

1 Subrule .01 of Rule 46 of the Rules of Court of New Brunswick, “TRIAL BY JURY”, New Brunswick Regulation 82-73 under the Judicature Act and the Provincial Offences Procedure Act, is amended

(a) by striking out the heading “Actions to be Tried with a jury” and substituting “Availability of Trial by Jury”;

(b) by repealing paragraph (1) and substituting the following:

(1) Subject to paragraph (2), all questions in issue in an action, application or other proceeding shall be tried by a judge without a jury.

(c) by repealing paragraph (2) and substituting the following:

(2) An action for

(a) libel,

(b) slander,

(c) malicious arrest,

(d) malicious prosecution, or

(e) false imprisonment

may be tried by jury if the court, on motion by any party, is satisfied that trial by jury is just and convenient.

(d) by adding after paragraph (2) the following:

(2.1) The motion requesting trial by jury shall be heard before the action is set down for trial.

(2.2) If a trial by jury is ordered under paragraph (2), the costs of the jury are to be borne by the parties and the motion judge may determine what proportion of those costs each party is to pay, if any, or leave that determination to the trial judge.

(e) by repealing paragraph (4) of the French version and substituting the following:

(4) Si un jury doit être formé, le juge qui fixe la date du procès ordonne au shérif de constituer le tableau des jurés.

2 Paragraph (2) of the English version of Rule 47.07 of the Rules of Court, “PROCEDURE ON SETTING DOWN”, is repealed and the following is substituted:

(2) Actions to be tried by a jury shall be listed separately from other actions.

3 Form 46A of the Appendix of Forms to the Rules of Court is repealed.

4 This Rule comes into force on X.