

Nova Scotia Civil Procedure Rules
Amendment
May 11, 2017

1. The table of contents is amended to change the page numbers to match the amended text and the title “Rule 76A – Quieting Titles” is added.
2. The numerals and parentheses (1), (2), and (3) of Rule 5.18 are made bold.
3. The words of Rule 26.02(1) are replaced with the following:
 - (1) A judge may order the prothonotary to appoint a case management judge to assist in managing a proceeding.
4. Rule 30.01(5) is added as follows:
 - (5) A prothonotary may direct a party who makes a motion to the prothonotary to make the motion to a judge in chambers or otherwise as the prothonotary and the party agree or, failing agreement, as the prothonotary directs.
5. Paragraphs (g) and (h) of Rule 61.05 are re-lettered (h) and (i) and the following Rule 61.05(g) is added:
 - (g) for the adoption of a person under sixteen information about whether the person is, or is entitled to be, a Mi’kmaq child within the meaning of the *Children and Family Services Act*;
6. Rules 62.15(2) and (3) are renumbered (3) and (4) and the following Rule 62.15(2) is added to Rule 62 – District Family Rules:
 - (2) The agreement may be in the form of draft orders to which the parties have endorsed their consent or a separate agreement in writing.
7. The first of the following is added before “support for a child who is nineteen years of age or older” in Rule 62.17(1) under the title “claim” and the second under the title “statement”:

support for a child when the parties have, or a party claims, shared parenting

by both parties, a statement of income of the party and of all members of that party's household who earn income, a statement of expenses for the household, and a statement of expenses attributable to the child.

8. Rules 62.17(3) and (4) are renumbered (4) and (5) and the following Rule 62. 17(3) is added to Rule 62 – District Family Rules:

- (3) A party who claims or responds to a claim for child support when the parties have, or a party claims, shared parenting must also file copies of the income tax return and income tax assessment of all members of that party's household who earn income.

9. The attached Rule 76A – Quieting Titles is added after Rule 75 – Injunction.

10. A dash is added between “Rule 26” and “Conference” in Rule 86.02(2).

11. The following paragraph 9 is added under “Grounds for order” in Form 61.02:

- 9 [The child is, or is entitled to be, a Mi'kmaq child and a cultural connection plan has been developed.]

12. The following paragraphs 10 and 11 are added to Form 61.05B:

- 10 [The child is, or is entitled to be, a Mi'kmaq child.]

- 11 [A cultural connection plan has been developed, details of which are as follows:

.]

13. The following is added as the fourth recital in Form 61.07, a form of adoption order:

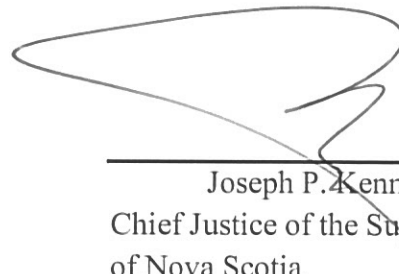
[The person sought to be adopted is under sixteen, is or is entitled to be a Mi'kmaq child, and is the subject of a cultural connection plan.]

14. The sentence, “A judge gave permission for this motion by order dated the 20 .” is removed from the paragraph titled “Motion” in Form 89.05 – Notice of Motion for a Contempt Order.

Certificate

I, Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia, certify that on May 11, 2017, a majority of the judges of the court made the foregoing amendments to the *Nova Scotia Civil Procedure Rules*.

Signed May 11, 2017



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

Rule 76A - Quieting Titles

Scope of Rule 76A

- 76A.01(1)** This Rule adapts procedures under the *Quieting Titles Act* to the *Nova Scotia Civil Procedure Rules*.
- (2) This Rule permits a claim for a certificate of title under the *Quieting Titles Act* to be started by notice of action or by notice of application in court.
- (3) To the extent this Rule 76A modifies procedures provided in the *Quieting Titles Act*, the Rule is made for the purposes of Section 49 of the *Judicature Act*.

Interpretation

- 76A.02(1)** The following words or phrases in the *Quieting Titles Act* include the following words or phrases in these Rules:

<i>Act</i>	<i>Rules</i>
action	application in court
apply for	move for
counterclaimant	defendant who counterclaims or crossclaims in an action and respondent who files a notice of claim in an application
defence	notice of defence in an action and notice of contest in an application
defendant	respondent
give notice of trial	request a date assignment conference
originating notice	notice of action or notice of application in court
plaintiff	applicant
trial	hearing.

- (2) The requirement in the Act that a party who starts a proceeding for a certificate of title must apply for directions is fulfilled by moving for directions in one of the following ways:

- (a) in an action, making a motion for directions under Rule 23 - Chambers Motion, Rule 25 - Motion by Appointment, or Rule 26 - Conference;
 - (b) in an application, following the provisions of Rule 5 - Application for a motion for directions.
- (3) The motion for directions in an action must be scheduled as with motions requiring a half-day or less but more than a half-hour, unless a judge orders otherwise.

Directions

76A.03(1) Rule 5.13 of Rule 5 - Application applies to a motion for directions in an action, and the powers mentioned in that Rule apply to the extent they are consistent with Section 9 of the Act.

- (2) A judge who makes a reference under Section 9 of the Act may adjourn the hearing of the motion for directions until after the referee reports.