

Public Prosecutions New Brunswick	Language Rights	DPP Guideline 9 March 10, 2003
--	------------------------	---

General

It is the responsibility of Crown Prosecutors to ensure that their offices serve the public in the chosen official language. Staffing profiles are intended to accomplish this government policy. It is the responsibility of the local Crown Prosecutor and the Regional Crown Prosecutor to make any necessary internal office arrangements to provide this service.

Every person charged with an offence is entitled to proceedings in the official language of the accused's choice. Crown Prosecutors have a duty to ensure that the language rights of an accused are respected.

Legislation

Legislation touching on language rights includes the following:

- *Canadian Charter of Rights* (in particular s.19)
- *The Official Languages Act*, R.S.C. 1970, ch. 0-2 (in particular s. 11)
- *Criminal Code of Canada*, Part XVII
- *The Official Languages of New Brunswick Act*, R.S.N.B. 1973 ch. 0-1 (in particular s. 13)

Procedure

Every Crown Prosecutor should ensure to the extent possible that the accused's first court appearance accommodates the language choice of the accused. It follows that all subsequent proceedings will accommodate the accused's choice of language.

In areas where service is not readily available in one of the official languages, any requests for trial in that language shall be immediately referred to the Director of Public Prosecutions by the Crown Prosecutor who first has knowledge of such a request

In order to ensure to the extent possible that the language rights of an accused are respected, Crown Prosecutors where possible should verify prior to the laying of informations whether language rights have been respected by the police. If there is any indication that they have not and that no language election has been made by the accused, a note should be made in the file so that the issue can be raised with the presiding judge prior to the information being read.

Provincial Court

Where a Crown Prosecutor after the initiation of court proceedings is advised that an accused wishes to be tried in the other official language, the Crown Prosecutor should assist the court in

accommodating that request. It is the responsibility of the Crown Prosecutor who is put on notice of the language request to ensure that appropriate arrangements are made for translation services where it is apparent that such services will be required at trial.

Court of Queen's Bench

In the Court of Queen's Bench the responsibility for making the necessary arrangements for the conduct of the trial, including language, is on the Clerk of the Court and the Crown Prosecutor should advise the Clerk of the accused's choice of language at the earliest possible date. Where translation services will be required at trial, the Crown Prosecutor should as soon as possible notify the Clerk of the Court who then has the responsibility to make appropriate arrangements.