

*Nova Scotia Civil Procedure Rules*

Amendment

June 28, 2013

The following Rules are amended as follows:

1. In the table of contents the word "Action" in "Part 12 - Action Under \$100,000" is changed to "Actions".
2. The definite article "the" is removed from Rule 13.01(1).
3. The numbers of Rules 15.05(3) to 15.05(5) are changed to 15.05(4), (5), and (6) and new Rule 15.05(3) is added:

Each page of a document containing more than one page must have a sequential page number.

4. The subtitle to Rule 23.12 is changed to "**No further affidavit**".
5. Rule 26.02(4) is added to Rule 26.02:

The case management judge must hear all pre-trial motions, unless the judge determines that another judge should hear the motion.

6. The following Rule 31.20 is added to Rule 31 - Notice:

**Notice to non-party by mail**

31.20 A notice or other document delivered by mail to a non-party under a Rule or order permitting or requiring delivery by mail is taken to be received by the person three days after the mailing.

7. The words "an action or application" in Rule 35.10(1) are changed to "a proceeding".
8. The text of Rule 46.04(3) is replaced with:

The prothonotary must, until the proceeding ends, keep confidential a notice of a payment into court that provides security for an offer to settle or contribute, and a person may not have access to the notice under Rule 85 - Access to Court Records, unless a judge directs otherwise.

9. The comma in Rule 47.04(3) is removed.
10. The words "deliver to each other party" in Rules 57.13(1) and (2) are changed to "file".
11. The words "deliver to each other party" are inserted in Rule 57.13(2) before "a will-say statement".
12. Rules 71.06(h) and (i) are re-lettered to 71.06(i) and (j), and new Rule 71.06(h) is added:  
  
a requirement that the guardian produce a copy of the inventory or accounting to an interested person who demands the production;
13. The following Rule 82.09(8) is added to Rule 82.09:  
  
A prothonotary who is satisfied that a party represented as a child by a litigation guardian is no longer a child may order that the heading is varied to remove the reference to the litigation guardian.
14. The word "Communication" in Rule 85.02(6) is changed to "Communicating".
15. The text of Rule 89.03(4)(a) is replaced with the following:  
  
the person is presumed innocent unless the contrary is proved beyond a reasonable doubt, is not required to give evidence, and is entitled to rely on the presumption of innocence whether or not the person gives evidence;
16. The text of Rule 89.03(4)(f) is replaced with the following:  
  
the person may choose to present no evidence, to present evidence by filing an affidavit before the hearing, or to present evidence after all of the evidence against the person is heard and cross-examination is complete.
17. The text ", conforms with any directions by the judge who gives permission," in Rule 89.06 is removed.

18. The third sentence under "Your rights" in Form 89.05 is replaced with the following:

You may require that a witness who provides an affidavit against you attend the hearing to be cross-examined by you. You do not have to present evidence. If you choose to do so, you may file an affidavit or affidavits in accordance with the *Civil Procedure Rules* or wait until after you conduct any cross-examination and you decide whether to present evidence. You may make submissions after the evidence is complete.

### **Certificate**

I, Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia, certify that on June 28, 2013, a majority of the judges of the court made the foregoing amendments to the *Nova Scotia Civil Procedure Rules*.

Signed June       , 2013

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