



Province of Alberta

LANGUAGES ACT
LOI LINGUISTIQUE

LANGUAGES IN THE COURTS REGULATION

Alberta Regulation 158/2013

Extract

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Definitions

1 In this Regulation,

- (a) “Crown” means the Crown in right of Alberta;
- (b) “defendant” means a person who is charged with or convicted of an offence under an enactment;
- (c) “enactment” has the meaning given to it in the *Provincial Offences Procedure Act*;
- (d) “judge” means,
 - (i) in relation to a proceeding before the Court of Appeal of Alberta, a judge of that court or, if more than one judge is hearing the proceeding, the judges,
 - (ii) in relation to a proceeding before the Court of Queen’s Bench of Alberta, a judge of that court, and
 - (iii) in relation to a proceeding before the Provincial Court of Alberta,
 - (A) a judge as defined in the *Provincial Court Act*,
or
 - (B) a person appointed under the *Justice of the Peace Act* as a justice of the peace;
- (e) “proceeding” means a proceeding before

- (i) the Court of Appeal of Alberta,
- (ii) the Court of Queen's Bench of Alberta, or
- (iii) the Provincial Court of Alberta

to which the *Provincial Offences Procedure Act* applies.

Where defendant wishes to use French

2(1) Where a defendant wishes to use French, or wishes to have the defendant's counsel use French, in oral communications in a proceeding, the defendant shall give reasonable notice of that fact to the prosecutor and to the court in which the proceeding is to be heard.

(2) Where a defendant gives notice in accordance with subsection (1), the Crown shall arrange for an interpreter for the proceeding.

Holding proceeding in French

3(1) A judge may, at the request of a defendant and with the consent of the prosecutor, conduct a proceeding in French.

(2) Where, under subsection (1), a proceeding is conducted in French,

- (a) the prosecutor shall arrange and pay for translation into French of any written evidence adduced in English by the prosecutor in the proceeding, and
- (b) the defendant shall arrange and pay for translation into French of any written evidence adduced in English by or on behalf of the defendant in the proceeding

unless the parties agree on other arrangements to pay for translation.

Holding proceeding in English and French

4(1) A judge may, at the request of a defendant and with the consent of the prosecutor, conduct a proceeding in both English and French.

(2) If the parties are unable to agree respecting the circumstances in which, and the extent to which, the parties may use each language in a proceeding referred to in subsection (1), the judge may

- (a) at the request of the parties, provide further directions for conducting the proceeding in both English and French, or

- (b) direct the Crown to arrange for an interpreter for the proceeding as if the defendant had given notice in accordance with section 2(1).

Transcripts

5 Any transcript of a proceeding to which this Regulation applies must include everything said in English or French during the proceeding in the language in which it was said.



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