

**Table of Concordance
(From CPR 2008 to CPR 1972)**

2008 Rules	1972 Rules	Comments
R.1.01	R.1.03	Purpose - The object of the Rules remains the same, but the provisions re: citation (R.1.01) have moved to R.93 and the definitions (R.1.05) have moved to R.94.
R.2.01	R.1.02	General - Prescribes the courts to which the Rules apply.
R.2.02, 02.03	R.2.01, 2.02, 3.03	General - As with the previous Rule, non-compliance does not invalidate a proceeding or step. The forms of relief are similar to those in the old Rules.
R.3.01		Kinds of Proceedings - New. Kinds of Proceedings.
R.4.01, 4.02	R.9.01, 9.04	Action - Deals with commencing an action.
R.4.03		Action - New. Notice of Action for Debt.
R.4.04	R.9.07	Action - Deals with the expiry and renewal of a Notice of Action.
R.4.05	R.11.01	Action - Deals with defending an action.
R.4.06	R.12.07	Action - Allows for a demand for notice where a defendant chooses not to file a defence.
R.4.07	R.11.05	Action - Allows for a defendant to move to dismiss for want of jurisdiction without submitting to the court's jurisdiction. The new Rule is narrower than the old one.
R.4.08	R.16.01	Action - Deals with counterclaims.
R.4.09	R.17A.01, 17A.02	Action - Deals with cross claims.
R.4.10	R.16.02	Action - Deals with defendants making counterclaims involving a third party.
R.4.11	R.17.02, 17.03	Action - Deals with third party claims.
R.4.12	R.16.04, 17.09, 17A.10	Action - Deals with procedures related to counterclaims, cross claims and third party claims.
R.4.13, 4.14, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21		Action - New. These Rules deal with requests for date assignment conferences. The process has changed significantly from that found in the old Rules.
R.4.15	R.28.06(2)	Action - Requires both parties to submit memoranda before conference.

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R.4.22	R.28.11	Action - Prothonotary still must move to dismiss stale actions, but now must do so after 5 years (as opposed to 3 years under the old Rules).
R.5.01	R.37.01	Application - Deals with the making of an application.
R.5.02	R.37.04	Application - Makes minor modifications to the information required on <i>ex-parte</i> applications.
R.5.03	R.37.02	Application - Deals with applications in chambers (on notice).
R.5.06	R.37.05, 37.06, 37.08	Application - Prescribes the deadlines that apply to applications in chambers.
R.5.07, 5.08, 5.09		Application - New. Deals with notice and contesting of applications in court.
R.5.10	R.11.05	Application - Allows for a respondent to make a motion to dismiss for want of jurisdiction without being deemed to have submitted to the jurisdiction.
R.5.11, 5.12		Application - New. Deals with late affidavits, and the expense of cross examination.
R.5.13	R.38.02	Application - Deals with the rules of evidence on an application.
R.5.14	R.37.11	Application - Deals with the failure of a party to appear.
R.5.15	R.37.12	Application - Deals with the failure of a party to comply with the Rule, and the available remedies.
R.5.16	R.37.14	Application - Deals with consolidation and severance.
R.6	R.37.10(e)	Choosing Between Action and Application - The new Rule gives the commencing party discretion, where the old R.9.02 did not. The previous Rule allowed a judge to convert a proceeding from an application to an action, while the new Rule allows the conversion to go both ways.
R.7	R.56, 58, P.M.15	Judicial Review and Appeal - Deals with judicial reviews and appeals, including procedures, evidence, time-lines, stays and orders.

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R.7.12, 7.13, 7.14, 7.15, 7.16, 7.17, 7.18	R.58, 88	Judicial Review and Appeal - Replaces the previous Rule on <i>habeas corpus</i> . Strict time-lines have been abolished, in favor of judicial discretion. Bail is addressed here, while it was not in the old Rules. The form of hearing is left open.
R.8	R.12	Default Judgment - Deals with default judgments in actions - from the prothonotary (R.8.02) or a judge (R.8.03). Summary dismissal of applications is now dealt with under R.5.14; mortgages in R.72.
R.9	R.40	Discontinuance - Deals with the discontinuance and/or withdrawal of proceedings.
R.10.01, 10.03, 10.04, 10.05, 10.06, 10.07, 10.08, 10.09, 10.10, 10.11, 10.12, 10.13, 10.14, 10.15, 10.16	R.41A, P.M. 5, 27	Settlement - The new Rule consolidates and expands on Practice Memoranda 5 (APR Procedures) and 27 (Case Management), and the old Rule 41A (Offers to Settle). The new Rule addresses 3 aspects of settlement (enforcement of agreements, formal settlement offers/costs and judge assisted settlement conferences).
R.10.02		Settlement - New. Release-bar and third party beneficiary rules.
R.11	R.35	Reference - The new Rule is broader, and outlines the situations in which questions can be referred to a referee.
R.11	R.57.30(9), 57.30(10), 57.30(11), 57.30(12)	Rule 11 governs the process for References. Although Family Court Judges aren't listed, they aren't excluded either. Since Rule 62 doesn't provide a process, it's anticipated R.11 is intended to govern the process that operated under old Rules 57.30(9) to (12).
R.11.07	R.35.03(3)	Reference - As with the old Rule, the new Rule gives a judge broad discretion in dealing with the referee's report.
R.12	R.25, 27	Questions of Law - The new Rule is broader. It no longer requires an agreed statement of fact, or no material facts in dispute. It only deals with questions of law, and not preliminary questions of fact/evidence, as in the old R.25. Advance rulings on the sufficiency of a treating physician's narrative is now dealt with under R.55.15.

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R.13	R.13	Summary Judgment - One of the few Rules to keep the same number, the new Rule has been expanded to include determination of questions of law. The "no arguable issue" test is now articulated as the "no genuine issue for trial" test, but the standard is the same.
R.13.03	R.14.25(1)(a)	Summary Judgment - Deals with the striking of pleadings. The test is analogous to the old Rule.
R.14	R.20	Disclosure and Discovery in General - This is a new and different Rule, but maintains the tradition of broad disclosure with the presumption that full disclosure is necessary for justice. Worthy of noting is that it changes the old "semblance of relevance" test in favor of a simple relevance test (as the term is understood at trial).
R.14.06		Disclosure and Discovery in General - Addresses disclosure of privileged information by mistake. While this is not in the old Rules, it is similar to the process set out in Chapter 13 (Duties to Other Lawyers) of the <i>Legal Ethics Handbook</i> .
R.14.07	R.20	Disclosure and Discovery in General - Continues the Rule that the party seeking disclosure bears the cost(s), but also now allows for cost shifting to achieve proportionality.
R.14.12	R.20.06	Disclosure and Discovery in General - While disclosure from non-parties (Order for Production) is no longer addressed separately, it's still available in this Rule (with a judge's order in R.14.12(2)).
R.15	R.20	Disclosure of Documents - Deals with the disclosure of documents.
R.15.04(b)	R.20	Disclosure of Documents - The duty to disclose is still a continuing one.
R.16		Disclosure of Electronic Information - New. The Rule is based on The Sedona Canada Principles of The Sedona Conference®.
R.17	R.24	Disclosure of Other Things - This Rule expands on the old Rule (Inspection of Real and Personal Property, etc.).

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R.18	R.18	Discovery - This is another one of the few Rules that have maintained the same Rule number. The nomenclature has changed somewhat, as have some substantive portions.
R.18.22	R.18.15	Discovery - A party who refuses to attend discovery, answer questions or produce disclosure can be found in contempt. The broad range of remedies found in old Rules continue.
R.19	R.19	Interrogatories - Another one of the Rules where the number has remained the same. It is not substantially different than the old Rule, but it does include new limits on the use of discoveries/interrogatories (i.e., the same question cannot be asked twice).
R.20	R.21	Admission - Like the old Rule, failure to respond is taken as an admission. Unreasonable refusals to admit can still attract costs and other sanctions.
R.21	R.22	Medical Examination and Testing - Replaces the old Rule and codifies the case law.
R.22	R.37.04	Motion (General Provisions) - Codifies existing practices relating to <i>ex parte</i> motions.
R.22	R.37	Motion (General Provisions) - The primary change was to create separate Rules for original and interlocutory applications. There have been changes in nomenclature.
R.22.02, 22.03, 22.04, 22.05, 22.06, 22.07, 22.08, 22.09	R.37.13, 37.14	Motion (General Provisions) - Deals with notice of motion, <i>ex-parte</i> motions, disclosure on motions and rehearing(s).
R.22.12	R.51.05(2), 51.05(3)	Motion (General Provisions) - Allows for the prothonotary to make a motion.
R.22.15	R.37.09, 38.02	Motion (General Provisions) - Addresses the rules of evidence on a motion and codifies case law in <i>Wall v. Horn Abbot Ltd.</i> (1999), 176 N.S.R. (2d) 96 (C.A.).
R.22.18	R.37.11	Motion (General Provisions) - Deals with attendance, withdrawal, and adjournment.
R.23.01, 23.02, 23.03		Motion (Chambers) - New. Addresses chambers motions.

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R.24	R.68.04, P.M. 27	Motion (Appearance Day) - Addresses appearance day motions, and outlines where they are appropriate. Codifies current practices in Halifax under the old Rule and Practice Memoranda, with some minor changes. Also allows for a similar method outside the HRM (in R.25.03 or R.26).
R.25	R.26	Motion (by Appointment) - New. See the old Rule 26, which dealt with pre-trial/pre-hearing conferences.
R.26	R.26	Conference - Deals with pre-trial and organizational conferences.
R.27		Motion (by Correspondence) - New. Deals with motions by correspondence.
R.28		Motion (Emergency) - New. Deals with emergency motions.
R.29		Motion (to Presiding Judge) - New. Deals with motions to presiding judge.
R.30		Motion (to Prothonotary) - New. Deals with motions to the prothonotary.
R.31.02	R.10.02	Notice - The new Rule adopts the old, "gold standard" of personal service of a certified copy of the original document, proven by affidavit of service.
R.31.03, 31.04	R.10.03(1)	Notice - Personal service of a document (to whom; method of service). The new Rule speaks of "handing the document to the individual" as opposed to (in the old Rule) "leaving a copy....with him", but there appears to be no operative difference.
R.31.05	R.10.14	Notice - Deals with proof of personal service.
R.31.06	R.10.03(2)	Notice - Deals with the acceptance of service on behalf of a party.
R.31.07	R.10.03(3)	Notice - Provides that the filing of a responding document means that party is taken to have notice as of the day of filing.
R.31.08	R.10.05(1)	Notice - The new Rule is similar to old Rule respecting the giving of notice as agreed to in a contract.
R.31.09	R.10.07, 10.08, 10.09	Notice - Provides for notification out of jurisdiction.
R.31.10	R.10.10	Notice - Deals with substituted services.

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R.31.12	R.10.12, 12.07	Notice - Deals with disentitlement to further notice. The new Rule is similar to the old Rule requiring a defendant or third party to file a defence or a demand for notice before the deadlines set out. The failure to do so disentitles that party to further notice. The exception regarding notice of damages under old R.12.08 can now be found under the new R.70.04(2).
R.31.14, 31.15, 31.16, 31.17, 31.18	R.10.12	Notice - Deals with interlocutory notice, notice in writing/by mail.
R.31.16(2), 31.16(3)	R.10.12(4), 10.12(4.1)	Notice - Deals with when documents are deemed to be received (the new Rules make minor changes in the time at which the document is deemed to be received).
R.32	R.9.05	Place of Proceeding - Deals with where a proceeding takes place.
R.33	R.9, 44	Counsel - Deals with discharge, withdrawal or change of counsel. The major changes are that the new Rule requires counsel to complete tasks undertaken/directed to do, and reaffirms need for counsel to make a motion to be withdrawn when no document of consent is filed or where trial or hearing dates have been set and the party intends to be self-represented (even if there is consent). The new Rule also outlines the requirements for a party who wishes to act on their own after discharging counsel.
R.34	R.9.08	Acting on One's Own - The new Rule expands on the old Rule, and outlines parties who must have counsel, communication with counsel when acting on one's own, and the roles and restrictions of assistants/agents.
R.35	R.5, 7, 8	Parties - Deals with motions to add/remove parties, including intervenors.
R.35.02	5.02	Parties - The Rules no longer refer to joinder, but it is still permitted.
R.35.06	R.5.04	Parties - Deals with parties being joined in error.
R.35.10	R.8	Parties - Deals with intervenors.
R.35.14	R.7	Parties - Deals with members of a partnership.

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R.36	R.5, 6	Representative Party - Deals with the appointment of Guardians, Litigation Guardians and others acting in a representative capacity.
R.36	R.57.26	The new rules no longer contain a provision re: mentally incompetent persons (old Rule 57.26). Instead, refer to Rule 36 - Representative party.
R.37	R.39.02, 5.03, 16.03(d), 17.08	Consolidation and Separation - Deals with the consolidation, separation and severance of proceedings, trials and/or hearings.
R.38	R.14	Pleading - The new Rule codifies best practices in pleading. The old Rule limiting pleadings to material facts (and not evidence) remains (in R.38.02(3)). Other portions of the old R.14 have been moved: Rules on style of cause to R.82.09; service of pleadings to R.31; striking of pleadings to R.13.02 and R.88.03; amendment to R.83; costs when improper denial(s) to R.77.07(2)(h).
R.39	R.38	Affidavit - Codifies current best practices in affidavits.
R.39.05	R.38.11	Affidavit - The Rule provides that scandalous or oppressive affidavits are now dealt with in R.88 (Abuse of Process).
R.39.06	R.38.14	Affidavit - The new Rule continues the practices surrounding the use of affidavits in subsequent proceedings (provided proper notice is given).
R.39.10	R.38.06, 36.07	Affidavit - Special Rule re: taking of affidavits for deaf/blind, illiterate or non-English literate deponents remains, with some modifications.
R.40		Brief - New. Outlines the requirements for briefs, and makes suggestions for form and content.
R.41	R.43.01	Interlocutory Injunction and Receivership - Deals with interim and interlocutory injunctions/receivership.
R.42.03	R.43.02, 43.03, 43.04, 43.05, 43.06, 43.07	Preservation Order - Deals with the preservation of evidence, property and assets. The new Rule provides that similar motions can be made to the prothonotary under R.43 (Temporary Recovery Order) and R.44 (Attachment).

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R.42.03	R.37.04	Preservation Order - The new Rule continues <i>Anton Pillar</i> orders respecting the preservation of evidence.
R.43	R.48.01, 48.02, 48.03, 48.04, 48.05, 48.06, 48.07, 48.08, 48.09, 48.10, 48.11	Temporary Recovery Order - Deals with all aspects of temporary recovery orders, which are available in limited circumstances.
R.44	R.49	Attachment - Deals with attachment orders, which are available in limited circumstances to preserve assets to satisfy a possible future judgment.
R.45	R.42	Security for Costs - The new Rule is simply the plain language version of the old one.
R.46	R.41	Payment into Court - The new Rule is simply the plain language version of the old one.
R.47	R.28.02, 30.03, 30.05, 37.03	Place of Trial or Hearing - Deals with the selection (or changing) of the place of a trial/hearing.
R.48	R.31.22	Translation, Interpretation and Assistance - The new Rule is much broader in scope than the old Rule.
R.49	R.29	Sittings - The Rule provides for chambers and sittings of the court (no jury), and sets the time and place for jury trials. It also modifies procedures provided in legislation.
R.50	R.31.24, 31.25, 31.26, 31.27, 31.28, 31.29, 31.30	Subpoena - Deals with the compelling of witnesses to give evidence.
R.50.07	R.31.29	Subpoena - Deals with subpoenas in aid of another judicial body.
R.50.09, 50.10	R.31.26	Subpoena - Deals with the delivery of a subpoena and travel money.
R.50.12	R.31.27	Subpoena - Deals with the duration of a subpoena.
R.50.13, 50.14	R.31.30	Subpoena - Deals with the arrest of a witness, and arrested witnesses.
R.51	R.30, 31	Conduct of Trial - Provides procedures (and judicial discretion) regarding the conduct of a trial.
R.51.02, 51.03	R.31.15(1), 31.07	Conduct of Trial - Deals with notice/exclusion in respect of evidence.
R.51.05	R.30.04	Conduct of Trial - Deals with order for presentation, role of counsel and new evidence.

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R.51.06	R.30.08	Conduct of Trial - Addresses non-suit.
R.51.07	R.31.05	Conduct of Trial - Deals with proof of facts.
R.51.09	R.30.06	Conduct of Trial - Addresses the need to control witnesses.
R.51.10	R.30.11	Conduct of Trial - Deals with the need for common document book(s)/files.
R.51.13	R.31.03(1)	Conduct of Trial - Deals with the need for, or possibility of, judicial intervention in an examination.
R.52	R.34	Trial by Jury - The new Rule codifies existing practices, with some significant changes, such as the process for selecting a jury/burden on the objecting party, and the fact that one can now make submissions on what is an appropriate award of damages.
R.53		Conduct of Hearing - New. Deals with the conduct of hearings (procedures, judicial discretion).
R.54	R.23.03, 31.23	Supplementary Rules of Evidence - The new Rule addresses proof of evidence, including foreign law. The presumption of authenticity of documents remains (in R.54.05), but there are now 2 routes for another party to object (R.54.05(1)(a) and (b)).
R.55.12	R.23, 31.08	Expert Opinion - Provides procedures for expert opinions.
R.56	R.32	Commission Evidence - In this new Rule, there are many parallels to ss.709-714 of the <i>Criminal Code</i> . Also noted, <i>Sun Alliance Insurance Co. v. Thompson</i> (1981), 57 N.S.R. (2d) 226 (T.D.), which provided limitations to commission evidence. These are replaced by a 9 factor balancing test (R.56.03(3)) permitting an order in much broader circumstances.
R.57, 58		Actions Under \$100,000 - New. There are similarities to Ontario's Rule 76. Nova Scotia is the first Canadian jurisdiction to limit the types of actions to which this Rule applies (i.e., debts, injury to property, supply of goods/services, losses from breach of contract, breach of trust, and wrongful dismissal).
R.59	R.70	Family Division Rules - Not yet published.

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R.59.01	R.70.02	Definitions - The definitions for "court officer" and "judge" have been expanded, while those for "Guidelines" and "support" remain the same. A definition for "statements" replaces the one for "financial statements" in previous Rule 70. Definitions for "hearing", "trial" and "proceeding" have been removed, but R.59.02 refers to actions for divorce.
R.59.02	R.70.03	Scope of Rule 59 - Applies very generally to any proceedings started under s.32A of the <i>Judicature Act</i> (except those covered by R.60A, 60B or 61), whereas the old Rule enumerated the proceedings to which it did/did not apply. The other Rules continue to apply to anything not governed by the Family Proceedings Rules (R.59.02(2)). A divorce proceeding as an action vs. application is explained (R.59.02(4) and (5)). Also see Family Division Practice Memorandum, which applies to all proceedings under this rule.
R.59.03	R.70.04	Where a proceeding is started and heard - Jurisdiction of the Family Division is the same (R.59.03(1) and (2)). New language is used to describe a judge/court officer's existing authority, and the discretion to transfer a proceeding (R.59.03(4)).
R.59.04	R.70.05(1), 70.05(3)	Starting a proceeding - New/additional language. Appears to describe the same process followed under the old rules. The label "Intake" is no longer used, but the process and authority remain the same.
R.59.05	R.70.05(2)	Parties and counsel - New. Defines: "applicant(s)"/"respondent(s)"; parties to a divorce proceeding (including the limits on who can be one); and how a lawyer becomes counsel of record (i.e., by signing <i>Divorce Act</i> , s.9 certificate. Also see R.33).
R.59.06		Types of proceedings - New. Defines: original proceeding (i.e., one started by notice of application, other than a divorce); divorce proceeding (action vs. application); when a notice of variation application is appropriate (i.e., when seeking to vary, rescind or suspend an order under the <i>Divorce Act</i> or <i>MCA</i>); and how R.6 applies to motions.

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R.59.07	R.70.05(1)	Notice of application - New. Describes Form 59.07 in detail.
R.59.08	R.70.07(14)	Response to application - New. Describes Form 59.08 in detail. Respondent <i>must</i> file a response if seeking relief different than that sought in application (R.59.08(2)), otherwise <i>may</i> do so (e.g., to ensure the right to proceed if applicant discontinues). Response to be filed at least 15 clear business days before the hearing, unless a court officer or judge directs otherwise (R.59.08(3)).
R.59.09(1), 59.09(2)	R.70.18(1)	Petition for divorce - New. Describes Form 59.09 in detail. A statement of contact information and circumstances (an administrative form) must now be filed with the petition, as opposed to the second application form required under the old Form 70.05A.
R.59.09(3)		Petition for divorce - New. A s.9 (<i>Divorce Act</i>) certificate of counsel can appear under the petitioner's signature.
R.59.09(4), 59.09(5)	R.70.18(4)	Petition for divorce - Certificate of marriage must be attached unless it's not possible, in which case: it must be filed as soon as possible; or the marriage is proven in a manner directed by the judge.
R.59.09(6)	R.70.18(5)	Petition for divorce - A new divorce can only be started if the first one is discontinued and <u>no other has been started</u> .
R.59.09(7)	R.70.19(1)	Petition for divorce - Can still amend a petition to add an allegation of marriage breakdown (<i>Divorce Act</i> , s.8(2)(a)), without a judge's permission.
R.59.09(8)		Petition for divorce - New. Party alleging adultery is not required to name the person with whom the other party has allegedly committed adultery. If they do, they must give notice to the non-party (see R.31 - Notice).
R.59.09(9)	R.70.18(6)	Petition for divorce - <i>MCA</i> and other proceedings are still deemed consolidated (see R.37 - Consolidation and Separation) with a subsequent divorce proceeding unless a judge orders otherwise.

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R.59.10	R.70.21(1), 70.21(2), 70.21(3)	Answer to petition for divorce - Must file an answer to contest or make a claim. New timelines: respondent must file and personally serve within new deadlines: 15 clear, business days in NS; 30 clear, business days outside NS but in Canada; and 45 clear, business days outside Canada (R.59.10(2)). New provisions include: can only file after deadline passes with a judge's permission (R.59.10(3)); and failing to file means the respondent is taken to have admitted the allegations, consented to the relief sought and is disentitled to further notice unless a judge orders otherwise (R.59.10(4)). Detailed description of the new Form 59.10 (R.59.10(5)).
R.59.11		Demand for notice - New. Describes Form 59.11, which can be filed by a respondent who doesn't wish to contest/make a claim in a divorce, but still wants notice of the steps taken.
R.59.12(1), 59.12(2)	R.70.28(5)	Notice of variation application - Deals with the requirements for bringing a variation application, and describes Form 59.12.
R.59.12(3)	R.70.28(2)	Notice of variation application - A court officer must send a certified copy of any variation order(s) (unless they are provisional orders) to the court(s) that made the order(s) being varied.
R.59.13	R.70.28(6)	Response to variation application - New deadlines. Describes Form 59.13 in detail. Like with a petition, respondent <i>must</i> file a response if seeking different relief than applicant, otherwise <i>may</i> do so (e.g., to ensure the right to proceed if the applicant discontinues). Response must be filed no less than 15 clear, business days before the hearing unless a court officer or judge orders otherwise.
R.59.14(1), 59.14(2), 59.14(3)	R.70.05(4)	Notice and disentitlement to further notice - New. R.31 - Notice (which details notice, personal service, delivery of documents, and contains special provisions concerning infants or persons with a disability) applies unless this Rule provides otherwise. Despite R.31.03(1)(c), a person under the age of majority must be personally served in certain circumstances (R.59.14(2)). Court officer or judge may direct that notice of a conciliation meeting is given by mail (R.59.14(3)).

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R.59.14(4)	R.70.05(7)	Notice and disentitlement to further notice - Motions for substituted service are now made under R.31.10. The requirements are more detailed than under the old Rule 70.05(7), and the threshold appears to be much higher.
R.59.14(5)	R.70.05(7)	Notice and disentitlement to further notice - New. Failure to comply with notice/disclosure requirements or an order/direction made by a court officer or judge, may result in disentitlement to further notice.
R.59.15	R.70.07(4)	Designated address - Parties must provide an address for service/delivery of documents and service/delivery to that address is deemed sufficient notice. See also: R.31 - Notice, R.34 - Acting on One's Own, and R.82 - Administration of Civil Proceedings.
R.59.16	R.70.05(5), 70.05(6), 70.20(3), 70.20(4), 70.28(9)	Expiry, discontinuance and withdrawal - New. Deals with: discontinuing application/petition; notice of discontinuance; notice of continuance (must be filed to preserve a response/answer, which would otherwise expire after 10 clear, business days - R.59.16(8)); and notice of withdrawal of response/answer. Notice of application or petition expires 6 months after filing unless respondent notified (R.59.14), or an extension granted by a judge or court officer. Rule 9 - Discontinuance applies (except where the Rule provides otherwise - R.59.16(1)), until an order for interim relief has been granted, after which a judge's permission is required (R.59.16(3)).
R.59.17	R.70.06	Parent information - New language. Appears to describe the same process found under the old Rules.
R.59.18	R.70.11	Mediation - New language. Appears to describe the same process found under the old Rules.
R.59.19		Disclosure obligations and notice of documents filed - New. Filed statements must be immediately delivered to the other party, unless a judge or court officer directs otherwise (R.59.19(3)). R.15 - Disclosure of Documents and R.16 - Disclosure of Electronic Information do not apply, unless a judge orders otherwise (R.59.19(4)).

Table of Concordance
(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.59.20	R.70.08	Disclosure by parenting statement and deadline for filing - Makes a minor change to the timeline for filing a response: now 10 clear, business days, unless a court officer directs otherwise.
R.59.21	70.23(2)	Disclosure by financial statements - New. Describes disclosure obligation(s), and required forms. The filing exception (for situations where parties have agreed) now applies to all proceedings, not just divorce proceedings (as with the old Rule 70.23). No financial statements required if: there is an agreement on support; child support is not affected; and the parties sign/file a waiver.
R.59.22	R.70.09	Disclosure of financial information for child support and other claims - New. Includes a chart setting out the filing requirements. New language is used to describe the same procedures followed under the old Rules.
R.59.23		Disclosure by affidavit - New. A party must file an affidavit by the deadlines in R.5 - Application, or as directed by a judge or court officer, unless a judge directs otherwise.
R.59.24	R.70.09(3), 70.09(5), 70.09(5A)	Deadlines for filing financial statements - New timelines: Applicant must file statements when they file notice of financial claim (R.59.24(1)(a)); respondent must file within: 15 clear, business days in NS, 30 clear, business days outside NS but in Canada, or 45 clear, business days outside Canada (R.59.24(1)(b)); undue hardship applications require statements/calculations to be filed with the claim or within 15 days after receiving the other party's statements or calculations (R.59.24(1)(c) and (d)). A judge or court officer may permit, or direct, a different filing deadline (R.59.24(2)).
R.59.25	R.70.07(2)	Direction to disclose - Describes Form 59.25 in detail. The old "notice to disclose" has been renamed, and new language appears to describe same the procedures found under the old Rules.

**Table of Concordance
(From CPR 2008 to CPR 1972)**

2008 Rules	1972 Rules	Comments
R.59.26	R.70.07(7)(d), 70.07(11)	Order to appear and disclose and order to disclose - New. Describes Forms 59.26A and 59.26B in detail. There are now separate forms of order, and new language is used to describe similar procedures to those found under the old Rules, although the new Rule appears broader.
R.59.27	R.70.10	Order for disclosure by non-party - Some parts are new. A court officer can now make an order for a non-party to appear/disclose on the basis of affidavit evidence (R.59.27(5)). The form of order is new (see Form 59.27), and described in detail (R.59.27(6)). Otherwise, new language appears to describe the same, basic procedures found under the old Rules.
R.59.28	R.70.16	Disclosure and discovery under Part 5 - Defines how Part 5 applies (and the exceptions) to proceedings under this Rule. There is now a statement re: a judge's authority to order a person to file/disclose/produce (see R.59.28(5)).
R.59.29	R.70.07(5)	Conciliation - New language. Outlines the steps involved; the same goal(s) apply.
R.59.30	R.70.07(1)	Conciliation meeting and directions - Describes Form 59.30 - Direction to Appear, in detail. New language appears to describe the same process found under the old Rules.
R.59.31	R.70.07(7), 70.07(11), 70.07(16)	Conduct of conciliation - New language appears to describe the same process found under the old Rules (R.59.31 (1) and (2)). Under R.59.31(3), a court officer's power to dismiss a claim or make an order for costs can only be exercised if the conditions in (a) to (c) have been met. R.59.31(4) and (5) now extends a prothonotary's powers under R.22.10 and 30 to court officers.
R.59.32	R.70.07(8)	Consent order in conciliation - New language appears to describe the same process followed under the old Rules.
R.59.33	R.70.07(7)(g), 70.07(11)(c), 70.07(12)	Interim order for child support - New language appears to describe the same process followed under the old Rules. See also Family Division Practice Memorandum, Part 4 - Orders.

Table of Concordance
(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.59.34	R.70.07(13)	Variation of, or setting aside, a court officer's order - New language appears to describe the same process followed under the old Rules.
R.59.35	R.70.07(9), 70.07(10)	Conciliation Record - Describes Form 59.35 in detail. New language used to describe the same process used under the old Rules.
R.59.36	R.70.07(15)	Referral to court - New language describes same process already followed (R.59.36(1)). The provisions for notice are new: R.31 - Notice applies (see R31.14 to 31.18), and there are references to "delivery" and "personal service" (R.59.36(2)). Contains detailed description of the new Notice to Appear in Court (Form 59.36, see R.59.36(3) and (4)). Confirms that R.5 - Application applies (see R.5.02 to 5.06), with certain outlined exceptions (R.59.36(5)(a) to (g)).
R.59.37	R.70.15(1)	Motion for directions - New. The former "organizational pre-trial/pre-hearing conference" has been renamed. R.5 applies (R.59.37(1) and (2)), but the deadline in R.5.07(3) does not apply (R.59.37(8)). New language describes a court officer's involvement in more detail (see R.59.37(3) to (7)); they can now waive the requirement for a motion for directions (R.59.37(7)).
R.59.38	R.70.15(1), 70.15(2), 70.15(2)(a), 70.15(4)	Conference - New. A judge or court officer can arrange a conference under R.26 - Conference (R.59.38(1)) and a judge may case manage the file (R.59.38(3)). R.5.09(2) and (3) apply. A judge's authority in a conference is defined (R.59.38(5) and (7)). The ACJ can now designate a court officer to conduct conference(s), give directions and make recommendations to a judge (R.59.38(6) and (8)).
R.59.39	R.70.15(2)(a)	Settlement conference procedure - New language appears to describe and detail existing practices followed but not formally outlined under the old Rules. New filing requirements outlined (R.59.39(5)). Now provides for judge to cancel a settlement conference and make an order for costs for failure to comply with this Rule (R.59.39(6)). R.10 - Settlement does not generally apply to family proceedings (R.59.39(7)); R.10.11 to 10.15 can apply if a judge directs (R.59.39(8)). See also Family Division Practice Memorandum, Part 3 - Settlement Conferences.

Table of Concordance
(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.59.40		Hearing - New. R5 - Application and Rule 11 - Trial and Hearing apply, with some outlined exceptions (see R.59.40(3)). A hearing can proceed on the basis of affidavits alone (R.59.40(2)). Once scheduled, no motions/discoveries can be made without a judge's permission (R.59.40(4)). A judge can order discovery of an expert (R.59.40(5)). Outlines limits re: child witnesses (R.59.40(6) and (7)).
R.59.41	R.70.17	Obtaining divorce trial dates - New. Applies only to divorce trials, not applications. "Request for date assignment conference" replaces "Request for Trial Date and Certificate of Readiness". "Organizational pre-trial conference" becomes "date assignment conference" and "trial readiness conference" (R.59.41(1)). Once scheduled, no motions/discovery made without judge's permission (R.59.41(6)).
R.59.41(4), 59.41(5), 59.41(7)	R.70.17	Obtaining divorce trial dates - New language used to describe a judge's power(s), and to detail a court officer's involvement in the process.
R.59.42(1)	R.70.17A	Divorce trial - New. R.51 - Conduct of Trial applies, subject to exceptions in R.59.42(1)(a) to (e): can be conducted on the basis of affidavits and/or testimony (R.59.42(1)(a)); presumption that document purporting to be official proof of marriage in another jurisdiction proves the marriage (R.59.42(1)(b)); all claims heard together (R.59.42(1)(c)); and required documents/statements can be admitted as exhibits without further proof unless judge orders otherwise (R.59.42(1)(d)). R.59.40(4) to (6) applies (see R.59.42(1)(e)). A judge may now make an order for discovery after the trial has been set (R.59.40(4)); and there are restrictions on child witnesses (R.59.40(6)).
R.59.42(2)	R.70.17A	Divorce Trial - New. Updated, "most current" information must now be filed by the parties 25 clear, business days before trial, unless a judge orders otherwise.

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2008 Rules	1972 Rules	Comments
R.59.43		Uncontested divorces - New. There are three procedures available for uncontested divorce (R.59.43(1)(a) to (c)): 1. uncontested motion in a divorce action (by petition); 2. application for divorce by agreement; and 3. joint application for a divorce. Each may proceed with (R.59.43(2)) or without (R.59.43(4)) a hearing. Like with R.59.09(3), a s.9 (<i>Divorce Act</i>) certificate of counsel may appear under the signature of the party who starts the application for divorce (R.59.43(4)).
R.59.44	R.70.23	Uncontested Motion for Divorce - Replaces the old procedure, "application for judgment" found under the old Rule70.23(3). Now requires immediate notice to respondent (R.59.44(6)), and outlines judge's options re: determination (R.59.44(7)).
R.59.45(1)		Application for divorce based on written agreement - New. Describes Form 59.45 in detail (R.59.45(2) and (3)). Circumstances set out for when application may be made (R.59.45(1)(a) to (c)). Requires immediate notice to respondent (R.59.45(4)).
R.59.45(5), 59.45(6), 59.45(7)		Application for divorce based on written agreement - New. Allows for a 10 day period for respondent to notify a court officer of any dissent with any statement in the application.
R.59.46	R.70.22	Joint application for divorce - New. Describes Form 59.46, and the requirements of each party, in detail (R.59.46(2) and (3)). Circumstances set out for when application may be made (R.59.46(1)).
R.59.47	R.70.23(1), 70.23(2), 70.23(3), 70.23(4), 70.23(5)	Information and evidence for uncontested divorce - Replaces "application for judgment" found under the old Rules. Sets out evidentiary and other filing requirements (R.59.47(1) and (2)). Financial statements can only be waived if there are no children, no spousal support and written agreement on everything else (R.59.47(3)). Now the divorce will not be referred to judge until all required documents filed (R.59.47(4)). Evidentiary requirements for adultery set out (R.59.47(5)).

Table of Concordance
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2008 Rules	1972 Rules	Comments
R.59.48	R.70.23(7), 70.23(8), 70.23(9)	Divorce order and corollary relief order - New language. Appears to describe the same process followed under the old Rules. See also Family Division Practice Memorandum, Part 4 - Orders.
R.59.49	R.70.23(10)	Divorce certificate - Form 59.49 described in detail. New language appears to describe the same process followed under the old Rules.
R.59.50	R.70.27	Registration of divorce order - New language. Appears to describe the same process under the old Rules.
R.59.51	R.70.26	Preparation of order - Rule 78 -Order applies, unless this Rule says otherwise. New language appears to describe existing practices. See also Family Division Practice Memorandum, Part 4 - Orders.
R.59.52(1)	R.70.12, 70.13	Motion and interim relief - New. Interim and interlocutory applications have been replaced with motions: see new Rules, Part 6 - Motions. A court officer's involvement is described in more detail than under the old Rules (R59.51(2)). Outlines new options for presenting evidence in motion(s), including for interim relief (R.59.51(3)).
R.59.52(4)	R.70.12, 70.13	Motion and interim relief - New. A motion now expires 6 months after filing if no notice has been given to other party in accordance with Rule 31 - Notice (59.51(4)).
R.59.53	R.70.12, 70.13	Emergency application and emergency motion - New. Rule 28 applies, with the exception that R.59.52(2) (re: preconditions to setting the hearing) and 59.53 (<u>this</u> Rule) apply <u>unless</u> a judge orders otherwise. New language describes court officer's involvement and codifies existing practices (R.59.52(2) to (4)). Details filing (R.59.52(2)) and evidentiary (R.59.52(5)) requirements.
R.59.54	R.70.12A	Litigation Guardian - New language. Appears to describe same process followed under old Rules.
R.59.55	R.70.25	Paternity test - New language. Appears to describe same process followed under the old Rules.
R.59.56	R.70.29	Provisional order under the <i>Divorce Act</i> - New language. Appears to describe same process followed under the old Rules. See also Family Division Practice Memorandum, Part 4 - Orders.

**Table of Concordance
(From CPR 2008 to CPR 1972)**

2008 Rules	1972 Rules	Comments
R.59.57	R.70.29	Proceedings under the <i>Interjurisdictional Support Orders Act</i> - New. These Rules defer to the procedures already outlined in Regulations to the Act.
R.59.58	R.70.30(1)	Enforcement of a support order - New. New language appears to describe the same process already followed.
R.59.58(1)		Enforcement of a support order - New. An execution order can only be pursued if a party files written confirmation from the Director of Maintenance Enforcement (director) that the parties opted out of MEP, or the director chose not to enforce the order under s.11(1) of the <i>Maintenance Enforcement Act</i> , and the party may enforce it under s.11(2).
R.59.58(2), 59.58(3)	R.70.30(2)	Enforcement of a support order - New. The ACJ may designate a court officer to hold hearings and make orders under s.37 of the <i>Maintenance Enforcement Act</i> (not including an order for imprisonment).
R.59.59		Communicating with a judge or a court officer - New. May communicate directly with a judge, only if judge expressly permits (R.59.59(1)). Communication about proceeding must not be made to a court officer by email, unless directed by a judge (R.59.59(2)).
R.59.60	R.70.31	Publication ban and access to information - New language. Appears to describe same process already followed. The timelines have changed slightly - 20 clear, business days for notice (R.59.60(4)).
R.60	R.69	Child and Adult Protection - Not yet published.
R.60A.01(1)		Scope of Rule 60A - New. There is no longer a rule relating specifically to "interpretation" (like with R.69.01, 1972). Instead see new Rule 94 - Citation, Interpretation and Documents. This Rule provides for procedures under: the <i>Children and Family Services Act (CFSA)</i> - see R.60A.02 to R.60A.35; the <i>Adult Protection Act (APA)</i> - see R.60A.35 to R.60A.43; the <i>Involuntary Psychiatric Treatment Act (IPTA)</i> - see R.60B.01; and the <i>Hospitals Act</i> - see R.60B.02.

Table of Concordance
(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.60A.01(2)	R.69.03(2)	Scope of Rule 60A - Sets out the kinds proceedings that may be started by filing one of the notices described in R.60A.01(2)(a) to (d).
R.60A.01(3)		Scope of Rule 60A - New. The rules outside this Rule apply unless they are inconsistent with this Rule or the applicable legislation.
R.60A.01(4)		Scope of Rule 60A - New. Part 6 - Motions applies to interlocutory steps (modified, as necessary, by this Rule).
R.60A.02	R.69.03(2)	Starting a child protection application - Sets out how to make a child protection application under s.32 of the <i>CFSA</i> . New language describes procedures found under the 1972 rules. The agency may file a notice of application in court (R.69.02(1)). The agency must ask the court to set a date and time for the interim hearing (R.69.02(2)). R.60A.02(3) stipulates that Rule 31 - Notice applies. A judge may require/waive, or give other directions for, notice (R.60A.02(4)) or may designate an address for service (R.60A.02(5)).
R.60A.03(1), 60A.03(2)	R.69.03, 69.03(2), Form 69.03A	Notice of child protection application - Sets out the requirements for a notice of child protection application, and describes Form 60A.03, which may be used. Rules 84 - Court Records and 5.07 - Application in court apply, with exceptions (as outlined in R.69.03(1)(a) to (h)).
R.60A.03(3)	R.69.03(2)(a)	Notice of child protection application - Sets out the evidentiary requirements for the affidavit that must accompany the notice of application.
R.60A.03(4)	R.69.03(4)	Notice of child protection application - New. The agency must obtain and file the child's birth certificate <u>immediately</u> (as opposed to "as soon as practicable") after starting an application.
R.60A.04	R.69.04	Place of application - New. A child protection application must now be filed and heard in the Supreme Court (Family Division), unless a judge directs otherwise (see R.60A.04(1) to (3)). The matter can be transferred to the Family Court with the court's permission (R.60A.04(4)).

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2008 Rules	1972 Rules	Comments
R.60A.05		Parent or guardian under the age of majority - New. Codifies the presumption that a parent or guardian of a child who is the subject of a proceeding under the <i>CFSA</i> and who is under the age of majority need not commence or defend by way of litigation guardian unless a judge orders otherwise.
R.60A.06	R.69.03(5)	Appointing litigation guardian for a child - New language. Describes the same process found under the old rules.
R.60A.07	R.69.02(2), 69.02(3), Form 69.02G	Taking child into care - New language. Explains/expands existing practices. An agent must "immediately" file a notice of taking into care under this Rule when a child has been taken into care under s.33(1) of the <i>CFSA</i> (R.60A.07(1)). The notice requirements are set out in: R.60A.07(2) - applies to all; R.60A.07(3), (4) and Form 60A.07 - apply to taking into care before a child protection application is started; R.60A.07(5) and Form 60A.07A - apply to taking into care after a child protection application is started.
R.60A.08		Conduct of protection hearing - New. Allows for a protection hearing to take place by way of teleconference pursuant to R.25.04 - Hearing by teleconference with public access.
R.60A.09	R.69.05	Consolidation of proceedings - New. Specifies that a child protection proceeding can be consolidated with any proceeding involving custody/access to a child.
R.60A.10	R.69.07(3), 69.07(4), 69.07(5), 69.07(6), 69.07(7), 69.07(9)	Interim hearing - New language details practices followed but not explicitly set out under the old rules. The new Rule no longer deals with service/notice (unlike old R.69.07(1) and (2)). Instead see Rule 31 - Notice. The new Rule no longer explicitly provides for the addition of parties at the interim stage (unlike old R.69.07(8)).
R.60A.11	R.69.08	Disclosure and discovery - New language. Describes processes followed under the old rules.
R.60A.12(1), 60A.12(2), 60A.12(4)	R.69.09(1), Form 69.09A	Stay until mediation completed - A judge may still order a stay during a mediation under s.21(2) of the <i>CFSA</i> where it is in the child's interests and desirable for the parties to pursue a consensual resolution (R.60A.12(1)). The requirements for the form of the stay order are set out in R.60A.12(2), which describes (optional) Form 60A.12.

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2008 Rules	1972 Rules	Comments
R.60A.12(3)	R.69.09(2)	Stay until mediation completed - New. While the old R.69.09 provided for a report to be filed following mediation, this new R.60A.12(3) allows for a provision in the stay order that sets out what the report can or must contain.
R.60A.13(1)	R.69.09(3)	Prehearing conference - New language. Explicitly sets out that a pre-hearing conference must be held before the protection and disposition hearings, unless a judge directs otherwise.
R.60A.13(2), 60A.13(3)	R.69.09(4), 69.09(5)	Prehearing conference - The pre-hearing conference(s) can still be combined with the hearing(s) (R.60A.13(2)), and a judge can still direct that a court officer can conduct the conference (R.60A.13(3)).
R.60A.13(4)		Prehearing conference - New. The agency must file current, relevant evidence at least 10 days before the pre-hearing conference.
R.60A.14	R.69.08(5), 69.08(6)	Production of documents - Production can be ordered if the judge is satisfied: (a) it's necessary for the fair disposition of the matter or will reduce costs (new and in keeping with the new Rules' focus on judicial economy); (b) the parties are notified; and (c) production is not injurious to the public interest.
R.60A.15	R.69.10(1)	Protection hearing - New. New language. Describes the procedures followed under the old rules in respect of evidentiary matters under s.96(1) and (3) of the <i>CFSA</i> . The protection hearing now proceeds by way of a motion (as opposed to application) under s.40 of the <i>CFSA</i> . Perhaps most significantly, the new rules no longer stipulate that a judge who makes the protection finding is seized of the matter (unlike the old R.69.10(2)).
R.60A.16(1)	R.69.11, 69.09(4)	Disposition hearing - When the protection finding is made, the judge must schedule a pre-hearing conference to organize the disposition hearing (but see R.60A.13, which provides that a judge may direct otherwise or may combine the pre-hearing conference with the disposition hearing).
R.60A.16(2), 60A.16(3), 60A.16(4)	R.69.11(1), Form 69.11A	Disposition hearing - New language. The disposition hearing now proceeds under s.41 of the <i>CFSA</i> by way of a notice of motion (as opposed to application), filed no later than 10 days before the pre-hearing conference. The agency must file current, relevant evidence and the plan of care (plan requirements set out in R.60A.17) with the notice (R.60A.16(3)).

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(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.60A.16(5), 60A.16(6)	R.69.11(1), 69.11(2), Form 69.11A	Disposition hearing - New. R.60A.16(5) outlines the requirements for the notice of motion for disposition order and describes Form 60A.16, which may be used. Rule 23 - Chambers Motion applies, with exceptions as outlined in R.60A.16(5)(a) to (d).
R.60A.17(1)	R.69.11(1), Form 69.11B	Agency plan for disposition hearing - New. Sets out the requirements for the agency plan of care that <u>must</u> be filed prior to the disposition hearing. See s.41(3)(a) to (c) of the <i>CFSA</i> .
R.60A.17(2)	R.69.11(1), Form 69.11B	Agency plan for disposition hearing - New. Specifies what the plan must include where the agency proposes to remove the child from a parent/guardian's care (addresses ss.: 41(3)(d), (e) and (4)(a); 42(2)(a) to (c); and 42(3) of the <i>CFSA</i>).
R.60A.17(3)	R.69.11(1), Form 69.11B	Agency plan for disposition hearing - New. Specifies what the plan must include where the agency proposes temporary care (all of the above, plus (a) to (k) herein; addresses s.44 of the <i>CFSA</i>).
R.60A.17(4)	R.69.11(1), Form 69.11B	Agency plan for disposition hearing - New. Specifies what the plan must include where the agency proposes permanent care (everything in R.60A.17(1) and (2), plus (a) to (d) herein; addresses ss.42(4) and 47 of the <i>CFSA</i>).
R.60A.17(5)	R.69.11(1), Form 69.11B	Agency plan for disposition hearing - Form 60A.17 can be used for the agency plan of care.
R.60A.18	R.69.11(2)	Kinds of disposition orders - Sets out the kinds of disposition orders that can be made under s.42(1) of the <i>CFSA</i> , and which are addressed in these rules below.
R.60A.19	R.69.11(3), Form 69.11C	Order of dismissal - Sets out the requirements for an order for dismissal under s.42(1)(a) of the <i>CFSA</i> . There must be separate orders for each child (see R.60A.23). Form 60A.19 may be used.
R.60A.20	Form 69.11D	Supervision order - New. Sets out the requirements for a supervision order (see ss.41(5) and 43 of the <i>CFSA</i>). Form 60A.20 may be used.
R.60A.21	Form 69.11E	Order for temporary care and custody - New. Sets out the requirements for a temporary care order (see ss.41(5) and 44 of the <i>CFSA</i>). Form 60A.21 may be used.

**Table of Concordance
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2008 Rules	1972 Rules	Comments
R.60A.22(1)	R.69.11(3), Form 69.11F	Order for permanent care and custody - New. Sets out the requirements for permanent care and custody order (see ss.41(5) and 47 of the <i>CFSA</i>). There must be separate orders for each child (see R.60A.23). Form 60A.22 may be used.
R.60A.23	R.69.11(3)	Separate order for each child - There must still be separate orders of dismissal and/or permanent care and custody for each child.
R.60A.24(1), 60A.24(2), 60A.24(4), 60A.24(5)	R.69.12(1), 69.12(2), 69.12(3), 69.12(4)	Review of order - New language. Basically describes practices followed under the old rules. A party may make a motion for review of an order under s.46 of the <i>CFSA</i> by filing a notice of motion in chambers. While the old rule addresses filing timelines, it appears that Rules 23 - Chambers Motions and 31 - Notice now apply. If the agency proposes to change placement, access or services, they must file a revised plan providing the most current available information (R.60A.24(2)) with the revisions highlighted or underlined (see R.60A.24(3) below).
R.60A.24(3)		Review of order - New. Revisions to the agency plan must be highlighted or underlined .
R.60A.25	R.69.13	Terminating order for permanent care and custody - New. Sets out how to make an application to terminate permanent care (see R.60A.25(1) and(2)). Gives guidance on orders made under ss.48(8)(c) and (d) of the <i>CFSA</i> : R.60A.20 applies, with the exceptions set out in R.60A.25(4)(a)/(b) and (5)(a)/(b). Under new R.60A.25(1)(b), the leave application can't be brought with the application to terminate. A party must obtain leave (permission under s.48(6)(c) of the <i>CFSA</i>) <u>before</u> filing. R.60A.25 also sets out timelines for the hearing of applications to terminate (R.60A.25(6)(a) - within 90 days after filing) and applications for leave (R.60A.25(6)(b) - within 60 days after filing).

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2008 Rules	1972 Rules	Comments
R.60A.26	R.69.13(1)	Varying or terminating access under order for permanent care and custody - New. Sets out how to make an application to vary or terminate access in a permanent care order under s.48 of the <i>CFSA</i> . (see R.60A.26(1) to (3)). R.60A.26(4) now sets out that such applications must be heard within 60 days after filing.
R.60A.27	R.69.13(5)	Extension of Permanent Care and Custody - An application to extend permanent care until a child turns 21 <u>may</u> be brought as a notice of application in chambers. New language sets out the same process found under the old rules. The party who files the application must secure hearing dates and give notice at least 10 days before the hearing (see R.60A.27(2) and (3)).
R.60A.28		Locate and Detain - New. The rules now set out how to obtain a "locate and detain" order under s.29(1) of the <i>CFSA</i> , basically codifying existing practices. Evidentiary requirements are set out in R.60A.28(2)(b). Form 60A.28 contains a suggested form of order.
R.60A.29	R.69.06	Application for order keeping person away from child - Sets out how to apply for a protective intervention order under s.30 of the <i>CFSA</i> . The agency must give 2 days notice (R.60A.29(2)). Rule 31 - Notice applies (R.60A.29(3)). Rule 5 - Application applies, with exceptions (see R.60A.29(4)(a) and (b)). The old rule refers to the filing of an affidavit, while the new Rules refers to "notice" and "grounds" (see R.60A.29(4)). R.60A.29(5) provides that a <u>motion</u> can be made to vary, terminate or extend such an order, but R.5 - Application and R.31 - Notice continue to apply as if it were an original <u>application</u> .

Table of Concordance
(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.60A.30	R.69.14	Minister's application for authorization to provide treatment - Sets out how to apply for a consent to treatment under s.61 of the <i>CFSA</i> . See R.5.03 - application in chambers on notice. New language is used to codify/expand upon existing practices. The notice of application must contain a caution re: the respondent's right to counsel (R.60A.30(3)).
R.60A.31	R.69.15, Form 69.15A	Application for finding to be entered in Child Abuse Register - Sets out how to make an application for a finding of abuse to support an entry in the register under s.63(3)(d) of the <i>CFSA</i> . R.5.03(2) (notice of application in chambers) applies, with exceptions (see R.60A31.(2)(a) and (b)). The Minster/agency must secure a date for directions (R.60A.31(4)). R.31 - Notice applies (R.60A.31).
R.60A.32(1)	R.69.15, Form 69.15G	Removal of name in Child Abuse Register - Sets out how to make an application for removal from the register (R.60A.32(1) to (3)). Describes Form 60A.32.
R.60A.33	R.69.16	Access to files and records - Access to child protection files/records continues to be restricted. If they are released to a non-party, the judge must make an order prohibiting publication under s.94 of the <i>CFSA</i> (R.60A.33(c)).
R.60A.34		Admitting evidence from other proceedings - New. Addresses applications to admit evidence from another proceeding under s.96(1) of the <i>CFSA</i> , and requires the party seeking to admit to fully describe the evidence in question.
R.60A.35		Settlement Conferences - New. Specifies that Rule 59 - Family Division Rules about settlement conferences apply to proceedings under the <i>CFSA</i> and the <i>APA</i> (see R.59.39).
R.60A.36		Definition - New. Adult protection rules include Rules 60A.35 (above) to 60A.41. These Rules basically codify existing practices under the old rules, with some exceptions.

Table of Concordance
(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.60A.37		Scope of adult protection rules - New. An original proceeding is brought by way of application in accordance with the adult protection rules (see R.60A.37(2), which doesn't stipulate that R.5 - Applications applies). R.60A.37(3) provides that an interlocutory proceeding is made by motion, and R.6 - Motions applies (with the necessary modifications provided for in this part). Rules outside Part 13 - Family Proceedings apply (R.60A.37(4)).
R.60A.38		Starting an adult protection application - New. Sets out how an application is made under ss.8, 9 and 10 of the <i>APA</i> . It may be made by filing a notice of application (R.60A.38(1)). R.60A.38(2) sets out who must be named as the respondent, and R.60A.38 provides for notice to other interested persons. R.60A.38 deals with the requirements for the appointment of a litigation guardian. R.31 - Notice applies (see R.60A.38(5) and also ss.8(2)(a)/(b), 9(2) and 10(3) of the <i>APA</i>).
R.60A.39		Notice of adult protection application - New. Sets out how an adult protection application is made under ss.8(2) and 9(1) of the <i>APA</i> (R.60A.39(1) to (4)). Describes Form 60A.38, which may be used, and sets out the grounds that must accompany the application (R.60A.39(4)(a) and (b)). Rules 84 - Court Records and 5.07 - Application in court apply, with exceptions only as provided herein (R.60A.39(1)). The Minister may ask for order authorizing services under s.9(3)(c) or (d) under the <i>APA</i> (R.60A.39(3)).
R.60A.40		Notice of adult protection application (after removal) - New. Sets out how an adult protection application under s.10(2) (where the adult has already been removed) of the <i>APA</i> is made. R.60A.38(1) applies, with exceptions (see R.60A.40(1)(a) and (b)). Notice must be given as provided in s.10(2) of the <i>APA</i> (R.60.40(2) - within 5 days of the removal). Describes Form 60A.40, which may be used. R.60A.40(4) sets out the requirements for the form of order.

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(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.60A.41		Place of application - New. R.60A.41(1) provides that, like with proceedings under the <i>CFSA</i> , applications under the <i>APA</i> must be filed in the Supreme Court (Family Division). The matter must be heard in the Family Division unless a judge directs otherwise (see R.60A.41 (2) to (4)).
R.60A.42		Motion to vary, review or termination order - New. Provides Rule 6 - Motions applies to motions to vary, renew or terminate orders under s.9(6) of the <i>APA</i> , to the extent the rule is consistent with that (sub)section.
R.60A.43		Access to files and records - New. The Rule 59 - Family Division Rules about access to files/records apply to <i>APA</i> matters (as a starting point, see R.59.60(2) to (6)).
R.60B.01(1)		Application - New. Provides for an application under s.13 of the <i>IPTA</i> , for an order allowing involuntary psychiatric treatment. R60B.01 requires a statement made under s.13(2) of the act to be filed. Unlike with R.60A, which deals with <i>CFSA</i> and <i>APA</i> matters, this Rule does not state a requirement that the application/statement be filed at the Supreme Court (Family Division).
R.60B.01(2), 60B.01(3), 60B.01(5)		Application - New. The judge who determines the statement is not frivolous, vexatious or malicious has the discretion to (in part): give directions (R.60B.01(2) and (3)), hear it <i>ex parte</i> (R.60B.01(5)), or require notice.
R.60B.01(4)		Application - New. R.5 - Application (re: application in court) applies unless a judge says otherwise.
R.60B.01(6)		Application - New. A judge who finds the statement frivolous, vexatious, or malicious, may set a time to hear the person who made the statement in order to determine whether the application should proceed.
R.60B.01(7)		Application - New. The judge who gives directions is seized, unless they direct otherwise.

Table of Concordance
(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.60B.02		Review under the Hospitals Act - New. Applications for judicial review under the <i>Hospitals Act</i> (ss.54D and 71(2)(a), re: giving/refusal of consent by a substitute decision maker; or ss.58(1) and (2), re: a declaration of capacity/incompetence) may be made in accordance with Rule 7 - Judicial Review and Appeal.
R.61	P.M.14	Adoption - Not yet published.
R.62	R.57	Districts' Family Rules - Not yet published.
R.62.01	R.57.02	Scope of Rule 62 - Outlines application of R.62 (the districts and type(s) of proceedings). The definitions found under old Rule 57.01 have been moved (see new R.94). The applicability of R.62 and the other new rules (not inconsistent with this rule or related legislation) is expanded; all rules relating to an action apply to a divorce action (R.62.01(4)).
R.62.02	R.57.06	Family proceedings - R.62 applies to divorces, and applications "... to claim any other family remedy, including a variation, rescission, or suspension of corollary relief" (R.62.02(1)(c)). Replacing former "joinder of causes" (old Rule 57.04) are R.62.02(1)(a) and 62.08(2), which allow for the incorporation of "any other remedy [...] conveniently determined with a claim under the <i>Divorce Act</i> ". Provides for a judge to convert a divorce action to an application (R.62.02(2)). Petition expires 6 months after filing (unless judge extends) if respondent hasn't received notice under R.31 (R.62.02(5)).
R.62.03	R.57.03	Parties and counsel (and additional provisions) - Supplements relevant provisions in Part 8 - Counsel, Parties, and Claims. Expands on old rule. Now a party who lives in a jurisdiction where the Family Division sits can elect to start a proceeding under this rule (R.62.03(1)). Additional parties can't be added without the judge's permission (R.62.03(3)). Deals with <i>Divorce Act</i> , s.9 certificate (R.62.03(4) and (5)).
R.62.03(1)	R.57.05	Parties and counsel (and additional provisions) - Place of proceeding - Provides that a person may start a family proceeding under this Rule even if residing in a jurisdiction of the Family Division (HRM or Cape Breton).

Table of Concordance
(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.62.04	R.57.05	Place (modifying provisions) - Petitioner/applicant may not name HRM, or Cape Breton, unless a judge permits (62.04(1)). If a motion is made to change venue, like under previous Rules 57.05(4) and (5) preference is still given to place/court nearest the child or a substantially more convenient place (R.62.04(2)).
R.62.05	R.57.14	Case management and settlement conferences (modifying provisions) - Deals with judge's authority to case manage. He/she may: case manage a file (R.62.05(1)); call a conference under R.26 (R.62.05(2)); or set a settlement conference (R.62.05(3)). This rule now modifies the application of Rule 10 - Settlement Conference, and states R.10.05 to 10.10 do not apply to a family proceeding (R.62.05(4)).
R.62.06		Discontinuance (modifying provisions) - New. A petitioner can't discontinue a divorce action without permission, and a judge can refuse permission until claim(s) made in an answer is/are determined.
R.62.07		Disclosure and discovery (modifying provisions) - New. Supplements provisions found in Rule 14 - Discover and Disclosure in General. In a family proceeding, production can be demanded at any time: of a party by a party (R.62.07(2)) and of a non-party by the judge (R.62.07(3)). Rules 15 - Disclosure of Documents and 16 - Disclosure of Electronic Information don't apply unless a judge orders otherwise (R.62.07(1)). A party can't subpoena a child to attend discovery (or discover a child) unless a judge permits (R.62.07(4)).
R.62.08	R.57.06	Action for divorce order and corollary relief - Deals with starting a divorce action by petition.
R.62.09	R.57.06	Petition for divorce - Describes Form 62.09. Outlines criteria, necessary content and marriage certificate requirements. Like the previous Rule 57.15, petition must state that court may grant relief sought if no answer filed (R.62.09(1)(c)). Amendments are now dealt with under Rule 83 - Amendment. Service (including substituted service, and the affidavit of service) is now dealt with in Rule 31 - Notice. Under R.31.04, the petitioner still can't serve the petition.

**Table of Concordance
(From CPR 2008 to CPR 1972)**

2008 Rules	1972 Rules	Comments
R.62.10	R.57.12	Answer to petition for divorce - Respondent must file an answer to contest or make a claim in a divorce action (R.62.10(1)). Describes the requirements, and Form 62.10 in detail (R.62.10(2)).
R.62.11		Demand for notice - New. Allows for notice to a Respondent who wants notice of steps taken, but doesn't want to contest/make a claim.
R.62.12	R.57.18	Uncontested divorce - New language. Appears to describe a process similar to the one found under the previous rules.
R.62.13	R.57.18	Motion for default judgment - "Application for judgment" (old rules) is now replaced by motion for uncontested divorce (see Form 62.13). Motion may be made under Part 6 - Motions (R.62.13(2)); if no hearing must follow requirements set out for <i>ex-parte</i> motions under Rule 23 - Chambers Motions, with some modifications (see R.62.13(3)(a) to (d)). Copy of motion must be delivered immediately to a respondent who has filed demand for notice (R.62.13(5)). A judge must either make a determination, require additional evidence, dismiss or set a hearing (R.62.13(6)(a) to (d)).
R.62.14		Application for divorce based on written settlement - New. Allows for new way to obtain uncontested divorce based on a written agreement already reached by the parties: application starts proceeding (requirements set out in R.62.14(2), see Form 62.14); requires affidavit supporting an uncontested divorce (requirements set out in R.62.16). Can only be used when a petition has not been filed, or the petition was discontinued and no other divorce proceeding started.
R.62.15	R.57.20	Joint application for divorce - Outlines a new process/form for joint application(s) for divorce based on an agreement already reached by the parties: application starts proceeding (requirements set out in R.62.14(2), with some modifications - see Form 62.15); requires affidavit supporting an uncontested divorce (requirements set out in R.62.16). Can only be used when a petition has not been filed, or the petition was discontinued and no other divorce proceeding started.

Table of Concordance
(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.62.16	R.57.17	Information and evidence for uncontested divorce - Details the supporting evidence and information that must be filed in support of an uncontested divorce, including the marriage certificate, required financial statements, and supporting affidavit. Like under previous Rule 57.23, stamped envelopes must still be provided (R.62.16(4)). The necessary supporting evidence/information appears to be the same as that required under the old rules; however, unlike the previous Rule 57.19(b), R.62 does not outline any specific evidentiary requirements for establishing adultery (see R.62.16(3)(b)).
R.62.17	R.57.13	Disclosure of financial information for child support - Details what must be filed for any claim for child support under the applicable <i>Guidelines</i> , including what must be filed in relation to an undue hardship claim (see R.62.17(2) to (4)). Filing deadlines set out in R.62.19.
R.62.18	R.57.13	Disclosure of financial information for other claims - Sets out what must be filed in relation to claim(s) for property or spousal support, including variation applications. Filing deadlines set out in R.62.19. Appears to contemplate the possibility of a waiver of financial information, where the parties agree or a judge orders. There is no suggested waiver form, but the Family Division Practice Memorandum contains Form FD 11 that may become the standard.
R.62.19	R.57.13	Deadlines for filing financial statements - Sets out the deadlines for filing financial statements: 15 clear, business days in NS; 30 clear, business days outside NS but in Canada; 45 clear, business days outside Canada.
R.62.20	R.57.13	Contents of statements - Sets out what a statement of income must contain (see R.62.19(2)). Does not set out required content for other financial statements. Must rely on relevant legislation for specific evidentiary requirements. The Family Division Practice Memorandum (FDPM) contains reference material that may be helpful, including Form FD 11 (waiver of financial statements - see R.62.18).

Table of Concordance
(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.62.21	R.57.14	Obtaining divorce trial dates - Party may request a date assignment conference once the criteria in R.62.21(1)(a) to (c) is met. The parties must be notified of the date within 25 days of the request being properly made (R.62.21(3)). Nothing in the rule limits the judge's authority to assign trial dates at a case management conference or otherwise (R.62.21(4)). Note: matters proceeding to an application hearing may proceed by way of a motion for directions, when warranted, under R.5 - Application.
R.62.22		Divorce trial - New. Deals with how a divorce trial is to be conducted. R.51 - Conduct of Trial applies, as well as the additional provisions in R.62.22(1)(a) to (d). Parties' must file current statements/documents in place of all outdated information no less than 25 days before trial (R.62.22(2)).
R.62.23	R.57.22	Divorce order - Outlines what divorce order must contain and describes Form 62.23. R.78.05 applies (with exceptions, see R.62.23(2)) unless judge orders otherwise.
R.62.24	R.57.22	Corollary relief order - Outlines what corollary relief order must contain (including when it provides for child support, see R.62.24(3)), and describes Form 62.24. R.78.05 applies (with exceptions, see R.62.24(2)).
R.62.25	R.57.24	Divorce certificate - New language. Appears to describe the same procedures found under the 1972 rules.
R.62.26	R.57.33	Registration of divorce order - Similar language appears to describe the same process followed under the old rules.
R.62.27	R.57.31	Provisional order under the <i>Divorce Act</i> - Sets out the evidentiary requirements for the applicant's affidavit (R.62.27(1)). Outlines notice requirements (see Form 62.27 and R.62.27(3)) and specifies that a proceeding is started when notice is issued (R.62.27(2)). New rule is not as detailed as the old Rules 57.31 and 57.32 concerning provisional and confirmation hearings.

Table of Concordance
(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.62.28	R.57.30	Varying, rescinding, or suspending corollary relief - The process relies on other rules: party who wants a variation files a notice of application in chambers (if hearing will take less than half-day), or an application in court (R.62.28(1)). The criteria for an affidavit in support is set out in R.62.28(2). A judge may direct that a court record associated with a NS order be considered as evidence (R.62.28(4)). Like previous Rule 57.35, R.62.28(3) describes how variation applications are numbered.
R.62.29		Family proceedings outside divorce - New. Sets out types of cases that can be addressed by way of an application under R.5 - Application.
R.62.30		Protection of a child and the open court principle - New. Addresses access to court files in family proceedings involving children. Prothonotary may refuse access to non-party when proceeding involves a child. A motion can be made for access, and judge hearing the motion must consider whether access is likely to cause damage to a child, whether conditions on access are warranted or whether an order of confidentiality should be made under R.85.04.
R.62.31	R.57.25	Dormant petition or application - Prothonotary must make a motion to dismiss when a proceeding has remained dormant for five years.
R.63	R.66, P.M.21	Summary Conviction Appeal - Deals with appeals relating to summary offences (under the federal and provincial legislation).
R.64	R.58	Prerogative Writ - The new Rule is made under subsections 482(1) and (3) of the <i>Criminal Code</i> .
R.65		Application to Reduce Parole Ineligibility - New. The Rule is made under subsection 745.64(1) of the <i>Criminal Code</i> .
R.66	R.45	Account - Allows a party to obtain an order for an accounting.
R.67		Builder's Lien - New. Supplements the procedures outlined in the <i>Builders' Lien Act</i> .
R.68		Class Proceeding - New. Expands upon the old Rule (R.5.09) that provided for a representative proceeding. The Rule also augments procedures under the <i>Class Proceedings Act</i> .

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2008 Rules	1972 Rules	Comments
R.69	R.60	Controverted Election - The Rule is made under s.66 of the <i>Controverted Elections Act</i> , and provides for complaints or the contesting of a return under that Act.
R.70	R.33	Assessment of Damages - Deals with the assessment of damages.
R.71	P.M.10	Guardianship - Replaces Practice Memoranda 10 (Guardianship Applications) that dealt with appointments under the <i>Guardianship Act</i> and the <i>Incompetent Person's Act</i> , and deals with the disposal of property and approval of a contract on behalf of a child without a guardian.
R.72	R.47.08, 47.09, 47.10, 47.11, 47.12, 47.13, P.M.13	Mortgages - Deals with procedures for foreclosure, sale and possession.
R.73	R.54	Receiver - Provides for receivership as a final remedy. Interim/interlocutory receivership can be obtained under R.41 (Interlocutory Injunction and Receivership).
R.74	R.47.14, 47.15, 47.16, 47.17, 47.18	Other Sales by the Court - Provides for the sale (or other disposition) of property as a remedy.
R.75		Injunction - New. Deals with final injunctions. R.41 deals with interim/interlocutory injunctions.
R.76	R.50	Interpleader - Provides a remedy for a person who must deliver possession of property, debt of fund, but is facing conflicting claims.
R.77	R.63	Costs - The new Rules on costs make no major changes to the law. Costs remain at the discretion of the judge (R.77.02(2)); generally follow the event (R.77.03(3)); solicitor/client costs are rarely awarded (R.77.03(3)). The tariffs still apply, and costs are still assessed by a judge or in the Small Claims Court.
R.77	R.57.27	There is no special provision for costs like under the old Rule 57.27. They are now dealt with under R.77.
R.78	R.51	Order - Deals with orders.
R.78.08	R.15.07	Order - The new Rules still permit a judge to correct errors in orders, to adjudicate matters which should have been, and to extend/add deadlines.
R.79	R.53	Enforcement by Execution Order - Deals with execution orders. The operation of these orders has not changed substantially, but the form of order is now more detailed.

Table of Concordance
(From CPR 2008 to CPR 1972)

2008 Rules	1972 Rules	Comments
R.80		Other Enforcement Orders - New. The previous enforcement methods of Recovery Orders, Receivership Orders, Injunctions, and Contempt Orders remain (see R.73-75, R.89 and R.41-46 for temporary remedies).
R.81	R.64	Reciprocal Enforcement - There are no significant changes to the previous practice, except that there is now a prescribed form of notice.
R.82		Administration of Civil Proceedings - New. General provisions, dealing with the administration of civil proceedings in the Supreme Court.
R.82, 84	R.57.35	R.82 - Administration of Civil Proceedings and R.84 - Court Records apply in place of the old Rule 57.35, which outlined a prothonotary's duties.
R.82.18	R.28.13	Administration of Civil Proceedings - Deals with dismissal for want of prosecution.
R.82.20	R.51.05	Administration of Civil Proceedings - Deals with orders by the prothonotary.
R.82.22	R.15.08	Administration of Civil Proceedings - Deals with the varying of orders or re-opening of proceedings.
R.83	R.15.07	Amendments - Deals with amending court documents (including pleadings).
R.84		Court Records - New. Codifies existing practices respecting the maintenance and control of the civil index, and the recordings of proceedings; also allows for motions for the return of exhibits after a proceeding concludes.
R.84.02	R.30.10	Court Records - Deals with the prothonotary's obligation to keep a record of civil proceedings. The new Rule is more detailed.
R.84.04	R.30.11	Court Records - Deals with exhibits, and the control of exhibits during and after trial.
R.85		Access to Court Records - New. Deals with access to court records.
R.86		Judicial Communication Across Borders - New. Allows for communication/harmonization between courts/jurisdictions.
R.87		Communicating with a Judge - New. While not in the previous Rules, it is addressed in Unilateral Communications with the Court (Chapter 10.12) in the <i>Legal Ethics Handbook</i> . R.87 applies the same limits to a self-represented litigant.

**Table of Concordance
(From CPR 2008 to CPR 1972)**

2008 Rules	1972 Rules	Comments
R.88		Abuse of Process - New. Provides for procedures and remedies for dealing with abuses of process.
R.88.02	R.14.25(1)(d)	Abuse of Process - The new Rule expands on the remedies for abuse in general.
R.89	R.55	Contempt - The new Rule is similar to the old Rule in many respects, but now brings the Rules into conformity with the <i>Charter</i> .
R.89.09		Contempt - Offers up some of the same protections afforded to an accused under the <i>Criminal Code</i> .
R.90	R.57.34	The old rule 57.34 dealt with the duties of a prothonotary on appeal(s). Now refer to R.90 - Civil Appeal.
R.90	R.62	Civil Appeal - Appellate practice will not change substantially, with a few exceptions (i.e. to deadlines/timelines).
R.91	R.65	Criminal Appeal - Criminal appellate practice will not change significantly, but the Rule does make many small changes in the court's practice (deadlines, the definition of judgment, case management, and the Attorney General's responsibility for appeal books).
R.92		Transition - New. Provides for the transition from the old to the new Rules.
R.93	R.1.01, 1.06	Citation - Provides for the correct citation of the old and new Rules.
R.94	R.1.04, 1.05	Interpretation - Provides principles of interpretation, changes the way time is calculated under the new Rules, and contains definitions.
R.94.02	R.3, 10.12(5), 10.13	Interpretation - The new Rule makes the deadline for deemed next day services 4:30 pm (as opposed to 4:00 pm in the old Rule 10.13). By the way "day" is defined, the new Rule continues the practice of deeming documents served after 4:00 pm, or on weekends, as having been received the following day.
R.95	R.1, 4.01	Preparation of Documents - Provides for signature of documents and completion of forms. There are significant changes. Headings may not be varied under the new Rules.