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### **LAW OF PUBLICATION BANS, PRIVATE HEARINGS AND SEALING ORDERS**

**James Rossiter**  
**Release No. 1, May 2023**

As the Internet allows information to be instantly disseminated on a global scale, new questions about the need for and effectiveness of publication bans are arising. This book is the only work that provides a comprehensive review of the relevant statutory provisions and common law principles relating to publication bans in Canada. This resource also covers restrictions on access to courts and court information by the public and media.

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This release features updates to the case law and commentary in Chapters 2 (Common Law Bans and Access Restrictions), 3 (Civil Courts), 4 (Crime), 5 (Youth Crime), 6 (Family), 7 (Statutory Publication Bans, Access Restrictions), 8 (Practice and Procedure), and 9 (Television and Other Electronic Access).

## Highlights

- **Common Law Bans and Access Restrictions — Evidence — [New heading] Cross-examination on Affidavit Evidence** — New commentary discusses evidence typically taken in the form of affidavits in proceedings involving requests for confidentiality orders, with particular focus on British Columbia, a jurisdiction where permission of the court may be necessary before a party may cross-examine an affiant. Relevant case law featured in this new commentary includes the decision of *R. v. Cade, Ceal, and Whaling*, 2022 CarswellBC 3682 (B.C. S.C.), in which the judge had denied the accused to cross-examine a police officer in the Crown’s application a publication ban of the identities of undercover police officers.
- **Crime — Criminal Code — Trials — Publication Bans — Test for Granting the** — According to British Columbia’s Provincial Court, the scope of publication bans applicable to preliminary inquiries under s. 539 of the *Criminal Code* is more limited than the ban afforded by section 486.5 — consequently, the s. 539 ban was held not to be a “reasonable alternative” for protecting the identities of undercover police officers who testify at preliminary inquiries: *R. v. J.B.*, 2022 CarswellBC 3214 (B.C. Prov. Ct.).

## ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
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- The Table of Cases, Table of Statutes and Index are now in PDF with no searching and linking
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- Footnote text only appears in ProView-generated PDFs of entire sections and pages