PROVINCIAL COURT
OF SASKATCHEWAN

CRIMINAL PRACTICE DIRECTIVE 11

CHARTER APPLICATIONS – *SECTION 11(b)* RIGHT TO BE TRIED WITHIN A REASONABLE TIME

Effective: October 1, 2026

Purpose

This Practice Directive sets out the applicable procedure when an accused person seeks a stay of proceedings or other relief under section 24(1) of the *Canadian Charter of Rights and Freedoms*, based on an alleged breach of the right to be tried within a reasonable time as guaranteed by section 11(b) of the Charter.

Application

This Practice Directive applies to all Provincial Court criminal trial proceedings.

Directives

1. An application under section 11(b) of the *Charter* must be made prior to the scheduled trial date.

2. The applicant must request a hearing date from the court clerk at least 90 days before the scheduled trial date. The clerk will provide a hearing date at least 30 days prior to the trial.

3. Unless otherwise directed by the Court, at least 45 days before the hearing, the applicant must serve *Form-PD-11-1: Notice of Charter Application* on:

    3.1 The Court;

    3.2 The Crown;

    3.3 Any co-accused;

    3.4 The Constitutional Law Branch of the Saskatchewan Ministry of Justice; and

    3.5 The Department of Justice (Canada).

4. Unless otherwise directed by the Court, the notice must include transcripts of all prior court appearances. Each provided transcript must include all discussion related to adjournments, scheduling and selecting future court dates. Portions of transcript dedicated to evidence or submissions on other points should not be included with the filing.

5. Notwithstanding Directive 4, counsel are encouraged to work together to identify undisputed facts and any periods of delay that the parties agree are attributable to the defence or to "exceptional circumstances" within the meaning of *R v Jordan* 2016 SCC 27. Where such agreement occurs, a written statement of agreed facts may be filed making the filing of transcripts of court appearances associated with the agreed facts unnecessary.

6. All other parties must file *Form-PD-11-2: Reply to the Charter Application* no later than 30 days prior to the hearing, unless the Court directs otherwise.

Forms

Form PD-11-1: Notice of Charter Application under Section 11(b) and 24(1)

Form PD-11-2: Reply to Charter Application

Related Practice Directives

Practice Directive 5 – Filing Court Documents