

Part 1 - Applying these Rules

Rule 1 - Purpose

Object of these Rules

1.01 These Rules are for the just, speedy, and inexpensive determination of every proceeding.

Rule 2 - General

Court to which Rules apply

- 2.01 (1)** These Rules apply to proceedings in the Supreme Court of Nova Scotia, including the Supreme Court (Family Division), except Rule 90 - Civil Appeal and Rule 91 - Criminal Appeal apply only to the extent they are incorporated by another Rule.
- (2)** Rule 90 - Civil Appeal and Rule 91 - Criminal Appeal provide for the application of the rest of these Rules to proceedings in the Nova Scotia Court of Appeal.

Irregularity or mistake

- 2.02 (1)** A failure to comply with these Rules is an irregularity and does not invalidate a proceeding or a step, document, or order in the proceeding.
- (2)** A judge may do any of the following in response to an irregularity:
- (a)** excuse compliance under Rule 2.03;
 - (b)** permit an amendment or grant other relief to correct the irregularity;
 - (c)** set aside all or part of a proceeding, step, document, or order, if it is necessary to do so in the interest of justice.
- (3)** It is not in the interest of justice to set aside a proceeding, step, document, or order as a result of an irregularity if the motion to set aside is made after an undue delay by the party who makes the motion or after that party takes a fresh step in the proceeding knowing of the irregularity.

General judicial discretions

- 2.03 (1)** A judge has the discretions, which are limited by these Rules only as provided in Rules 2.03(2) and (3), to do any of the following:
- (a)** give directions for the conduct of a proceeding before the trial or hearing;
 - (b)** when sitting as the presiding judge, direct the conduct of the trial or hearing;
 - (c)** excuse compliance with a Rule, including to shorten or lengthen a period provided in a Rule and to dispense with notice to a party.

- (2) A judge who exercises the general discretion to excuse compliance with a Rule must consider doing each of the following:
- (a) order a new period in which a person must do something, if the person is excused from doing the thing within a period set by a Rule;
 - (b) require an excused person to do anything in substitution for compliance;
 - (c) order an excused person to indemnify another person for expenses that result from a failure to comply with a Rule.
- (3) The general discretions do not override any of the following kinds of provisions in these Rules:
- (a) a mandatory provision requiring a judge to do, or not do, something;
 - (b) a limitation in a permissive Rule that limits the circumstances in which a discretion may be exercised;
 - (c) a requirement in a Rule establishing a discretion that the judge exercising the discretion take into account stated considerations.