



NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE #3

There are many provisions in the *Criminal Code* and other statutes that provide for mandatory publication bans in particular matters. The Court may also be asked to consider a publication ban under its discretionary powers at common law. It is important, to preserve the open court principle, to provide notification to the media if there are requests to impose discretionary publication bans on matters before the court.

This Practice Directive relates to applications for these discretionary bans in both Civil and Criminal matters.

DISCRETIONARY PUBLICATIONS BANS

In the event that counsel wish to apply for a discretionary publication ban, notice of the application ban shall be filed with the Court no later than ten (10) clear days prior to the commencement of the trial, hearing or other proceeding that would otherwise be held subject general rules for access. The application must be accompanied by a supporting affidavit and the proposed draft order.

This application shall be required even in the case where all parties to the named in the proceeding consent to the imposition of the ban.

Upon receipt of an application for a discretionary publication ban, the Registry shall transmit a notice to the media advising of the application to the Nunavut Court of Justice Media List Serv within one (1) business day of receiving the application. Further, a notice of the application shall be posted on the bulletin board in the lobby of the Nunavut Justice Centre in Iqaluit.

Interested parties in the proceeding to which the application relates shall be served no later than three (3) business days before the date scheduled for the application.

The application shall be heard by the judge assigned to hear the case to which the application relates, or if no judge has been assigned, by any judge of the Nunavut Court of Justice.

The application may be set down for a hearing at any regular or special chambers date or, with leave of the Administrator, Trial Scheduling at the commencement of the hearing or proceeding to which the application relates. However, if the application relates to a trial, then the application must be set down for a hearing prior to the commencement of the trial.

Parties claiming an interest in the application may apply to the Court for standing at the commencement of the hearing.

Counsel may make an *ex parte* application to the designated judge or to the Senior Judge for further directions if required.

This Practice directive comes into force immediately.

DATED at the City of Iqaluit, Nunavut, this 8th day of January, 2016.

Mr. Justice R. Kilpatrick

Mr. Justice N. Sharkey

Madame Justice S. Cooper

Madame Justice B. Tulloch

Mr. Justice P. Bychok