

Nova Scotia Civil Procedure Rules

Amendment

November 26, 2010

The following Rules and Forms are amended as follows:

1. Rule 40.03(1) is amended by deleting the words "and deliver a duplicate for the judge" and substituting ", a duplicate of the brief for the judge, one book of authorities that conforms with Rule 40.06, and no duplicate book of authorities".
2. The first comma in Rule 55.03(4) is removed.
3. Rule 63.01 is amended to add the following definition after the definition of "decision":

" 'judge' in the phrase 'judge who made the decision under appeal' " includes an adjudicator, justice of the peace, or any other decision-maker from whose summary conviction decision an appeal is available to the Supreme Court of Nova Scotia.
4. Rule 63.05(4) is amended by adding a new paragraph (h) as follows and re-lettering the present paragraph (h) as (i):

(h) an undertaking to immediately deliver a copy of the notice to the office of the judge who made the decision under appeal and to seek the approval of that judge for any transcribed decision or ruling;
5. Rule 63.06 is amended by adding Rule 63.06(5):

(5) A copy of the notice of appeal must be delivered immediately to the office of the judge who made the decision under appeal.
6. Rule 63.08(a) is amended by adding after the word "place" the words "if the judge is satisfied that the respondent was notified, that a copy of the notice of appeal was delivered to the office of the judge who made the decision under appeal, that a transcript was prepared or will be filed when required, and that the judge who made the decision under appeal approved, or will be given the opportunity to approve, any transcript of a decision or ruling."

7. Rule 63 - *Appeal and Judicial Review* (Criminal Code) is amended by adding Rule 63.11:

Informing Trial Judge About Decision

- 63.11 (1) The prothonotary shall cause a copy of the entry made about the oral disposition of an appeal to be delivered immediately to the office of the judge who made the decision under appeal.
 - (2) A judge who releases written reasons for disposition of an appeal, or signs a transcript of reasons given orally, shall cause a copy of the decision to be delivered to the office of the judge who made the decision under appeal at the same time as it is delivered to the parties.
8. The following Rule 85.07(3) is added to Rule 85.07:
 - (3) A prothonotary who, before a motion for directions is heard, receives documents claimed to be subject to a confidentiality protected by the *Freedom of Information and Protection of Privacy Act* must seal the documents and keep them confidential until a judge gives directions for their delivery.
 9. The word "**or**" at the end of the first paragraph 5 in Form 60A.17 is removed, the semi-colon at the end of subparagraph 5(d) is changed to a period, and the second and third paragraphs 5 are renumbered 6, to show that paragraph 5 has no alternative and the newly numbered paragraphs 6 are alternatives.
 10. In the paragraph titled "Information and evidence in support" in Form 62.15, the reference to 66.13 is changed to 62.13.
 11. Form 63.05, Notice of Summary Conviction Appeal, is amended to add the following paragraph after the paragraph titled "Transcript" and before "Contact Information":

Notice to judge

The appellant undertakes to cause a copy of this notice of summary conviction appeal to be delivered immediately to the office of the [judge/adjudicator/justice of the peace/other] who made the decision under appeal.

Certificate

I, Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia, certify that on November 26, 2010 a majority of the judges of the court made the foregoing amendments to the *Nova Scotia Civil Procedure Rules* and adopted the attached practice memorandums.

Signed November 26, 2010

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