



PROVINCIAL COURT  
OF SASKATCHEWAN

## CRIMINAL PRACTICE DIRECTIVE 10

### CHARTER APPLICATIONS AND RELATED MATTERS

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Effective: October 1, 2026

#### Purpose

This Practice Directive establishes the requirements and procedure for filing and serving *Charter* applications and other constitutional matters in the Provincial Court of Saskatchewan.

#### Application

This Practice Directive applies to all criminal trial proceedings in the Provincial Court of Saskatchewan where a party seeks relief under:

Section 24 of the *Canadian Charter of Rights and Freedoms*; or  
Section 52 of the *Constitution Act, 1982*.

#### Directives

1. If counsel intends to bring a *Charter* application, or an application under section 52 of the *Constitution Act, 1982* at trial, notice must be provided via Form PD-10-1: Notice of Charter Application: to:
  - 1.1 The Court;
  - 1.2 The Crown;
  - 1.3 Any co-accused; and
  - 1.4 If relief other than the exclusion of evidence is sought, to the Constitutional Law Branch of Saskatchewan Justice and the Department of Justice (Canada).
2. The notice must be served on all interested parties at least 30 days before trial unless the Court orders otherwise.
3. The notice must include:
  - 3.1 The constitutional issue to be raised;
  - 3.2 The relief sought (e.g., exclusion of evidence, stay of proceedings);
  - 3.3 The legal and factual basis for the application;
  - 3.4 References to *Charter* section(s) or constitutional provisions relied upon; and
  - 3.5 The suggested procedure for hearing the application.

4. At least 14 days before the trial date, the Crown must file a reply to the motion *Form PD-10-2: Reply to Notice of Charter Application*.
5. Notice may be served by any reliable method, including electronic or facsimile transmission.
6. Proof of service on all interested parties must be filed with the Court before the trial date.
7. Counsel are encouraged to file Briefs of Law in support of their positions, consistent with Provincial Court Practice Directive 12 – Briefs of Law.
  - 7.1 In the absence of a filed brief, counsel must provide a list of citations for legal authorities, including pinpoint references. Filing the cases is not necessary unless the Court directs otherwise.
8. If a *Charter* or constitutional issue arises at trial without prior notice, the trial judge may adjourn proceedings to allow proper notice to be provided.

### **Forms**

**Form PD-10-1:** Notice of Charter Application

**Form PD-10-2:** Reply to Notice of Charter Application

### **Related Practice Directives**

**Practice Directive 5** - Filing Court Documents

**Practice Directive 12** - Briefs of Law