

Nova Scotia Civil Procedure Rules

Amendment

December 9, 2011

The following Rules are amended as follows:

1. The semi-colon at the end of Rule 4.20(3)(c) is changed to a period.
2. The following Rule 14.12(5) is added to Rule 14.12:
 - (5) A motion for an order for production must be made on notice, unless it is permitted to be made *ex parte* as provided in Rule 22 - General Provisions for Motions.
3. The words of Rule 22.11(5) are replaced with the following:

In addition to the obligation to give notice to the other party, a party who moves for an order binding a non-party must make the motion on notice to the non-party, unless the party satisfies the judge hearing the motion that it is properly made without notice to the non-party.
4. The following Rule 22.11(6) is added to Rule 22.11:
 - (6) Rules applicable to a party on a motion, including Rules about an *ex parte* motion, must, as nearly as possible, be applied to a non-party who moves for an order or who is sought to be bound by an order, as if the non-party were a party.
5. The words and punctuation ", or by representing to the court that the lawyer acts for the person in a proceeding without stating that the retention is limited" are added after the word "following" in Rule 33.02(1).
6. The words "equal to or lower than that" are added after the word "amount" in Rule 45.03(1).
7. Rule 89.04(1) is deleted.
8. Rule 89.04(2) is renumbered as 89.04(1), and the words "make a motion for permission to" are deleted.

9. The following Rules 89.04(2), (3), and (4) are added to Rule 89.04:
 - (2) A judge may require parties to a contempt proceeding to attend at a prehearing conference.
 - (3) A judge who presides at a prehearing conference in a contempt proceeding may give directions for the conduct of the proceeding and the contempt hearing.
 - (4) A judge who is satisfied that a contempt proceeding started by notice of motion or application is not in the interests of any party, or is not in the public interest, may stay the proceeding.
10. The words "has permission" in Rules 89.05(1) and 89.06 are changed to "wishes".
11. Rule 89.07(2) is deleted and Rule 89.07(3) is renumbered as Rule 89.07(2).
12. The first word in Rule 94.02(1) is changed from "The" to "A" and the words "that permits or requires something to be done in a number of days" are removed.
13. The following Rule 94.11 is added to Rule 94 - Interpretation:

Interpretation of court documents

- 94.11 (1) A period of days or years in an order, or in another instrument in which the court specifies a period of days or years, is calculated in the same manner as the calculation under Rule 94.02, unless the order or other instrument provides otherwise.
- (2) The meaning of "person" in Rule 94.08 and the definitions in Rule 94.10 apply to a document prepared under these Rule, unless the document must be read otherwise.

Certificate

I, Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia, certify that on December 9, 2011, a majority of the judges of the court made the foregoing amendments to the *Nova Scotia Civil Procedure Rules*.

Signed December 9, 2011

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