

Nova Scotia Civil Procedure Rules
Miscellaneous Amendments
December 13, 2024

The following Rules, Tariffs and Practice Memorandum are amended as follows:

1. The following Rule 2.04 is added to **Rule 2 - General**:

2.04 Dates set by the Court

Dates set by a judge cannot be altered without the approval of a judge.

2. Rule 18.10(2)(b), (c), (d), (e) and (f) are renumbered to 18.10(2)(c), (d), (e), (f) and (g) and the following Rule 18.10(2)(b) is added:
 - (b) a timeline for delivery of notice to the witness of the day the discovery is to be held;
3. In Rule 36.07(3), after the phrase “litigation guardian’s statement” the following sentence is added: “The litigation guardian’s statement must be filed when the notice of action is filed, unless otherwise ordered by a judge.”
4. Rule 71.05(3) is deleted.
5. Rule 71.05(4) is renumbered 71.05(3).
6. Rule 78.08 is renumbered to 78.08(1) and the following Rule 78.08(2) is added
 - (2) A motion to amend an order must be brought before the judge who granted the order, unless a judge directs otherwise.
7. In Rule 79.05(2), the word “initial” is added before the word “execution”.
8. Rule 79.22(4) is deleted and replaced with the following:
 - (4) An execution order and a superceding execution order expire five years after the date the order is issued. A judge may extend an expired execution order if it is in the interests of justice to do so. A motion to extend may be made *ex parte*, unless a judge directs otherwise.

9. The title to Tariff C is changed to **“Tariff of Costs payable following a Motion or an Application heard in Chambers by the Supreme Court of Nova Scotia”**.
10. In the first line of Tariff C the words “motions and” are added before the word “applications”.
11. In numbered paragraphs (1), (2), (3) and (4) of Tariff C, the words “a motion or” are added before all references to “an application”.
12. In numbered paragraph (4)(c) of Tariff C, the words “motion or” are inserted before the word “application”.
13. In Tariff C after numbered paragraph (4)(c), in parenthesis, the words “motions and” are inserted before the phrase “applications might include,”.
14. In Tariff C after numbered paragraph (4)(c), in parenthesis, the phrase “applications for Summary Judgment,” is replaced by the phrase “motions for Summary Judgment,”.
15. At the end of Tariff C the title **“Length of Hearing of Application”** is replaced by **“Length of Hearing of a Motion or Application”**.
16. Throughout Tariff E, the word “application” is replaced by the word “motion.”
17. In numbered paragraph 1(d) of Practice Memorandum No. 4 the phrase “and a contested application in an estate matter” is added after the word “court”.

Certificate

I, Deborah K. Smith, Chief Justice of the Supreme Court of Nova Scotia, certify that on December 13, 2024, a majority of the judges of the court made the foregoing amendments to the *Nova Scotia Civil Procedure Rules*.

Original signed by
Chief Justice Deborah K. Smith

Deborah K. Smith
Chief Justice of the Supreme Court of Nova Scotia