

NOTICE TO THE PROFESSION

Consequential Amendments to the *Rules of the Supreme Court, 1986* Resulting from Amendments to the *Judicature Act*

The Rules Committee of the Supreme Court of Newfoundland and Labrador, Trial Division, recently approved amendments to the *Rules of the Supreme Court, 1986*. The regulation was published in the April 17, 2014 edition of the *Newfoundland and Labrador Gazette* and is effective as of that date (NL Reg. 36/14). It includes amendments to a number of the rules and forms.

Registrar of the Supreme Court

The *Judicature Act*, R.S.N.L. 1990, c. J-4, was amended on December 10, 2013. The amendment to that Act eliminated the position of Registrar of the Supreme Court, as it currently exists, and created the position of Chief Executive Officer of the Supreme Court. The registry, legal, accounting and trustee functions previously discharged by the Registrar of the Supreme Court were reallocated to the Chief Executive Officer, judiciary, the public trustee or other clerks, officers and employees of the Supreme Court as appropriate.

The regulation noted above introduces a number of amendments to the *Rules* which were necessary as a result of this reallocation of the Registrar of the Supreme Court's duties.

Registrar – New Definition

The amendments include a new definition of "Registrar":

1.03 (s.1) "Registrar" means the clerk, officer or employee of the Court designated by the Chief Executive Officer in consultation with the Chief Justice of the Trial Division to manage the operations of the registries in all judicial centres unless otherwise provided;

The Registrar is now tasked solely with the operation of the registries of the Trial Division and is divested of responsibility for legal, trustee, and accounting functions. Rule 1.07 provides that the duties of the Registrar may be performed by a clerk, officer or employee of the Court discharging a registry function.

Amendments

As there were a large number of amendments made to the rules and forms it is not possible to summarize each specific amendment. The amendments can, however, be grouped into three categories:

- (1) those rules that were repealed because they are no longer necessary or they set out duties no longer appropriately exercised by the Registrar;

- (2) those rules that were amended to provide that documents must be filed with the Court and not with the Registrar or the Registry; and
- (3) those rules which were substantively amended to transfer the Registrar's duties to the judiciary or the Chief Executive Officer.

If you have any questions with respect to the above, please contact the Court's Legal Officer at 709-729-4743 or andreclair@supreme.court.nl.ca.

DAVID B. ORSBORN
CHIEF JUSTICE