



The Provincial Court of Saskatchewan

PRACTICE DIRECTIVE VIII

Charter Applications and Related Matters

1. Where Counsel is aware that a Charter application or an application under s. 52 of the Constitution Act, 1982 will be made at trial, notice of that application in the attached form shall be given to each interested party at least 14 days prior to hearing or at such earlier time as is directed by the Court. For greater certainty, such notice shall be given to the Court, the Crown, and to co-accused(s). In the event that relief other than exclusion of evidence is being sought (i.e.: seeking Charter, s. 24(1) relief or relief under s. 52 of the Constitution Act, 1982) notice must also be given to the Constitutional Law Branch of the Ministry of Justice of Saskatchewan and to the Department of Justice (Canada) in order to comply with The Constitutional Questions Act, 2012.
2. The Court encourages the filing of a Brief of Law in support of the application, which should be consistent with Practice Directive II (Briefs of Law).
3. Should a Charter or other constitutional issue arise during the trial in respect of which no notice has been given, the Judge may adjourn the trial so that proper notice can be given.
4. Notice and written argument can be given by any common means, including, but not limited to facsimile transmission.



IN THE PROVINCIAL COURT OF SASKATCHEWAN

NOTICE OF CHARTER APPLICATION

R. v. _____ Information # _____
(Name of Accused)

To: Presiding Judge of the Provincial Court of Saskatchewan, sitting at _____, Saskatchewan.

To: _____,
(Prosecuting Body or Office Designated to Prosecute the Matter)

To: _____, co-accused/s,

To: Constitutional Law Branch of the Ministry of Justice of Saskatchewan (If relief other than the exclusion of evidence is requested.)

To: Department of Justice (Canada) (If relief other than the exclusion of evidence is requested.)

Charges:

(Set out charge(s), including, without limitation, the date(s) and place(s) of the alleged offence(s). In the case of lengthy charges, a summary will be sufficient.)

The Applicant, _____, hereby gives notice that at _____ on _____ day, the _____ day of _____, 20_____, at Courtroom # _____ at _____, in the Province of Saskatchewan, he/she will apply to this Honourable Court under subsection _____ of section 24 of the Canadian Charter of Rights and Freedoms or under section 52 of the Constitution Act, 1982 for the following relief:

(Set out the specific order requested, such as, exclusion of the Certificate of Analyses from the evidence, a stay of proceedings, etc.) on the grounds that the accused's rights guaranteed under section(s)

The Applicant submits that the appropriate procedure for the hearing of this application is:
(check one)

_____ Voir Dire before the commencement of evidence in the trial with decision before commencement of the evidence in the trial proper.

_____ Voir Dire during trial with decision to be given prior to defence case.

_____ Voir Dire during trial with decision to be given at the conclusion of the trial.

_____ No Voir Dire is necessary, the whole of the evidence to be applied to the application, with decision at conclusion of the trial.

_____ Other (specify) _____

Dated this _____ day of _____, 20____.

Counsel for the Applicant

Whose address for service is:

Address _____

City _____

Saskatchewan, (postal code)_____

Tel: _____ Fax: _____