

PRACTICE DIRECTIVE 1

CITATION, APPLICATION AND INTERPRETATION

CITATION

Short Title

1.01 These Practice Directives may be cited as the Provincial Court Practice Directives.

APPLICATION OF PRACTICE DIRECTIVES

Provincial Court of Manitoba

1.02 Except where otherwise stated, these Practice Directives apply to contested matters within the jurisdiction of the Provincial Court of Manitoba. These Practice Directives do not apply to *ex parte* applications or other applications that do not require that notice be given, except for those Practice Directives designating the appropriate forms to be used.

DEFINITIONS

1.03 In these Practice Directives, unless the context otherwise requires,

“Accused” means a person charged with any offence including a summary conviction offence but, except for Practice Directive 10 dealing with Constitutional Questions and *Charter* s.24(1) Remedies, does not include a person charged under the *Youth Criminal Justice Act* or the *Young Offenders’ Act*;

“*Charter*” means the *Canadian Charter of Rights and Freedoms*;

“Code” means the *Criminal Code of Canada*;

“Counsel or lawyer” means a barrister and solicitor entitled to practice law in the Province of Manitoba;

“Counsel or lawyer of record” means the counsel who represents or has represented the accused in the proceedings in respect of which the application is being made, or the counsel who has filed a designation in Form 2 pursuant to section 650.01 of the Code, but does not include counsel who are appearing for the accused as legal aid duty counsel;

“court” means the Provincial Court of Manitoba;

“court office” means the office at which the information was laid and proceedings commenced, as set out in Schedule 1 to these Practice Directives;

“holiday” means all statutory holidays and includes Saturday and Sunday;

“Information” means an Information as provided for in the Code, and includes an indictment;

“judge” means a judge of the court;

“justice” means a justice of the peace or a provincial court judge;

“prosecutor” means the Attorney General of Manitoba, the Attorney General of Canada or the person who institutes proceedings to which the Code applies, and includes counsel acting on behalf of any of them;

“clerk of the court” means those persons designated as such by the Chief Judge for each court office, for the purpose of these Practice Directives;

“trial coordinator” means those persons designated as such by the Chief Judge for each court office, for the purpose of these Practice Directives.

INTERPRETATION

General Principle: Purpose and Intent

1.04(1) (a) The purpose of these Practice Directives is to provide simple, effective and efficient management of proceedings with the court in order to prevent unnecessary delays;

(b) These Practice Directives are intended to provide for the just determination of contested proceedings by requiring proper notice and, where appropriate, documented evidence;

(c) These Practice Directives shall be liberally construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

Matters Not Provided For

1.04(2) Where matters are not provided for in these Practice Directives, the practice shall be determined by analogy to them.

Party Acting in Person

1.04 (3) Where an accused, applicant or respondent is not represented by counsel but acts in person, anything that these Practice Directives require or permit counsel to do shall or may be done by that person.

FORMS

1.05 The forms prescribed in the Appendix of Forms are intended to assist parties who have proceedings before the court and to promote uniformity of practice in the court. However, where another form of notice is used, the content of the notice shall nevertheless be in accordance with that required by these Practice Directives.