

**COURT OF QUEEN'S BENCH OF ALBERTA**  
**CRIMINAL PRACTICE NOTE #4**  
**Q.B. CRIMINAL ORDERS RESTRICTING BANNING PUBLICATION, PUBLIC**  
**ACCESS OR OTHER NON DISCLOSURE ORDERS IN CRIMINAL MATTERS**

1. This practice note applies to an application for:

- a. a publication ban,
- b. a partial sealing order,
- c. an order preventing the identification of a witness, including the use of pseudonyms,
- d. an in camera hearing, or
- e. any other non disclosure or access limiting order.

under a judge's discretionary statutory or common law authority; it does not apply to orders which are mandated by statute . This practice note is not intended to restrict the Court's inherent jurisdiction to issue a publication ban of its own motion or determine appropriate interested parties.

2. "Interested parties" include the crown, the defence, a directly affected witness, the electronic and print media, and any other person named by the Court. Any other party claiming an interest in the proceedings must apply to the Court for standing to be heard at the application.

3. The procedure for the application is:

- a. The applicant must file three copies of the Notice of Application, prescribed in Form A, with the Clerk of the Court in the appropriate Judicial District and serve all interested parties except the media at least two clear days before the beginning of the proceeding to which the application relates.
- b. The applicant must also transmit an electronic copy of the Notice of Application to the electronic address of the Clerk of the Court of the appropriate Judicial District, at least two clear days before the proceeding to which the application relates.
  - (i) The Clerk of the Court shall re-transmit the Notice of Application electronically to the media noted on a list to be kept by the Clerk of the Court, or his/her designate.
  - (ii) The Clerk of the Court shall post the Notice of Application at the place reserved for giving notice at the Courthouse where the application is to be heard. <sup>(Note1)</sup>

4. The application may be made to: a.) the trial judge, if the trial judge has been assigned; b) a Criminal Appearance Court judge; c) the supervising judge or designate.
5. The Applicant may apply to the Court for further directions as to the persons to be served and the manner of service.
6. The information that is the subject of the initial application shall not be published without leave of the Court until the application is heard.

### **Sealing/Unsealing Court Files**

7. An application to seal the entire court file, or an application to set aside a sealing order, must be made to the Chief Justice, the Associate Chief Justice, or a designate, who may make such directions as to the parties, manner and time for service of notice that they, in their discretion, deem appropriate.

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Note 1

Until the electronic method is in place, the following procedure will govern:

3. a. The Applicant must file with the Clerk of the Court three copies of the Notice of Application, as prescribed in Form A, and, except with leave of the Court, serve the interested parties, except the media, two days before the beginning of the trial, application, proceeding, or matter to which the order is to apply.
- b. Unless otherwise ordered, and pending the implementation of an electronic form of notice, notice to the media is given by filing Form A with the Clerk of the Court, who will post the notice at the place reserved for such notice at the courthouse where the application is to be heard.

**CRIMINAL PRACTICE NOTE #4  
FORM A**

File # \_\_\_\_\_

IN THE COURT OF QUEEN'S BENCH  
JUDICIAL DISTRICT OF \_\_\_\_\_

BETWEEN:<sup>1</sup>

HER MAJESTY THE QUEEN

-and-

X

**Notice of Application for an Order Restricting Publication or Public Access**

Take notice that an application for a (**specify the order sought, for example:** *publication ban, access restriction, protect witness identity*) will be made before the Presiding Justice at \_\_\_\_\_, Alberta on the day \_\_\_\_\_ of, 20\_\_ at \_\_\_\_\_ a.m./p.m. on behalf of (**name of applicant**)<sup>1</sup> who is (describe applicant: *Crown, accused witness etc.*)

And further take notice that the specific terms of the proposed order sought are (**describe the nature of the order:** *publication ban, access restriction etc.*), and the proposed duration of the order is \_\_\_\_\_.

And further take notice that the specific grounds for the application are (**describe legal basis for application, for instance s. 486 of the *Criminal Code***).

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<sup>1</sup> **Parties** (if the ban or sealing order relates to the identity of a party, that party may be temporarily identified by initials pending the hearing of the application).

And further take notice that on the application reference will be had to Queen's Bench Practice Note # 4 and (**describe evidence to be relied on: affidavit, viva voce or other and any statutory provision or rule**).

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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Counsel for the Applicant

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Address and phone number of  
Applicant or Applicant's counsel.

**Note:** The information that is the subject of this application may not be published without leave of the court.