



SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

PRACTICE DIRECTIVE P.D. No. 2018-02

EFFECTIVE DATE: October 12, 2018

RULES AFFECTED: N/A

PREVIOUS PRACTICE
NOTES REVISED: N/A

The following Practice Directive is published pursuant to Rule 1.04 of the *Criminal Proceedings Rules of the Supreme Court of Newfoundland and Labrador*.

PUBLICATION BAN ORDERS - FORMS

Background and Purpose

1. Members of the public and the media have noted that it is sometimes difficult to quickly find information regarding whether there is a publication ban in effect in a given Court proceeding. And even where a person knows that a publication ban order is in place, it may not be obvious, on the face of a Court file, what authority was relied upon in making the order, and what information (names, identities, etc.) is covered by the order.
2. In an effort to ensure that the media, the public, and other justice system participants are aware of applicable publication restrictions, their scope, and the authority under which they are made, the Court issues the following Practice Directive, providing a number of fillable Publication Ban Order Forms for use in criminal proceedings.

Practice Note:

3. Where counsel is seeking a publication ban order pursuant to s. 486.4, 486.5, or 517(1) of the *Criminal Code*, they should file a draft order, using the appropriate form attached to this Practice Directive, with the necessary information filled in.

4. The judge may then review the draft order and, if appropriate, approve its form or require amendments thereto.

Authorized by:

Raymond P. Whalen
CHIEF JUSTICE OF THE SUPREME COURT
OF NEWFOUNDLAND AND LABRADOR

Ethel Chaulk
REGISTRAR



SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

**ORDER RESTRICTING PUBLICATION
Pursuant to Section 486.4**

BEFORE _____ Justice _____:

On application of the (mark applicable box):

Prosecutor _____ Witness _____

Victim _____

Or

On the Court's own motion,

The Court orders that any information that could identify:

(insert name of the victim or witness)

shall not be published in any document or broadcast or transmitted in any way.

Every person who fails to comply with an order made under Section 486.4 is guilty of an offence punishable on summary conviction.

DATED at _____, Newfoundland and Labrador, this ____ day of _____, 20____

Registrar/Registry Clerk



SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

**ORDER RESTRICTING PUBLICATION
Pursuant to Section 486.5**

BEFORE _____ Justice _____:

On application of the (mark applicable box):

Prosecutor _____ Witness _____

Victim _____

Justice system participant _____

Or

On the Court's own motion,

The Court orders that any information that could identify:

(insert name of the victim, witness, or justice system participant)

shall not be published in any document or broadcast or transmitted in any way.

Every person who fails to comply with an order made under Section 486.5 is guilty of an offence punishable on summary conviction.

DATED at _____, Newfoundland and Labrador, this ____ day of _____, 20__

Registrar/Registry Clerk



SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

**ORDER RESTRICTING PUBLICATION
Pursuant to s. 517(1)**

BEFORE _____ Justice _____:

On application of the (mark applicable box):

Defendant _____

Or

On the Court's own motion,

The Court hereby orders that the evidence taken, the information given, or the representations made and the reasons given at the Judicial Interim Release Hearing shall not be published in any document or broadcast or transmitted in any way before such time as,

(a) if a preliminary hearing is held, the accused in respect of whom the proceedings are held is discharged; or

(b) if the accused in respect of whom the proceedings are held is tried or committed for trial, the trial is ended.

Every person who fails to comply with an order made under s. 517(1) is guilty of an offence punishable on summary conviction.

DATED at _____, Newfoundland and Labrador, this ____ day of _____, 20____

Registrar/Registry Clerk
