



SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
Rules of the Supreme Court, 1986

PRACTICE NOTE
P.N. No. 2018-02

DATE ISSUED: May 9, 2018

RULES AFFECTED: Rule 4.01(1) and (3)

EFFECTIVE DATE: May 18, 2018

PREVIOUS PRACTICE
NOTES REVISED: N/A

The following Practice Note is published pursuant to Rule 4.04 of the *Rules of the Supreme Court, 1986*.

IMPROPERLY TITLED FORMS AND DOCUMENTS

Background and Purpose

1. On January 1, 2018, “The Trial Division of the Supreme Court” became “The Supreme Court of Newfoundland and Labrador” following the enactment of the *Court of Appeal Act*, which established the Court of Appeal of Newfoundland and Labrador as a separate and independent court.
2. Following this, amendments to the *Rules of the Supreme Court, 1986*, which came into force on February 9, 2018, amended 4.01(3) so that it now provides:
 - 4.01 (3) All proceedings started in the province over which the General Division has jurisdiction shall be titled, "**In the Supreme Court of Newfoundland and Labrador, General Division**" and proceedings started in the province over which the Family Division has jurisdiction shall be titled, "**In the Supreme Court of Newfoundland and Labrador, Family Division**". [Emphasis added.]

3. The Amendments similarly amended all of the forms to remove the words “Trial Division” from their included title. The use of these newly revised forms is mandated by rule 4.01(1).
4. Despite the change in the court’s name and the amendments to the rules and the forms, parties continue to submit forms and documents titled, “In the Supreme Court of Newfoundland and Labrador, Trial Division”.

Practice Note:

5. Beginning on **June 22, 2018, the Supreme Court will no longer accept documents and forms titled, “In the Supreme Court of Newfoundland and Labrador, Trial Division”**. Documents and forms should instead be titled either "In the Supreme Court of Newfoundland and Labrador, General Division" or "In the Supreme Court of Newfoundland and Labrador, Family Division", as applicable.
6. Notwithstanding paragraph 5, a registry clerk shall accept an improperly titled originating document for filing if the refusal to accept the document on that date would result in the loss of a substantive right because of the expiration of a limitation period and this fact is brought to the clerk’s attention.

Authorized by:

Raymond P. Whalen
CHIEF JUSTICE OF THE SUPREME COURT
OF NEWFOUNDLAND AND LABRADOR

Ethel Chaulk
REGISTRAR