

Nova Scotia Civil Procedure Rules

Amendment

November 27, 2009

The following Rules and Forms are amended as follows:

1. The period at the end of Rule 4.03(4)(b) is replaced with a semi-colon.
2. The word “will” in Rule 7.13(3) is changed to “may”.
3. The word “with” in Rule 9.06(2) is removed.
4. The word “written” is changed to “relevant” in Rule 15.03(4)(b).
5. The word “book” is changed to “booklet” in Rules 15.05(3) and (4).
6. The reference to Rule 16.02 in Rule 16.12(1) is changed to 16.03.
7. The word “question” is changed to “proceeding” in Rule 19.02(2).
8. The reference to Rule 23.12 is changed to 23.11 in Rule 22.08(2).
9. The word “abridging” is changed to the phrase “excusing compliance with” in Rule 22.17.
10. The words “or delivered” in Rule 23.11(1) are removed.
11. The word “service” is changed to “delivery” in the heading for Rule 33.12.
12. The word “liability” is added between “limited” and “partnership” in Rule 35.14(1) and between “unlimited” and “partnership” in Rule 35.14(3).
13. The words “that have been filed” are added after “notices” in Rule 35.15(1)(a).
14. The phrase “of the separate issues” is changed to “of the issues that are to be tried, or heard, separately” in Rule 37.04(2).
15. The word “recorded” is changed to “recovered” in Rule 43.13(2).

16. The word and comma “fund,” is added between “currency,” and “demand,” in Rule 44.06(2)(b).
17. The words “Rule 57” in Rule 47.02(2) are changed to Rule 59.
18. The reference to “Rule 16.03(4)” is changed to 16.02(4) in Rule 57.07.
19. The second use of the word “or” is removed and the words “an increase in the” are inserted in its place in Rule 57.10(4).
20. The words “Joint Proceedings” are changed to “Judicial Communications Across Borders” in Rule 68.09.
21. The word “insure” in changed to “ensure” in Rule 74.10(b).
22. The word “disallow” is changed to “allow” in Rule 77.16(4).
23. The phrase “periodic enforcement order” is changed to “periodic execution order” in Rule 79.22(1).
24. The reference to “Rule 5” is changed to “Rule 7” in Rule 85.07(1).
25. The words “or a territory” are added after the word “province” in Rule 86.08(2).
26. The words of Rule 88.02(2) are replaced with the following:

A person who wishes to make a motion under section 45B of the *Judicature Act* may do so by motion in an allegedly vexatious proceeding or a proceeding allegedly conducted in a vexatious manner, or by application if there is no such outstanding proceeding.
27. The period at the end of Rule 89.13(1)(a) is changed to a semi-colon.
28. The phrase in Rule 94.02(5) “except a year that starts on the twenty-ninth day of February ends on the first day of March in the following calendar year” is changed to “except the period is 366 days for a year that includes the twenty-ninth day of February”.
29. The misspelling of “ineligibility” is corrected in Rule 95.02(2)(e).
30. The misspelling of “*habeas*” in Rule 95.02(3) is corrected.
31. The word “claim” is changed to “counterclaim” in the second line of the paragraph titled “Prothonotary’s certificate” in Form 4.08.

32. The phrase “trial dates” is changed to “date assignment conference” in the paragraph titled “Correction or addition of information” in Form 4.15.
33. The phrase “at the [*Courthouse/Law Courts*] is removed from the first line in the paragraph titled “Hearing” in Form 5.02 and the phrase “[*courthouse/law courts*]” in the second line is changed to “[*Courthouse/Law Courts*]”.
34. A colon is added between the word “application” and the word “affidavit” in the first line of the paragraph titled “Evidence supporting application” in Forms 5.02 and 5.03.
35. The word “less” is changed to “more” in the paragraph titled “You may participate” in Form 5.03.
36. The repetition of “at [*a.m./p.m.*]” is removed from the second line of the paragraph titled “Time, date, and place” in Form 5.03.
37. The words “in Chambers” are removed from, and a comma is placed after “date” and before “and place”, in the paragraph titled “Motion for directions and date” in Form 5.07.
38. The word “applicant” is changed to “respondent” in the paragraph titled “Other possible witnesses” in Form 5.08.
39. The phrase “(Judicial Review)” is changed to “– Judicial Review and Appeal” and the word “less” is changed to “more” in the paragraph titled “Notice to decision-making authority” in Form 7.05.
40. The word “applicant” is changed to “respondent” in the place for the signature of Form 7.08.
41. The phrase “we will pay you” is changed to “you will pay us” after “3” in the paragraph titled “Terms for settlement” in Form 10.06B.
42. The word “for” is inserted after “arranged” in paragraph 6 of Form 15.03B.
43. The phrase “is claimed” is added after “privilege” in the first and second paragraphs of Schedule B to Form 16.09A.
44. The word “address” after “[*address/new address*]” is removed from the first line of Form 31.18.
45. The words “notice of” are removed from the last line of the first paragraph of Form 34.04.

46. The words “references to” are changed to “second” in the final, bracketed lines of Forms 43.04 and 43.06A.
47. The word “jurisdiction” is changed to “justification” in the final, bracketed line of Form 43.06A.
48. The words “in chambers” inside the brackets of the opening line of Form 56.04 are removed.
49. The word “the” is inserted between “than” and “following” in the second line of the paragraph titled “Defending the alternative claim” in Form 67.03.
50. The misspelling of “of” is corrected in the paragraph titled “Filing and delivering documents” in Form 67.03.
51. The phrase “Rule 83 (Court Records)” is changed to “Rule 82 - Administration of Civil Proceedings” in the first, bracketed line of Form 69.02.

Certificate

I, Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia, certify that on November 27, 2009, a majority of the judges of the court made the foregoing amendment to the *Nova Scotia Civil Procedure Rules*.

Signed December 7, 2009

Joseph P. Kennedy
Chief Justice of the Supreme Court
of Nova Scotia