



The Provincial Court of Saskatchewan

PRACTICE DIRECTIVE VIII.1

Applications under s. 11(b) of the *Charter*

1. Unless otherwise ordered by the Court, an application pursuant to section 24(1) of *the Canadian Charter of Rights and Freedoms*, alleging a breach of the accused's right to be tried within a reasonable time under 11(b) of the *Charter*, shall be made prior to the trial date.
2. Unless otherwise ordered by the Court, no later than 60 days prior to the date set for trial, the applicant shall request a hearing date from the Court clerk.
3. Notice of the application shall be in the attached Form 1.
4. Notice shall be given at least 60 days prior to the hearing of the application, or at such shorter time as ordered by the Court, to the Court, the Crown, the co-accused(s), and as well to the Constitutional Law Branch of the Ministry of Justice of Saskatchewan and the Department of Justice (Canada), in order to comply with *The Constitutional Questions Act, 2012*.
5. Unless otherwise ordered by the Court, and subject to paragraph 6 below, the applicant's Notice must, at the time of filing, be accompanied by the transcripts of all prior court appearances in the case. Where an appearance includes the hearing of evidence and submissions, only the portion of the transcript reflecting discussions about adjournments, scheduling and selection of the next court date need be provided.
6. The Court encourages and expects the parties to work together to identify any periods of delay within the case that all parties agree are attributable to the defence or to "exceptional circumstances", as defined in *R. v. Jordan*, or (in transitional cases) to one of the five categories of delay identified in *R. v. Morin*: (i) inherent time requirements; (ii) delay attributable to the accused/defence; (iii) Crown delay; (iv) institutional delay and (v) other reasons for delay. Where the parties reach such an agreement, an agreed statement of facts may be filed with respect to that period, rather than transcripts and/or other evidence.

7. All other parties to the application shall file a Reply to the application at least 30 days prior to the hearing date in Form 2, unless otherwise ordered by the Court.



IN THE PROVINCIAL COURT OF SASKATCHEWAN

NOTICE OF CHARTER APPLICATION
PURSUANT TO S 11(b) and 24(1)

R v _____ Information # _____
(Name of Accused)

To: Presiding Judge of the Provincial Court of Saskatchewan, sitting at _____, Saskatchewan.

To: _____,
(Prosecuting Body or Office Designated to Prosecute the Matter)

To: _____, co-accused/s,

To: Constitutional Law Branch of the Ministry of Justice of Saskatchewan

To: Department of Justice (Canada)

Charges: _____

(Set out charge(s), including, without limitation, the date(s) and place(s) of the alleged offence(s). In the case of lengthy charges, a summary will be sufficient.)

The Applicant, _____, hereby gives notice that at _____

on _____ day, the _____ day of _____, 20 _____, at Courtroom # _____

at _____, in the Province of Saskatchewan, he/she will apply to this Honourable Court under subsection 24(1) the *Canadian Charter of Rights and Freedoms* for the following relief:

_____ a stay of proceedings, or
_____ other _____

on the grounds that the accused's rights guaranteed under section 11(b) of the *Canadian Charter of Rights and Freedoms* have been infringed or denied.

Set out a detailed timeline of the proceeding, including the periods that are admitted to be defence delay and/or exceptional circumstances outside of the Crown’s control:

Set out the evidence, case law, and argument(s) you will rely on in the application:

Transcripts

Oral testimony *(please provide the names of witnesses)*

Affidavits *(please provide the names of affiants)*

Agreed statement of facts

Case law and/or legislation

Brief statement of legal argument

Dated this ____ day of _____, 20____ .

(Signature of Applicant or Legal Representative)



IN THE PROVINCIAL COURT OF SASKATCHEWAN

REPLY TO *CHARTER* APPLICATION
PURSUANT TO S 11(b) and 24(1)

R v _____ Information # _____
(Name of Accused)

Name of Respondent(s) _____

Brief statement of reasons for opposing the application

Statement of facts that support your reasons for opposing the application

Set out the evidence, case law, and argument(s) you will rely on in the application:

Transcripts _____

Oral testimony *(please provide the names of witnesses)*

Affidavits *(please provide the names of affiants)*

Agreed statement of facts

Case law and/or legislation

Brief statement of legal argument

Dated this _____ day of _____, 20____.

(Signature of Applicant or Legal Representative)