sheriff of all matters for which an assessment has been requested.

The Assessment shall be completed in Form 6A for matters scheduled for Jury Trials and form 6B for Judge Alone Trials.

The Sheriff, in consultation with the NCJ Travel Coordinator, and the appropriate Court Services Managers, shall complete the assessment report and provide the completed report to the Court and counsel no less than seven days before the matter's next scheduled appearance in Assignment Court.

Upon review of the assessment, if the Court has concerns about the viability of the trial to proceed in the tentatively scheduled community, Counsel shall be invited to prepare submissions at a hearing date to be fixed by the Court during the Assignment Court date. Counsel shall provide submissions, in writing, to the Court no later than seven business days before the scheduled hearing date unless otherwise ordered.

The hearing shall be heard by the Trial Judge assigned to hear the matter. If the matter is assigned to a Deputy Judge of the Nunavut Court of Justice, the matter will be assigned to a Resident Judge for consideration.

Following the submissions of Counsel, the assigned Judge will determine the appropriate location for the trial in accordance with Rule 37.

This Practice Directive comes into force immediately.

Mr. Justice R. Kilpatrick

Mr. Justice N. Sharkey

Madame Justice S. Cooper

Madame Justice B. Tulloch

Mr. Justice P. Bychok