

Rules of the Supreme Court of Newfoundland, 1986

TRIAL DIVISION

PRACTICE NOTE

P.N.(TD) No. 2001-03

DATE ISSUED: December 10, 2001

RULES AFFECTED: Rules of the Supreme Court, 1986: 4 and 15
Divorce Rules of the Supreme Court of Newfoundland: 1, 4, 9, 34 & All
Rules of the Unified Family Court: 4 and 25

EFFECTIVE DATE: Upon Publication

PREVIOUS PRACTICE NOTES REVISED: N/A

The following Practice Note was filed with the Registrar, as Secretary of the Rules Committee of the Trial Division and of the Unified Family Court, and is published pursuant to rule 4.04 of the *Rules of the Supreme Court, 1986*:

NEWFOUNDLAND AND LABRADOR ACT

Background

1. As a consequence of the recent constitutional amendment changing the name of the Province of Newfoundland to “Province of Newfoundland and Labrador”, the House of Assembly has passed the *Newfoundland and Labrador Act* which has, with some exceptions, the effect of changing references to “Newfoundland” in existing provincial legislation to “Newfoundland and Labrador”. That Act has been proclaimed and is in force.
2. An incidental effect of this legislation is to change the name of most provincial institutions created or otherwise regulated or affected by provincial statute, and which contain the name “Newfoundland”, to a name containing the words “Newfoundland and Labrador”.
3. At the next meetings of the Rules Committees of the Trial Division and the Unified Family Court, the Rules of Court, as they apply to the Trial Division, as well as the Unified Family Court Rules and the Divorce Rules, will be amended to require that pleadings, forms and other documents used and filed in the Trial Division or the Unified Family Court shall refer

to the Court as the “Supreme Court of Newfoundland and Labrador, Trial Division” or the “Supreme Court of Newfoundland and Labrador, Unified Family Court”, as the case may be.

4. The following Practice Note is issued to aid in the transition from the existing nomenclature to the new nomenclature.

Practice Note

5. **Subject to paragraph 7, all new proceedings commenced shall be styled “IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR, TRIAL DIVISION” or “IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR, UNIFIED FAMILY COURT”, as the case may be. All other references to the Court in pleadings filed in the Trial Division or the Unified Family Court shall refer to it as the “Supreme Court of Newfoundland and Labrador”.**
6. **Subject to paragraph 7, with respect to proceedings already commenced, the new nomenclature shall be employed in the style of cause in all subsequent pleadings and documents that may be filed. Already existing documents (such as an affidavit that already has been sworn) that employ the old nomenclature may be filed.**
7. **Where pre-printed forms are used in conjunction with or as part of pleadings or other documents filed in the Court, forms already in existence may continue to be used notwithstanding their use of the former nomenclature.**
8. **Where as a result of the operation of the *Newfoundland and Labrador Act*, the name of a corporate body, board, tribunal or public institution is changed, and that body, board, tribunal or public institution is a party to a proceeding commenced in the Court, the style of cause containing the name of that party may be automatically amended by the party in all pleadings and other documents subsequently filed and a judge may, on the next appearance in court, confirm that amendment pursuant to Rule 15 of the *Rules of the Supreme Court, 1986*, or Rule 25 of the *Rules of the Unified Family Court* or Rule 9 of the *Divorce Rules of the Supreme Court of Newfoundland* as the case may be.**

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