

Nova Scotia Court of Appeal Rule Re: Webcasting and the Use of Cameras During Proceedings

1. During any proceeding in the Nova Scotia Court of Appeal, the use of cameras for any purpose is not permitted without prior written approval as provided for in this Rule, except if the Court or a judge thereof, on its, his or her own motion, authorizes webcasting.
2. Anyone wishing to obtain approval to use a camera during the hearing of an appeal shall send a letter or email, no later than fourteen days prior to the date scheduled for the hearing, to the Registrar of the Court, with a copy to each party to the appeal. Anyone wishing to obtain approval to use a camera during the hearing of a motion in Chambers shall send a letter or email, no later than three days prior to the date scheduled for the hearing of the Chambers motion, to the Registrar of the Court, with a copy to each party to the application.
3. The letter or email shall specify the names of the parties, the date of the proceeding, a description of the equipment to be used, what images and sound is to be captured and the intended use of the recording (live broadcast, live webcast, news clips, documentary, etc.). Letters shall be sent to the Registrar, The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 and emails to Prothonotaryhfx@courts.ns.ca.
4. In the case of the hearing of an appeal, if any party to the appeal objects to approval being granted, they shall send a letter or email to the Registrar, with a copy to the person requesting approval and the other parties, within two clear days of their receipt of a copy of the request for approval. In the case of the hearing of a motion in Chambers, the letter or email of the person objecting shall be sent within one clear day of their receipt of a copy of the request for approval.
5. If the request relates to the hearing of an appeal, the panel of the Court scheduled to hear the appeal shall, with or without an oral hearing as it determines appropriate, after taking into account the public interest and the interests of the parties, make any decision it determines is just in the circumstances. If the request relates to the hearing of a motion in Chambers, the Chambers judge scheduled to hear the motion shall, with or without an oral hearing as he or she determines appropriate, after taking into account the public interest and the interests of the parties, make any decision she or he determines is just in the circumstances. Once made, the decision shall be communicated to the person requesting approval and the parties.

6. The panel or the Chambers judge may authorize court-provided webcasting in place of media or another person's camera in the courtroom.
7. Notwithstanding that a decision has been made by a panel or Chambers judge, in appropriate circumstances, a panel or Chambers judge at any time, whether in advance of or during a hearing, may grant, suspend, rescind or vary his, her or its decision.
8. Any person receiving approval to use a camera shall ensure arrangements are made to simultaneously share the "feed" or recording from their camera with anyone wishing to use it.
9. Documents on counsel tables, the clerk's desk and the bench shall not be recorded so that the text can be magnified, read or deciphered.
10. Not more than one camera with one operator shall be used during a proceeding. The camera shall remain on a tripod fixed in one position designated by the panel or Chambers judge and the operator shall not move about the courtroom when court is in session. The camera shall operate without distracting noise and without spotlights, floodlights or other lighting additional to the lighting of the courtroom.
11. When approval is given, statutory publication bans and bans ordered by another court shall be deemed to be in effect in the Court of Appeal unless revoked by an order of the Court or Chambers judge, and shall be observed in all broadcasts or other publication of the hearing.
12. Any recording made pursuant to this Rule during a proceeding, may only be used in accordance with the copyright statement on the Court's website unless otherwise agreed to by the panel or Chambers judge.
13. When approval is given, photographs, video and audio of the courtroom and the court officers may be captured during a period of not more than two minutes immediately before the hearing commences and two minutes after the hearing concludes.
14. Only dialogue between counsel or parties and the bench, and formalities of the opening and closing of the Court, shall be captured. The recording or distribution of solicitor-client communications is prohibited.
15. Transcripts and/or video and audio tapes of all broadcasts of Court of Appeal proceedings shall not be destroyed for a minimum of six months and shall be made available within ten days without cost to the court upon request of the Registrar.