



SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

NOTICE TO THE PROFESSION AND GENERAL PUBLIC: UPCOMING RULE AMENDMENTS

The Rules Committee of the Supreme Court has recently approved amendments to the *Rules of the Supreme Court, 1986* and associated forms. These amendments were published in the [Newfoundland and Labrador Gazette on July 3, 2020](#).

This Notice provides a general outline of those amendments.

AMENDMENTS COMING INTO FORCE ON AUGUST 6, 2020

Rule 4 – “Documents”

Amendment to rule 4.02 – Document language and formatting requirements

Rule 4.02 was amended to clarify formatting requirements for documents and transcripts filed with Court. Rule 4.02(1) specifies that documents prepared for use in a court proceeding must be in English, unless an Act provides otherwise, and they must be printed one-sided on 8½ x 11 inch paper. Rule 4.02(2) provides further guidance for the preparation of transcripts, which may be printed on both sides of the page. Rule 4.02(3) provides that documents that cannot be stapled together must be bound and rule 4.02(4) provides that where a document is must be broken into two or more volumes, the volumes must be clearly numbered.

Addition of rule 4.02A – Registrar may reject documents that do not comply with rules

Rule 4.02A was added to the Rules. Rule 4.02A(1) clarifies that the Registrar may refuse to accept or file a document that does not substantially comply with the rules and practice notes. Rule 4.02A(2) provides that, notwithstanding the power to reject documents under subrule (1), where a document must be filed because of the impending expiration of a limitation period (or the failure to file on that day will result in a loss of some other substantive right) and this fact is brought to the Registrar’s attention, the Registrar must accept the document. The rule provides at 4.02A(3) that the Registrar may conditionally accept a document and return the document if the condition is not fulfilled or a judge so directs. Rule 4.02A(4) clarifies that this rule is not meant to restrict what can be appended to an affidavit as an exhibit. Rule 4.02A(5) provides that, where a document does not conform with the rules or a practice note, a judge may order that a document be returned to a party, unless the document is part of the record on which the Registrar or a judge made a decision.

Rule 18A – “Case Management”

Rule 18A.04 was amended to clarify how a case management judge and the alternate case management judge are assigned once a judge has determined that a matter should be case managed.

Rule F3A – “Interpreters”

Rule F3A (“Interpreters”) was added to the *Supreme Court Family Rules*. The rule clarifies how interpreters are appointed in family law proceedings before the Court. The appointment can be made on a judge’s own motion or, alternatively, a party may request the appointment of an interpreter by filing an application for a procedural order.

Rule F41 – “Remote Appearances”

The *Supreme Court Family Rules* were amended to add Rule F41, governing remote appearances in family proceedings. Previously, remote appearances in family law proceedings were dealt with under Rule 47A.

Ancillary amendments were also made to the following rules: 47A.02(2); 47A.03(2)(b); 47A.03(2)(c); F14.05(1)(a); F17.06(1)(a); F18.07(1)(a); F19.05(1)(a); F25.04(1)(a); and F30.02(1)(a).

Miscellaneous amendments and corrections

Rule 4.01(2), which provided that references in the Forms to “Newfoundland” were to read “Newfoundland and Labrador”, was repealed.

Rule 56.21(2) was amended to correct a reference to *The Companies (Guarantees) Act*. The rule now refers to the *Insurance Companies Act*.

Rule F8.03(4), F14.02(2)(a), F17.08, F37.01, F37.02(1) and F37.03(2) were amended to correct references to the repealed *Children and Youth Care and Protection Act*. References are now to the *Child, Youth and Families Act*.

Rule F8.05(1)(b) was amended to correct a typo. The word “emailing” now reads “mailing”.

Rules F21.03(2) and F32.02(1) were amended to remove the words “he or she”.

Form 56.21A (“Administration Bond”) has been amended to update the format and language of the form.

AMENDMENTS COMING INTO FORCE ON MARCH 1, 2021

The amendments coming into force on March 1, 2021, are necessary as a result of amendments to the *Divorce Act*, which will come into force on that same date.

Amendments were made to rules F1.02(1)(b), F1.04(b), and F4.07(1) to reflect the inclusion of the term “contact”/“contact order(s)”, referring to contact between a child and a person who is not a parent of the child (such as a grandparent), now in the *Divorce Act*.

Amendments were made to rules F4.07(3)(b)(iv), F5.07(b)(iv), F6.03(3)(b)(iv), F23.06, F26.02(2)(b) and F38.09(5) to reflect the inclusion of the terms “parenting order”, “parenting time” and “decision-making responsibility”, now in the *Divorce Act*.

Amendments to rule F17.02(1)(a)(ii) and F18.03(3)(b) were made to reflect the inclusion of the requirement that “the court shall give primary consideration to the child’s physical, emotional and psychological safety, security and well-being” when considering the best interests of the child, now set out in s. 16(2) of the *Divorce Act*.

If you have any questions regarding these recent amendments, please direct them to the Supreme Court’s inquiries email address: supcourtinquiries@supreme.court.nl.ca.

RAYMOND P. WHALEN
Chief Justice