



Effective Date: 2012/06/01

Number: PD- 35

Title:

Practice Direction

Sealing Orders in Civil and Family Proceedings

Summary:

This Practice Direction sets out the procedure for applying for an order sealing all or part of the court file in a civil or family law case. The Practice Direction requires that at the hearing of an application for a sealing order, the applicant must provide to the Court a draft sealing order in the form attached as Schedule A. This Practice Direction does not address the jurisdiction to grant a sealing order and pertains only to the process for application. The Practice Direction does not derogate from the limitations on access to court files that are provided by enactments and the Supreme Court Rules.

Direction:

Application for sealing order

1. An application for a sealing order in a civil or family case must be set for hearing. Applications for such an order may not be brought by desk order, even if by consent.
2. At the hearing of an application for a sealing order in a civil or family law case, the applicant must provide to the Court, a draft sealing order in the form attached in Schedule A.
3. Every relevant section of the draft form of sealing order must be completed by the applicant, including the applicant's proposal for the following:
 - a. whether the sealing order will apply to the entire court file or only to particular documents (in the latter case, the particular documents must be specifically identified);
 - b. who will be entitled to have access to the sealed file or documents;
 - c. whether the court clerk's notes will be sealed;
 - d. whether the sealing order itself will be sealed;

- e. what the duration of the sealing order will be.
4. On each occasion when an application to amend an existing sealing order is made, a new draft sealing order in the form attached in Schedule A must be provided to the Court at the hearing of the application.

The sealing order

5. If, on the hearing of an application, a sealing order is granted:
- a. the the draft form of sealing order will be signed by the Court and endorsed with any changes; and
 - b. the applicant or counsel for the applicant must meet with court registry staff immediately following the hearing of the application to confirm which documents are subject to the sealing order.

Documents submitted to the registry before a sealing order is obtained

6. Where a sealing order is obtained for documents in an existing court file, the applicant or applicant's counsel must meet with court registry staff immediately after the hearing of the application to confirm which documents are subject to the sealing order and how many copies of the documents to be sealed were provided to or filed with the registry.

Documents submitted to the registry after a sealing order is obtained

7. Where counsel or a party submits documents to the registry for filing after the court has ordered the sealing of the entire court file, the documents must be submitted in an unsealed enveloped with the following notice on the front of the envelope:

The enclosed listed documents are to be sealed pursuant to the order of _____ , dated _____:

- 1. _____
- 2. _____
- 3. _____ etc.

Registry staff to attach sealing order to court file or documents

8. Where a sealing order directs that the entire court file be sealed, the registry staff must attach the sealing order to the front of the court file. Where a sealing order directs that particular documents within the court file be sealed, the registry staff must segregate those documents in a package and attach the sealing order to the front of the package containing the sealed documents.

Robert J. Bauman
Chief Justice

Schedule A

Court File No.:
Court Registry:

In the Supreme Court of British Columbia

[Style of Proceeding]

SEALING ORDER

BEFORE)
)
)
)
*[dd/mmm/yyyy]*....)
)

ON THE APPLICATION of
[party(ies)]

[] coming on for hearing at on*[dd/mmm/yyyy]*..... and on hearing
.....*[name of party/lawyer]*..... and*[name of party/lawyer]*.....;

[] without notice coming on for hearing at on*[dd/mmm/yyyy]*..... and on
hearing*[name of party/lawyer]*..... and*[name of party/lawyer]*.....

THIS COURT ORDERS that:

Access to Sealed Items permitted by:

[Select all applicable]

- Counsel of Record
- Parties on Record
- Further Court Order
- Others _____

Items to be sealed

Document Name:	Date filed: <i>(Date on Court Stamp)</i>	Number of copies filed, including any extra copies for the judge.	Duration of sealing order: <i>(to specific date or until further order)</i>	Sought	Granted	
					YES	NO
1) <u>Entire File</u>	various			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) <u>Specific Documents:</u> <i>Attach list identifying the specific documents to be sealed.</i>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) <u>Clerk's Notes</u>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) <u>Order</u>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

By the Court

.....
Registrar

.....
Signature of [] party [] lawyer for
[type or print name]

.....
Signature of [] party [] lawyer for
[name of party(ies)]

.....
[type or print name]