

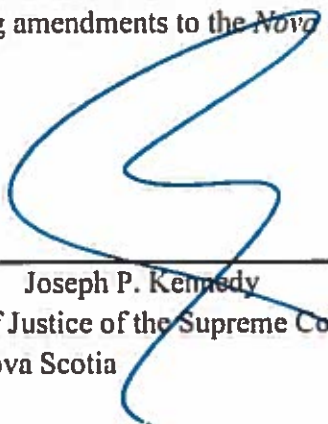
*Nova Scotia Civil Procedure Rules and
Practice Memorandums Amendments*
January 26, 2018

1. The word “two” is replaced with “five” in Rule 23.14(3).
2. Practice Memorandum No. 9 – Chambers for Insolvency Proceedings is repealed.
3. The citation for *Ratto v. Rainbow Realty Ltd.* in Practice Memorandum No. 11 – Quieting Titles is corrected by changing 1994 to 1984.

Certificate

I, Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia, certify that on January 26, 2018, a majority of the judges of the court made the foregoing amendments to the *Nova Scotia Civil Procedure Rules* and Practice Memorandums.

Signed January 26, 2018



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

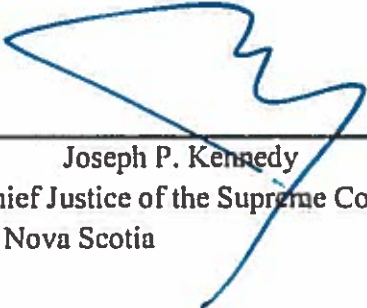
Nova Scotia Civil Procedure Rules
Amendment
January 26, 2018

1. Rules 7.20 to 7.29 are renumbered 7.21 to 7.30 and the attached Rule 7.20 about appeals under the *Freedom of Information and Protection of Privacy Act* and Part 20 of the *Municipal Government Act* is added.
2. Rule 85.07(1) is removed and Rules 85.07(2) and (3) are renumbered (1) and (2).

Certificate

I, Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia, certify that on January 26, 2018, a majority of the judges of the court made the foregoing amendments to the *Nova Scotia Civil Procedure Rules*.

Signed January 26, 2018



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

Freedom of Information and Protection of Privacy Appeal

- 7.20 (1)** For the purposes of s. 41(1) of the *Freedom of Information and Protection of Privacy Act* and s. 49 of the *Judicature Act*, a person who wishes to appeal a decision on a request for access to a record or for correction of personal information under sections 32 and 41 of the statute, and a person who wishes to appeal a decision of the head of a public body under sections 40 and 41, may do so by filing a notice of appeal that conforms with this Rule 7 - Judicial Review and Appeal, but with all of the following modifications:
- (a) the head of the public body who made the decision under appeal or, if it is a corporation, the public body itself must be named as a respondent;
 - (b) in an appeal of a refusal of a request for access to information, the notice of appeal must include a statement about the requirement for production to the court by the public body and the process for protecting documents claimed to be confidential;
 - (c) unless a judge orders otherwise, in an appeal of a refusal of a request for access to a record or for correction of personal information, the notice of appeal must state that no third party was notified under section 22 of the statute or attach as an appendix a copy of the consent required by subsection 32(3) of the statute.
- (2) A judge may order that the Minister of Justice who becomes a party by filing a notice under subsection 41(1B) of the *Freedom of Information and Protection of Privacy Act* is a party in addition to, or in substitution for, the head of a public body or the public body.
- (3) A judge who adds, or substitutes, a party may amend the heading for the appeal accordingly.
- (4) For the purposes of section 49 of the *Judicature Act*, the appellant must notify the Information and Privacy Commissioner of the appeal by delivering a copy of the notice of appeal to the commissioner's office no less than ten days before the day the motion for directions is to be heard, and the commissioner may attend hearings of motions or the appeal with a watching brief.

- (5) For the purposes of section 49, the head of a public body, or the public body itself, named as a respondent must, unless a judge orders otherwise, deliver to the prothonotary, for sealing and delivery to a judge under Rule 85.07 of Rule 85 - Access to Court Records, copies of the documents that are the subject of the appeal, and the delivery must be made before the motion for directions is heard.
- (6) The other provisions of this Rule 7 about appeals apply to an appeal under the *Freedom of Information and Protection of Privacy Act*, except procedural provisions of the statute or the Freedom of Information and Protection of Privacy Regulations prevail other than as modified by this Rule 7.20.
- (7) This Rule 7.20 applies to appeals under section 494 of the *Municipal Government Act*, with necessary changes including both of the following:
 - (a) the procedural provisions in the *Municipal Government Act* are altered by authority of s. 49 of the *Judicature Act* only;
 - (b) where the rest of this Rule 7.20 refers to the head of a public body it means the responsible person under the *Municipal Government Act*.