

Nova Scotia Civil Procedure Rules

Amendment

October 31, 2008

The following Rules are amended as follows:

Rule 4.04(5)(b) is amended by deleting the word “lead” and substituting “led”;

Rule 5.03(2)(a) is amended by adding the word “that” after the word “notice”;

Rule 7.09(1)(c) is amended by deleting the word “to” and substituting “and”;

A semi-colon is added at the end of Rule 7.10(f);

Rule 7.19 is amended by deleting “(5)” and substituting “(4)” and deleting “(6)” and substituting “(5)”, and deleting “(7)” and substituting “(6)”;

Rules 18.05(4)(f), 18.06(b), 18.10(2)(c), 39.02(2), 39.08(2)(b), 50.13(3)(c) and (d), and 82.06(3) are amended by deleting the word “witnesses’ ” and substituting “witness’ ”;

Rule 18.13(5) is amended by deleting the word “are” and substituting “is”;

Rule 29.01(3)(c) is amended by deleting the words “as lead” and substituting “led” and deleting the word “as” in both of the places in which it further appears;

Rule 34.03 is amended by deleting “(7)” and substituting “(6)” and deleting “(8)” and substituting “(7)”;

Rules 36.06(2) and (3) are amended by deleting the italicized word “*Person’s*” and substituting “*Persons*”;

Rule 36.10(2) is amended by deleting “Rule 34.10” and substituting “Rule 36.10”;
Rule 39.04(2) is amended by deleting the phrase “a statement” from the beginning of Rules 39.04(2)(a) and (b) and substituting “information”;

Rule 51.05(4) is amended by adding the word “judge” after “presiding”;

Rule 53.04 is amended by deleting “(5)” and substituting “(2)”;

The second Rule 53.06 is renumbered 53.07;

Rule 54.06 is amended by deleting, in both places in which it appears, the phrase “an adverse party” and substituting, in both places, “a party who is adverse in interest”;

Rule 65.11(2)(a) is amended by capitalizing “Public Prosecution Service” and “Director of Public Prosecutions”;

Rule 70.06(1) is amended by deleting the words “per cent” and substituting “percent”;

Rule 71.04(1)(a) is amended by deleting the word “parents” and substituting “parent”;

A full stop is added at the end of Rule 79.08(5);

Rule 78.09 is added to Rule 78 - Order:

Proof order is satisfied or performed

78.09 A prothonotary or a judge may grant an order declaring that an order providing for payment or recovery of money has been satisfied or that another kind of order has been performed.

Rule 94.02(5) is amended by deleting the phrase “on the first day of March” and substituting “at the instant before midnight on the twenty-eighth of February”;

Rule 94.10 is amended by deleting the full stop at the end, substituting a semicolon, and adding the following after the definition of “teleconference”:

“wages” includes salaries, commissions, gratuities, and other compensation for labour or services.

Certificate

I, Deborah K. Smith, Associate Chief Justice of the Supreme Court of Nova Scotia, certify that on October 31, 2008 a majority of the judges of the court made the foregoing amendment to the *Nova Scotia Civil Procedure Rules*.

Signed October 31, 2008

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

Explanatory Notes

For the most part the proposed amendments provide obvious corrections. The less obvious may be:

Rule 39.04(2) is made consistent with 39.04(1) by referring to “information” in the appropriate places;

Rule 54.06 is changed to avoid possible confusion with an adverse witness under s. 55 of the *Evidence Act*;

Rule 70.06(1) is changed because we use “percent” elsewhere. Either is correct, but one wants to be consistent;

Rule 78.09 responds to a suggestion we expressly refer to something along the lines of the former certificate of satisfaction;

Rule 94.10 is amended because we failed to keep the old definition of wages, although it is needed.