

Nova Scotia Civil Procedure Rules

Amendment

January 29, 2010

The following Rules and Forms are amended as follows:

1. The word “five” is changed to “fifteen” in Rule 5.08(1).
2. The word “liability” is added between “unlimited” and “partnership” in Rule 35.14(4).
3. The words “Rule 84 - Court Records” in Rules 60A.03(1), 60A.32(3), and 60A.39(1) are changed to “Rule 82 - Administration of Civil Proceedings”.
4. Rules 60A.10(5), (6), and (7) are renumbered (4), (5), and (6).
5. The words “action or” are inserted before “application” in Rule 72.02.
6. The words “defendant or” are inserted before “respondent” in Rules 72.03(1), 72.03(2), and 72.08(1)(d).
7. The word “An” is replaced by “A motion or an” in Rule 72.05(1).
8. The words “statement of claim or” are added before “notice of application” in Rules 72.05(1)(d) and 72.11(1).
9. The words of Rule 72.12(2) are replaced with the following:

A mortgagee who makes a motion for a deficiency judgment against a party who has not designated an address for delivery must, unless a judge orders otherwise, give notice of the motion to the party in the same way a party is notified of a proceeding under Rule 31 - Notice, as if the notice of motion were an originating document.
10. The words “application, and the affidavits in support of it,” are replaced by the word “proceeding” in Rule 72.05(3).
11. The subtitle of Rule 72.07 is changed to “Default judgment or uncontested application”.
12. The words “a motion on default of defence or” are added before “an application” in Rule 72.07(1).

13. The words “notice of” are changed to “refer”, and a comma is placed after “accounts” in Rule 72.07(3).
14. The words “each respondent and” and the words and comma “who is not a respondent,” are removed from Rule 72.07(5)(c), the words “and notice of the sale to each defendant or respondent” are added before the semi-colon.
15. The words “statement of claim or” are added before “notice of application”, the words “a defendant or” are added before “a respondent”, the words “defend or” are added before “contest”, and “application” is changed to “proceeding” in Rule 72.08(1)(c).
16. The words “defends or” are added before “contests” in Rule 72.08(1)(d).
17. The words “defence or” are added before “contest” in Rule 72.11(2) and a comma is placed after “contest”.
18. The word “Temporary” in Rule 75.01(2) is changed to “Interlocutory”.
19. The words “notice of” are removed from the last line of the first paragraph of Form 34.03.
20. The word “or” is changed to “and” in the second numbered paragraph of Form 39.08.
21. The period at the end of Rule 82.09(2) is removed and the following is added:

Notice of Child Protection Application	60A.03	82.09G
Application for Removal from Child Abuse Register	60A.32	82.09H
Notice of Adult Protection Application	60A.39	82.09I
Notice of Adult Protection Application (After Removal)	60A.40	82.09I
Application for Adoption with Consents	61.02	82.09J.
22. The numeral “4” in paragraph 5 of Form 4.03B is changed to “5”.
23. The words “Rule 84 - Court Records” in the first bracketed phrase of Forms 7.12, 60A.03, 60A.32, 60A.39, and 60A.40 are changed to “Rule 82 - Administration of Civil Proceedings”.
24. The words “references to” are changed to “and second” in Forms 44.04 and 44.07A.

25. The attached forms of heading are added to Part 22 - Forms as Forms 82.09G, 82.09H, 82.09I, and 82.09J.

Certificate

I, Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia, certify that on January 29, 2010, a majority of the judges of the court made the foregoing amendment to the *Nova Scotia Civil Procedure Rules*.

Signed February 1, 2010

A handwritten signature in black ink, consisting of a large, sweeping initial 'J' followed by several loops and a final flourish.

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

Form 82.09G

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[name of agency]

Applicant

and

[names of each respondent in a series]

[Respondent/Respondents]

Form 82.09H

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[name]

Applicant

and

The Minister of Community Services

Respondent

Form 82.09I

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

The Minister of Community Services

Applicant

and

[names of each respondent in a series]

[Respondent/Respondents]

Form 82.09J

20

No.

*[Supreme Court of Nova Scotia/Supreme Court
of Nova Scotia (Family Division)]*

Application, with consents, by [name]
to adopt, under the *Children and Family Services Act*,
the person whose birth is registered as [number] [by the
Registrar General of Nova Scotia/other]