

Rules of the Supreme Court, 1986
COURT OF APPEAL PRACTICE NOTE
CAPN No. 2001-04

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The following Practice Note was filed with the Registrar, as Secretary of the Rules Committee of the Court of Appeal, and is published pursuant to rule 57.31(3) of the *Rules of the Supreme Court, 1986*.

NEWFOUNDLAND AND LABRADOR ACT

Background and Purpose

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.

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".

At the next meeting of the Rules Committee of the Court of Appeal, the Rules of Court, as they apply to the Court of Appeal will be amended to require that pleadings, forms and other documents used and filed in the Court shall refer to the Court as the "Supreme Court of Newfoundland and Labrador, Court of Appeal".

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

Practice Note

1. Subject to paragraph 3, all new proceedings commenced shall be styled "IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR, COURT OF APPEAL". All other references to the Court in pleadings shall refer to it as the "Court of Appeal".
2. Subject to paragraph 3, 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 has already been sworn) that employ the old nomenclature may be filed.
3. 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 for a reasonable transition period, notwithstanding their use of the former nomenclature.
4. 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 presently outstanding in the Court, steps shall be taken to amend the style of cause containing the name of that party on the next appearance of the parties in court.

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