



Effective Date: 2019/10/28

Number: PD - 56

Title:

Practice Direction

Notification of Publication Ban Applications

Summary:

This Practice Direction provides direction regarding the procedure throughout the province for providing electronic notification of applications for statutory and common law discretionary orders to ban publication or to close the courtroom in criminal, quasi-criminal or civil proceedings, using the Court's subscription notification service.

Direction:

Application of this Practice Direction

1. This Practice Direction replaces the Practice Direction *Re: Publication Ban Notification Project – Expansion to New Westminster* dated October 29, 2009. It applies to all applications for statutory and common law discretionary orders to ban publication or close the courtroom in criminal, quasi-criminal or civil proceedings except as set out below.
2. This Practice Direction does not apply to the following:
 - a. proceedings that relate to the authorization or implementation of investigative measures in criminal or quasi-criminal matters;
 - b. applications for non-disclosure of information, anonymity orders or sealing orders; and
 - c. family law proceedings.

Requirement to Bring an Application

3. This Practice Direction does not alter the existing rules regarding the requirement of an applicant to serve an application for a publication ban or an order to exclude the public from the courtroom as set out in Rule 2 of the *Criminal Rules of the Supreme*

Court of British Columbia, SI/97-140 or in Part 8 of the Supreme Court Civil Rules, B.C. Reg. 168/2009.

Notification of Media and Public

4. Unless the presiding judge otherwise orders, a party who has filed an application for a discretionary order to ban publication or close the courtroom must also provide notice to subscribers of the court's notification system by completing and submitting the notice form on the Publication Ban Notification page of the Supreme Court website (www.bccourts.ca/supreme_court/publication_bans/application.aspx) at least two clear days before the date stated in the notice of application for the hearing of the application or within such other time-frame as directed by the judge (the "Notification Requirements").
5. Once submitted, the information contained in the notice form will be automatically transmitted to all subscribers. For this reason, the specific information sought to be protected by a publication ban (e.g., witness or complainant's name or identifying information) should not be included in the notice form.
6. Notification is made through a Really Simple Syndication Service (RSS) maintained on the Court's website. Media representatives and members of the public may subscribe to the RSS by visiting the Publication Ban Notification page on the Supreme Court website and following the instructions there.
7. The Notification Requirements will also be triggered by any application to vary, vacate or set aside a statutory or common law discretionary order to ban publication or close the courtroom in criminal, quasi-criminal or civil proceedings.
8. Only those who have subscribed to the RSS will receive notification pursuant to this Practice Direction. Standing to be heard on the application remains in the sole discretion of the judge hearing the application.

Notice of Orders Made

9. The terms of discretionary publication bans and orders made excluding the public from the courtroom will be posted on the Publication Ban Search page of the Court website (https://www.courts.gov.bc.ca/supreme_court/publication_bans/search.aspx). Orders made in the Vancouver Courts since October 3, 2005 are posted on the website. Orders made in the New Westminster Courts after November 1, 2007 are also posted. Information on bans ordered in Supreme Court prior to this date is available from the Court registry.

Chief Justice C.E. Hinkson