

A Guide to the Courts in Prince Edward Island

The Purpose and Structure of Our Court System

1. **The Purpose of Our Courts**
 - Why Do We Have Courts?.....
 - Where Did Our Court System Begin?.....
 - How Do Courts Make Decisions?.....
 - Common Law.....
 - Statute Law.....
 - Our Courts.....
 - The Adversary System of Justice.....
 - What Kinds of Cases Appear in Court?.....
 - Civil Law.....
 - Criminal Law.....
 - Our Constitution and the Law.....
 - The "Paper Process" of the Law.....

2. **The Structure of Our Court System**.....
 - Why Do We Have Different Levels of Courts.....
 - The Courts of Prince Edward Island.....
 - Provincial Court.....
 - Youth Court.....
 - The Supreme Court.....
 - The Court of Appeal.....
 - The Federal Courts.....
 - The Federal Court of Canada.....
 - The Supreme Court of Canada.....

Court Participants and Procedures

3. **Who's Who**.....
 - The Courtroom Setting.....
 - Judges.....
 - Juries.....
 - Lawyers.....
 - Court Staff.....
 - Witnesses.....

4. **What Happens in Court - Civil Procedure**.....
 - Starting the Action.....
 - Proving the Claim.....
 - The Civil Trial.....

Indictable Offence: The most serious type of offence.

Indictment: This is a formal procedure used to deal with the more serious charges. It allows for a judgement in higher court. Because of the more serious penalties for an indictable offence, the accused is granted wider protections, such as choice of a trial by judge and jury.

Judicial Interim Release: The legal procedure by which an accused person is released until trial, unless the Crown Attorney can show cause why the accused should be kept in custody.

Jurisdiction: The range of powers and/or territory over which a body may act. In the case of a court, jurisdiction concerns the type of case and the physical area over which the court has authority.

Mixed Offences: Another name for hybrid offences.

Precedents: Previously decided cases which are recognized as an authority for future cases.

Prosecute: to conduct proceedings in court against a person accused of a crime.

Quasi-criminal Offences: Provincial or municipal offences not covered under the *Criminal Code of Canada*. Examples are offences under the provincial *Highway Traffic Act* and *Liquor Control Act*. (quasi is Latin for 'as if'.)

Recognizance: The accused person's promise to pay a specific amount of money if he or she fails to comply with certain conditions laid down by the court.

Show Cause: A hearing at which the Crown Attorney has the opportunity to 'show cause' why the accused should be kept in custody until the trial date



Statute Law: The laws enacted by legislation.

Subpoena: A court order that requires a witness to attend court.

Summary Conviction Offences: Offences under provincial statutes and the less serious crimes in the *Criminal Code*. These matters are dealt with in Provincial Court.

Surety: A person who takes out a bond for a certain amount of money before a court on behalf of another person. The court makes this person responsible for making sure that an accused person appears in court, and abides by other conditions of behaviour imposed by the court. If the accused person doesn't comply, all or part of the bond is forfeit.

Undertaking to Appear: A document signed by an accused person promising to appear in court at a specified time and place. It may contain other promises too, such as requiring the accused to stay in the area, to report to police at regular intervals, or not to communicate with certain people. Breaking any of these promises may result in a further criminal charge.

Voir Dire: A trial within a trial, held to determine whether evidence can be admitted. In a jury trial, the jury will be sent out of the courtroom while both sides argue the case.



Community Legal Information

Empowerment Through Knowledge

Community Legal Information is a registered charity that receives funding from Justice Canada, the Law Foundation of PEI, the Law Society of PEI, the PEI Department of Justice and Public Safety, and other sources. Community Legal Information provides understandable and useful information about the law and the justice system in Prince Edward Island.

For more information on other legal topics, visit www.legalinfopei.ca, email us at info@legalinfopei.ca, or call us at 902-892-0853 or 1-800-240-9798. You can also find us on social media.

Make a donation to support our work at www.legalinfopei.ca/donate/.

Non-commercial reproduction of this document is encouraged.

Charitable registration number: 118870757RR0001

ISBN 978-1-897436-58-5

Revised October 2011