



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *25 August 2021*

NP 22 *Revisions in red*

NOTICE TO THE PROFESSION AND PUBLIC

IN-PERSON PROCEEDINGS DURING COVID-19: HEALTH AND SAFETY PROTOCOLS

Purpose

As described in [Notice to the Profession and Public 19](#), the Provincial Court is hearing proceedings virtually and in person throughout the Province.

The B.C. Government's [Restart Plan](#) includes a shift from COVID-19 infection prevention and exposure control measures to ongoing communicable disease prevention measures in Step 3. While the Restart Plan sets dates and criteria for each step, as noted in [Guidance for Courthouse Users During the COVID-19 Pandemic & BC Restart Plan](#), the Provincial Health Officer [Statement for Employers on Transitioning from COVID-19 Safety Plans to Communicable Disease Plans](#) recognizes that **some workplaces may maintain current COVID-19 Safety Plan protocols for a longer period to allow for a transitional period and progression from COVID-19 Safety Plans to communicable disease plans.**

All existing infection prevention and exposure control measures (including health screenings at courthouse entrances and capacity limits for courtrooms) will remain in place. The "Face Masks or Face Coverings" section has been revised as noted below. The Provincial Court will reassess these measures in **September 2021.**

Anyone appearing for an in-person hearing must be in full compliance with this Notice.

This Notice is subject to amendment if there are changes in the COVID-19 situation in British Columbia. Any resurgence of COVID-19 may necessitate adjustments to the prevention and control measures or a return to earlier safeguards.

Judges, Judicial Justices, and Judicial Case Managers ("Judicial Officers") have the discretion to direct more detailed precautions depending on the circumstances of a particular court proceeding.

Please refer to the Ministry of Attorney General's [webpage](#) summarizing the steps Government has taken to ensure everyone's safety at all resumed in-person proceedings.

Notice

1. Addressing instances of symptomatic participants

Counsel and self represented parties must be in a position to confirm at the opening of a proceeding, and at the start of each day of the proceeding, that to their knowledge, no one involved on their side (including counsel, the party, the accused or witnesses) has any symptoms of illness that may be related to COVID-19. See BC Centre for Disease Control [website](#) for key symptoms of COVID-19.

Counsel and self represented parties must also be in a position to confirm that to their knowledge, no one involved on their side traveled outside Canada within 14 days of their anticipated in-person appearance in a courtroom.

If an individual who is or was in court starts experiencing any symptoms of COVID-19, they should complete the [BC Centre for Disease Control's self-assessment tool](#), call 811, and/or contact their primary care provider for personal medical advice and follow any directions provided. If the medical advice or public health directions that individual receives could impact an ongoing or upcoming court appearance, counsel or self-represented parties should contact the applicable [court registry](#).

2. Witnesses

Prior to the proceeding, counsel or parties must determine if any potential witness is reluctant to attend court due to health-related concerns or for other reasons related to the public health emergency. If you become aware of this information in advance of the scheduled proceeding, parties should arrange to address the question of whether the witness can give evidence by other means, such as by affidavit or testimony by telephone or videoconferencing, etc. It will be up to parties (or their counsel) to make the necessary inquiries with Court Services Branch to ensure there are sufficient resources at the applicable court location for witnesses to appear remotely by video or audio conference, and to ensure that witnesses have the technology to appear remotely.

3. Courtroom Layout

The physical layout of the courtroom, including the position of counsel and the witness has been altered where possible to maintain a safe physical distance between all participants. Where physical distancing between all parties in the court can be achieved through the movement of furniture, plexiglass barriers will not be necessary. In areas where physical distancing cannot be maintained, barriers have been installed. The ability to move within the courtroom, such as by approaching a witness, will be restricted for physical distancing purposes.

Communication between counsel and parties

Counsel must consider how they intend to confer with co-counsel and their clients in the courtroom while maintaining a safe physical distance. Counsel should seek direction from the presiding Judicial Officer to communicate with co-counsel or their client by text message or another method that would not normally be acceptable in court.

Water

There will be no water jugs available in the courtroom during a proceeding. Counsel, parties, interpreters, and witnesses will be permitted to bring their own water in clear plastic bottles that are no larger than one litre in volume. Persons who bring their own water bottles should dispose of or remove them when leaving the courtroom. Sheriffs will provide water for in custody accused.

Public and media

In order to maintain a safe physical distance in the public gallery between members of the media and public, the number of seats available will remain reduced. If counsel or a party is aware of anyone who intends to observe all or part of the proceeding, they should advise those individuals that while the court remains open to the public, seating is limited, and entry into the courtroom will not be permitted if the safe physical distancing requirements cannot be maintained.

4. Face Masks

In a Courtroom

Individuals entering or present in a courtroom will be required to wear a face mask, unless exempted from doing so by the presiding Judicial Officer. The presiding Judicial Officer may also direct other health and safety measures depending on the circumstances of a particular court proceeding.

Any concerns on the part of counsel, parties or witnesses regarding the use of face masks in the courtroom should be raised with the Court at the earliest opportunity for consideration by the presiding Judicial Officer.

In a Courthouse

Please monitor the Court's [website](#) for announcements about the current public health recommendations or requirements about wearing face masks in public indoor settings.

5. Oaths or Affirmations

All witnesses testifying in court will presumptively affirm.

If a witness wishes to give evidence under oath rather than by affirmation, they must bring a Bible or other religious book or sacred object to court, and take the article with them when leaving court. There will be no Bibles or other religious books available in the courtroom.

6. Documents, Exhibits, and Authorities

Pre-trial conferences will include a discussion about measures that can be taken to reduce the number of physical exhibits entered, including a discussion around whether documents can be provided electronically.

Any party needing to handle an exhibit can use hand sanitizer after handling the exhibit. Gloves may also be available in some locations.

Counsel and self-represented parties must make every effort to limit documentary evidence and case authorities to those that are truly necessary. The Court has always discouraged the practice of filing binders of documents as exhibits that may not be referred to in evidence; that practice is particularly discouraged in the current circumstances. For books of authorities, counsel should include only those cases to which they need to, and will, refer.

Movement of documents and exhibits in the courtroom where unavoidable

Where the passing of copies of documents or physical exhibits to others in the courtroom is unavoidable, counsel and self-represented parties must use the hand sanitizer available in the courtroom to sanitize their hands before and after handling the documents. In addition to hand sanitizer, there may be a supply of gloves in the courtroom for anyone who wishes to use them, as well as instructions for the safe use, removal, and disposal of gloves.

In order to maintain a safe physical distance between counsel, the court clerk, and the witness, documents and exhibits should be placed on the document table before the court clerk and the Judicial Officer enter the courtroom. Where this is not possible or appropriate, at the time a document or exhibit is to be handed up, counsel or self-represented parties must place it on a document table and then return to counsel table at which point the court clerk will pick it up and hand it to the Judicial Officer or witness.

7. Cleaning and Sanitation

Government has retained daytime cleaning services during this COVID-19 period to ensure that the high touch areas in courtrooms and courthouse are cleaned daily, or upon request by the Court.

In order to facilitate the cleaning of counsel tables, the court requests that counsel who are appearing over multiple days on a particular matter remove their materials from the courtroom each night. If this is not possible or practical (e.g., because of the volume of materials), counsel should pack up their materials into boxes and store them underneath the counsel table.

Hand sanitizer will be available at the judicial bench, counsel tables, the witness stand, and the clerk's desk. All people attending court will be expected to use hand sanitizer frequently and will be required to apply sanitizer upon their entry to the courtroom.

For more information and details about cleaning protocols, please refer to the Ministry of Attorney General's [webpage](#).

8. Steps being taken to reduce the number of people attending court

Provincial Court registries are accepting all filings at the [applicable court registry](#) either in person or remotely (by mail, email, fax to fax filing registries under [GEN 01 Practice Direction](#), or using [Court Services Online](#) where available). To protect the health and safety of all court users and help contain the spread of COVID-19 while maintaining access to the Court, parties are encouraged to use remote filing options wherever possible.

Counsel attendance at court should be limited to those counsel who are appearing on a matter scheduled in court that day, where something substantive is happening. Counsel are encouraged to connect with witnesses and clients in advance of attending at the courthouse to ensure that the matter will proceed on the date scheduled, and that all of the court participants are not exhibiting any symptoms associated with COVID-19. If the matter will not be proceeding, please contact the Judicial Case Manager immediately to advise them. If the only purpose is to adjourn a matter to another date, neither counsel nor their client should attend court. Rather, in these circumstances, please see, for example:

- [Notice to the Profession and Public 19;](#)
- [FAM 07 CFCSA Consent Requisitions;](#)
- [CRIM 13 Initial Appearance Court During COVID-19 \(Consent Requisition form\);](#) and
- [Small Claims - Consent to adjourn settlement conference form, Consent to adjourn trial conference form](#)

for the processes to adjourn matters remotely. Counsel are also encouraged to obtain a designation of counsel on all indictable offences.

The Judicial Case Managers' offices operate on a remote basis at this time, except for in-person applications for judge-only warrants at the courthouses as described in Part V, section 8 of [Notice to the Profession and Public 19](#).

9. Further information

- [Protocol](#) for communication and testing related to COVID-19 at courthouses
- BC Centre for Disease Control [Guidance for Courthouse Users During the COVID-19 Pandemic & BC Restart Plan](#)
- [BC Centre for Disease Control Public Exposures webpage](#) regarding courthouse exposure events and incidents

History of Notice to the Profession and Public

- Original Notice to the Profession and Public effective June 05, 2020.
- See also NP 19 Notice to the Profession and Public - COVID 19.
- The Supreme Court of British Columbia's COVID-19 Notices and Announcements are posted [here](#).
- Amended Notice to Profession and Public effective on July 13, 2020 (housekeeping amendments consequential to NP 19 COVID: Resumption of Court Operations – July 13, 2020).
- Amended Notice to Profession and Public effective on September 15, 2020 (adds to para. 1 that counsel must also be in a position to confirm that to their knowledge, no one involved on their side traveled outside Canada within 14 days of their anticipated in-person appearance in a courtroom; and deletes last paragraph regarding unavailability of public listening stations).
- October 7, 2020 revised with housekeeping changes to remove historical dates.
- October 16, 2020 revised section 1 with updated list of symptoms as set out by the BC Centre for Disease Control, and to address situations arising during or after attending court.
- November 9, 2020 revised #4 on p. 4 regarding the wearing of masks in courthouses and courtrooms.
- November 25, 2020 revised #4 on p. 4 updating the requirement to wear face masks or face coverings in courthouses and courtrooms.
- January 29, 2021 revised section 1 to reflect CDC website on symptoms, section 9 added, and housekeeping changes.
- February 16, 2021 revised section 8 regarding JCM office and housekeeping changes.
- July 02, 2021 revised in accordance with updated BC Centre for Disease Control Guidance for Courthouse Users During the COVID-19 Pandemic & BC Restart Plan, and the government's Restart Plan.
- August 25, 2021 revised #4 to refer to Court Announcements for current public health masking recommendations or requirements in courthouses.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia