

CRIMINAL PRACTICE DIRECTIVE NO. 5
BOOKS OF AUTHORITIES

Effective May 15, 2019

Criminal Practice Directive No. 5 (effective November 1, 2009, amended October 1, 2014) is cancelled and the following substituted:

General

1(1) Under *The Court of Appeal Criminal Appeal Rules (Saskatchewan)*, parties are not required to file copies of the authorities relied on, but counsel and self-represented litigants may choose to file a book of authorities for the convenience and reference of the Court.

(2) The Court encourages counsel to cooperate in the production of a common book of authorities containing the authorities relied on by all parties.

(3) If only a few authorities are relied on by a party, those authorities may be included as an appendix to the party's factum if the authorities are:

- (a) listed in the index at the beginning of the factum, as described in Rule 29(4) of *The Court of Appeal Rules (Civil)*; and
- (b) separated from the main body of the factum with tabs.

Authorities

2(1) Subject to subsections (2) and (3), a party may file a book of authorities containing all or some of the authorities referred to in the party's factum, including cases, legislation, and academic or other writings.

(2) A book of authorities shall not include any authority mentioned in the *Book of Authorities Criminal Exclusion List*, which is Appendix A to this Directive.

(3) If a common book of authorities is not produced:

- (a) the respondent's book of authorities shall contain only those authorities not found in the appellant's book; and
- (b) an intervener's book of authorities shall contain only those authorities not found in an appellant's nor a respondent's book.

Form

3(1) The cover of an appellant's book of authorities and of a common book of authorities shall be buff in colour, a respondent's green and an intervener's red.

(2) Each volume of a book of authorities shall contain an index that lists the authorities included in all volumes and indicates the volume and the tab under which each authority is to be found.

(3) The index of authorities shall list cases, legislation, and academic or other writings separately and in alphabetical order under each category, with citations that comply with Criminal Practice Directive No. 7.

(4) Each authority shall be marked by and separated from other authorities with a tab.

(5) If a book of authorities exceeds 300 pages, it shall be bound in volumes of not more than 200 pages each.

(6) If there is more than one volume to a book of authorities, the cover and the spine of each volume shall indicate the volume number.

(7) Authorities shall be printed on both sides of a page.

(8) A book of authorities shall contain at least as much of the text of the authorities as is necessary to provide a full understanding of the passage or passages relied on in argument.

Marking of passages

4 A party may mark the passages in the authorities that are relied on in argument, by way of coloured highlighting, underlining, marginal bars or similar technique.

Number of copies

5 Unless otherwise directed by the Registrar, a party who chooses to file a book of authorities shall file 3 copies of the book with the Registrar.

Service and filing

6 A party who chooses to file a book of authorities shall serve the book on all parties to the appeal before it is filed with the Registrar, and proof of service shall be filed at the time of filing a book of authorities.

NOTE: This Practice Directive is issued by the Court under the authority of *The Court of Appeal Act, 2000*.

Melanie A. Baldwin, Q.C., Registrar
Court of Appeal for Saskatchewan

APPENDIX A
Book of Authorities Criminal Exclusion List

CASES

1. ***R v Biniaris***
2000 SCC 15, [2000] 1 SCR 381
2. ***R v Bray***
2017 SKCA 17
3. ***R v Grant***
2009 SCC 32, [2009] 2 SCR 353
4. ***R v Kienapple***
[1975] 1 SCR 729
5. ***R v Lacasse***
2015 SCC 64, [2015] 3 SCR 1089
6. ***R v Oakes***
[1986] 1 SCR 103
7. ***R v Palmer***
[1980] 1 SCR 759
8. ***R v Sheppard***
2002 SCC 26, [2002] 1 SCR 869
9. ***R v Stinchcombe***
[1991] 3 SCR 326
10. ***R v W.(D.)***
[1991] 1 SCR 742
11. ***R v Yebe***
[1987] 2 SCR 168

STATUTES

1. ***Canadian Charter of Rights and Freedoms***, Part I of the *Constitution Act, 1982*, being Schedule B of the *Canada Act 1982 (UK)*, 1982, c 11
2. ***Constitution Act, 1867*** (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5
3. ***Controlled Drugs and Substances Act***, SC 1996, c 19
4. ***The Court of Appeal Act, 2000***, SS 2000, c C-42.1
5. ***Criminal Code***, RSC 1985, c C-46
6. ***Youth Criminal Justice Act***, SC 2002, c 1

RULES

1. ***The Court of Appeal Criminal Appeal Rules (Saskatchewan) & Practice Directives***
2. ***The Queen's Bench Rules***