



# REMOTE WITNESS TESTIMONY PROTOCOL

**Effective: August 3, 2021**

## **Purpose**

In order to accommodate requests for witnesses to appear remotely the Provincial Court has created rules for the use of technology for remote testimony of witnesses. Applications for leave of the Court and the request for the technology must be made with sufficient time to allow for this to occur.

## **Criminal Matters**

The Provincial Court requires that an application to allow a witness to testify remotely in criminal matters be brought at least thirty (30) days prior to the hearing. The Court will consider requests for abridgment of the thirty-day period on a case-by-case basis. Applications are to be made to the assigned trial Judge (if applicable) and if not, to the Assistant Chief Judge of the region/division, or their designate. Virtual applications are permitted.

Virtual appearance of witnesses, if permitted, should be by CCTV whenever possible. The Court will consider requests for appearance by Webex on a case-by-case basis.

## **Traffic Court Matters**

In Traffic Court, witnesses may testify remotely by Webex if the Court deems it appropriate and the courtroom has the necessary technology to support it. Notice of intention to call witnesses by Webex must be provided to the Clerk of the Court and the other party at least seven (7) days in advance of trial advising of:

- The defendant's name and ticket/docket number
- The date, courtroom and time of trial
- The name of the witness

The party intending to call the witness by Webex is responsible for ensuring the witness has the appropriate technology and will be available to join the proceedings by video when called.

The party intending to call a remote witness by Webex must apply to the assigned trial Judge, Justice of the Peace, Assistant Chief Judge or designate prior to commencement of trial proceedings for leave to call the witness remotely. If the Judge or Justice of the Peace determines that testimony by Webex is not appropriate, either prior to commencement of trial or during the witness's testimony where previous approval had been given, the party calling that witness by Webex may seek an adjournment if necessary to procure physical attendance of the witness.