



COURT OF QUEEN'S BENCH FOR
SASKATCHEWAN

CRIMINAL PRACTICE DIRECTIVE #7

COURT RECORDING OF PROCEEDINGS - REQUEST FOR COPY

REFERENCE: CRIM-PD #7

Effective: May 1, 2019

1. This practice directive applies to all criminal proceedings in the Court of Queen's Bench.
2. In this practice directive, "recording" or "recording of a proceeding" means an audio or video recording of a criminal proceeding made by or on behalf of the Court.
3. Subject to paragraphs 4 and 5, and to any enactment, rule of court (criminal), or order granting or restricting access to a proceeding, no person shall obtain or make a copy of a recording of a proceeding except by order of the Court.
4. The local registrar may provide a copy of a recording of a proceeding to the Crown or the defence lawyer of record who files a request with the Court in the attached Form A.
5. Any person, other than the Crown or the defence lawyer of record, seeking a copy of the recording of a proceeding must file an application with the Court in the attached Form B.
6. On receipt of an application pursuant to paragraph 5, the Court may do any of the following:
 - (a) require that notice of the application be given to the other parties to the proceeding or to other interested persons;
 - (b) set the matter down for a hearing;

- (c) grant the application, on any terms and conditions that the Court may direct;
 - (d) dismiss the application.
7. An order granting a request for a copy of the recording of a proceeding may be in the attached Form C with any additional terms and conditions that the Court may direct.

Chief Justice M.D. Popescul
Court of Queen's Bench for Saskatchewan

FORM A

COURT FILE NUMBER: _____

COURT OF QUEEN’S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE OF: _____

IN THE MATTER OF: Her Majesty the Queen v _____

**REQUEST BY LAWYER OF RECORD FOR A COPY OF THE
RECORDING OF A PROCEEDING**

TO: The Local Registrar

I, _____ am the

- Crown prosecutor for this matter
- the defence lawyer of record

and I request a copy of the recording of the proceeding that occurred on (*or* that will occur on)

_____, 2 _____

- in its entirety

or

- limited to:

(specify times or other limiting parameters (example: the testimony of a certain witness))

As a lawyer and as an officer of the Court, I undertake to comply with the following conditions:

1. I will use the recording of the proceeding, and the contents thereof, only for proper purposes in connection with the performance of my duties as counsel in this matter.
2. I will not, except as is necessary and incidental to the performance of my role as counsel in this matter, transcribe, copy, or convert to text any of the data contained in the recording.

3. I will not publish, broadcast, distribute, share, sell or disseminate, in any form or format, the data contained in the recording.

4. I will at all times retain possession or control of the data storage device containing the recording and any copies thereof, and not permit any persons, other than members of my office or firm acting under my direction, access to the recording or copies.

5. When my need for the recording of the proceeding has ended, and in any event within 90 days after my receipt of the same, I will return the data storage device containing the recording of the proceeding and any copies thereof to the local registrar unless I have obtained an order of the Court extending the time that I may retain the data storage device containing the recording of the proceeding.

DATED at _____, Saskatchewan, this _____ day of _____, 2_____.

(signature of applicant)

(print name of applicant)

CONTACT INFORMATION AND ADDRESS FOR SERVICE:

Name of lawyer: _____

Address: _____
(set out the street address)

Telephone number: _____

Fax number *(if any)*: _____

E-mail address *(if any)*: _____

FORM B

COURT FILE NUMBER: _____

COURT OF QUEEN’S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE OF: _____

IN THE MATTER OF: Her Majesty the Queen v _____

**APPLICATION WITHOUT NOTICE FOR A COPY OF THE
RECORDING OF A PROCEEDING**

This application is being made without notice:

Applicant

1. I, _____, of _____,
(name of applicant)
Saskatchewan,

make this application in my capacity as:

- the accused in this proceeding
- an accredited member of the media
- a member of the public
- other, specify _____

Copy Sought

2. I seek a copy of the recording of the proceeding that occurred on *(or that will occur on)*
_____, 2 ____ *(select applicable clause)*

- in its entirety

or

- limited to:

(specify times or other limiting parameters, e.g. the testimony of a certain witness)

Purposes and Manner of Use

3. I seek a copy of the recording of the proceeding for the following purposes:

4. I intend to use the copy of the recording of the proceeding only in the following manner:

5. I require the copy of the recording of the proceeding for the following length of time: _____ . *(If the applicant requires more than 90 days, explain why the amount of time requested is needed)* for the following reasons:

Draft Order

6. In support of this application, a draft order in Form C is attached.

Applicant's understanding and promise

7. I have read the attached draft order and understand the terms and conditions set out in the order. I further understand that I may be held to be in contempt of court should I fail to comply with any of the terms and conditions of the order.

8. If an order is issued granting me a copy of the recording of the proceeding, I will fully comply with the terms and conditions of the order.

DATED at _____, Saskatchewan, this _____ day of _____, 2____.

(signature of applicant)

(print name of applicant)

CONTACT INFORMATION AND ADDRESS FOR SERVICE:

Name of applicant: _____

Address: _____
(set out the street address)

Telephone number: _____

Fax number *(if any)*: _____

E-mail address *(if any)*: _____

FORM C

COURT FILE NUMBER: _____

COURT OF QUEEN’S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE OF: _____

IN THE MATTER OF: Her Majesty the Queen v _____

ORDER FOR A COPY OF THE RECORDING OF A PROCEEDING

Order made this _____ day of _____, 2____.

Before the Honourable _____ in chambers, the _____ day of _____, 2____.

On having read the application of _____, in their capacity as: _____.

The Court orders that:

1. The local registrar may provide the applicant with a data storage device containing a copy of the recording of the following proceeding:

recorded on the following date(s): _____

(hereafter referred to as “the recording”).

2. The applicant, on accepting receipt of a copy of the recording, shall: *(select the applicable paragraph)*

- (If the applicant is an accredited member of the media)
 - (a) not in any manner broadcast, publish, or otherwise make available the recording;
 - (b) use the recording only to verify the accuracy of reporting done in relation to the proceeding;
 - (c) not distribute, share, sell or disseminate, in any form or format, the data contained in the recording;
 - (d) at all times retain possession or control of the data storage device containing the recording and any copies thereof and not permit other persons, other than employees of

your accredited media outlet acting under your direction, access to the recording or copies; and

(e) return the data storage device and the recording and any copy made thereof to the local registrar within 90 days after receipt of the data storage device or such sooner time as the local registrar may direct.

□ *(If applicant is the accused in these proceedings, a member of the public, or other applicant)*

(a) not in any manner broadcast, publish, post on the internet or otherwise make available the recording;

(b) use the recording solely for the following purpose(s);

(c) not share the data storage device or the recording with any other person except for the following persons or in the following circumstances:

(d) not make a copy of the data storage device or the recording in any form or format;

(e) not transcribe, convert to text, sell or disseminate, in any form or format, the recording or any part of the recording; and

(f) return the data storage device and the recording to the local registrar within 90 days after receipt of the data storage device or such sooner time as the local registrar may direct.

3. The local registrar shall notify the Court if the applicant is or is alleged to be in contempt of court for failing to comply with any of the terms of this order, and on further direction of the Court, the local registrar shall notify the applicant to attend before the Court to show cause why the applicant should not be declared to be in civil contempt of court.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2____.

Local Registrar

NOTICE

(To be used if the Order is issued pursuant to an application without notice)

Take notice that, unless the order is consented to by the respondent or a person affected by the order or unless otherwise authorized by law, every order made without notice to the respondent or a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.