

IN THE PROVINCIAL COURT OF NEWFOUNDLAND & LABRADOR  
CRIMINAL DIVISION

PRACTICE DIRECTIVE

The following practice directive, issued pursuant to Rule 7 of the *Rules of the Provincial Court of Newfoundland and Labrador in Criminal Proceedings*, is intended for direction of practitioners in the legal and medical professions in filing assessment reports required by virtue of section 672.11 of the Criminal Code.

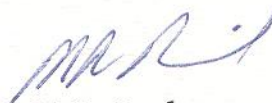
Section 672.11(a) C.C.C. allows the Court to order an assessment of an accused to determine whether he or she is unfit to stand trial.

Section 2 C.C.C. defines "*unfit to stand trial*" as meaning unable on account of mental disorder to conduct a defence at any stage of the proceedings before a verdict is rendered or to instruct counsel to do so, and in particular, unable on account of mental disorder to

- (a) understand the nature or subject of the proceedings;
- (b) understand the possible consequences of the proceedings; or
- (c) communicate with counsel.

Unless otherwise specifically ordered, assessment reports should address these specific issues. There is no need for the assessment report to make reference to the many other points that may be legitimately communicated between the psychiatrist and the accused. More precisely, any report filed with the Court should be concise and state only whether the subject person is fit or unfit to stand trial in accordance with the above criteria, or if not, briefly explain why a remand for further assessment is necessary together with an indication of the further period of remand recommended.

DATED at St. John's, NL this 22nd day of April 2005.



M.R. Reid  
Chief Judge

Canada,  
Province of Newfoundland and Labrador

Whereas, I have reasonable grounds to believe that evidence of the mental condition of \_\_\_\_\_, who has been charged with \_\_\_\_\_ may be necessary to determine

whether the accused is unfit to stand trial\*

I hereby order an assessment of the mental condition of \_\_\_\_\_ to be conducted by a psychiatrist for a period of \_\_\_\_\_ hours \_\_\_\_\_ days.

This order is to be in force for a total of \_\_\_\_\_ hours \_\_\_\_\_ days, including traveling time, during which time the accused is to remain

in custody at \_\_\_\_\_

out of custody, on the following conditions:  
\_\_\_\_\_  
\_\_\_\_\_

Next appearance:        /        /       .  
*dd mm yy*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
Judge/Justice/Clerk of the Court

\*"unfit to stand trial" means unable on account of mental disorder to conduct a defence at any stage of the proceedings before a verdict is rendered or to instruct counsel to do so, and, in particular, unable on account of mental disorder to

- (a) understand the nature or object of the proceedings
- (b) understand the possible consequences of the proceedings, or
- (c) communicate with counsel