



PROVINCIAL COURT
OF SASKATCHEWAN

CRIMINAL PRACTICE DIRECTIVE 7

APPLICATION FOR COURT-APPOINTED LAWYER

Effective: October 1, 2026

Purpose

This Practice Directive outlines the procedure by which an accused person may apply to the Provincial Court of Saskatchewan for the appointment of counsel under sections 7 and 11(d) of the *Canadian Charter of Rights and Freedoms*, with remedies under section 24(1).

Application

This Practice Directive applies to all criminal proceedings in the Provincial Court of Saskatchewan.

Directives

1. An applicant must first apply to Legal Aid Saskatchewan and receive a written refusal, termination, or ineligibility notice (commonly referred to as a “letter of denial”).
 - 1.1 The denial letter must be attached to *Form PD-7-1: Notice of Application for Court-Appointed Lawyer*.
2. The applicant must complete *Form PD-7-1: Notice of Application for Court-Appointed Lawyer*. If a Legal Aid denial letter is not available or not attached, *Form PD-7-2: Waiver* must be completed authorizing Legal Aid to disclose the applicant’s status.
 - 2.1 Applications must be filed at the Provincial Court location where the matter will be heard.
3. Applicants are not required to serve their application personally. Upon filing, the Court will ensure service on the Attorney General of Canada and the Attorney General for Saskatchewan, as per section 15.3 of the *Constitutional Questions Act, 2012*.
4. The hearing of the application must be scheduled no sooner than 14 days after service on the Attorneys General.
 - 4.1 Applications for court-appointed counsel relating to sentencing for summary conviction offences or for summary bail hearings are exempt from this 14-day notice requirement.
5. The applicant must attend the hearing in person.

6. Counsel for the Attorney General may appear and oppose the application.
7. The judge may require the applicant to give sworn or affirmed evidence and will issue a decision after considering the application.
8. The applicant must establish on a balance of probabilities that:
 - 8.1 They have been denied Legal Aid;
 - 8.2 They cannot afford a lawyer; and
 - 8.3 A fair trial is not possible without legal representation, considering:
 - 8.3.1 The seriousness of the charge;
 - 8.3.2 The complexity of the case; and
 - 8.3.3 The applicant's personal circumstances.
9. If the application is granted, the Court may order the applicant to make monthly contributions toward legal fees, using *Form PD-7-3: Order for Financial Contribution to Court-Appointed Counsel*.
10. Applicants are encouraged to consult the Courts and Community Justice Division's Information Booklet titled "How to Apply for a Court-Appointed Lawyer" for detailed guidance.

Forms

Form PD-7-1 – Notice of Application for Court-Appointed Lawyer

Form PD-7-2 – Waiver (if Legal Aid letter is unavailable)

Form PD-7-3 – Order for Financial Contribution to Court-Appointed Counsel