

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

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October 8, 2004

Be advised that there will be **NO** Appearance Day on the following dates: **October 22, November 26, December 10 and 24th, 2004.**

Be advised that there will be **NO** regular Supreme Court Chambers on **October 22, 2004.**

Courts will be closed on holidays October 11 and November 11, 2004.

Regular **Court of Appeal Chambers** will be held on **WEDNESDAY, NOVEMBER 10** rather than November 11 and telephone Chambers will be held on **TUESDAY, NOVEMBER 9** rather than November 10, 2004.

Regular Court of Appeal Chambers will be held on **TUESDAY, NOVEMBER 23**, rather than November 25th and telephone Chambers will be scheduled during that week on an as required basis.

SUPREME COURT

1. **Computation of time** - a challenge for both court staff and counsel is the computation of time where reference in the Rules is made to "at least". In particular the use of this phrase is found at **Rule 18.05** on Notices of Examination for Discovery: "...at least five (5) days before...", **Rule 31.28** on Subpoenas: "...at least five (5) days prior...", **Rule 31.29** on Subpoenas in aid of an inferior court or tribunal: "...not less than four (4) days...". Civil Procedure **Rule 3.01(b)** states that in those cases we exclude the days on which the events happen - that is to say the date of issue and the date on which the examination or attendance will occur. **HOWEVER**, in **addition** to this I refer to **Rule 3.01 (h)** which states that where the time limited to do something is less than six (6) days, that Saturdays and holidays are **NOT INCLUDED** in the computation of time.

By way of example: today, October 8 counsel attend the Court Administration Office with a Notice of Examination to be issued - the date of examination must **not be before October 19, 2004.** We do not count either October 8 or October 19th as those are the dates on which the events occur (Rule 3.01(b)), we exclude October 9 (Saturday), October 10(Sunday) and October 11(holiday) (Rule 3.01(h)). Thus our "at least" five (5) days become October 12, 13, 14, 15 and 18th.

A.M.B.