

CHAPTER 51. PROVISIONS OF LAW SAVED AND ABROGATED

- Rule
5101. Statutes and Other Authorities Suspended or Abrogated.
5102. Statutes Saved from Suspension.

Source

The provisions of this Chapter 51 amended December 11, 1978, effective December 30, 1978, 8 Pa.B. 3802; amended May 16, 1979, effective September 30, 1979, 9 Pa.B. 1740, unless otherwise noted.

Rule 5101. Statutes and Other Authorities Suspended or Abrogated.

(a) The Statute of 13 Edw. 1, c. 31 (3 Binney 606) (1 Ruffhead 99) is hereby suspended absolutely insofar as it is in force in this Commonwealth as supplied by Rule 1923 of these rules.

(b)

(1) The practice and procedure provided in all former statutes governing appellate procedure within the scope of these rules, which have been repealed effective June 27, 1978 or June 27, 1979 by the Judiciary Act Repealer Act (JARA), act of April 28, 1978 (P. L. 202, No. 53), and which are now part of the common law of this Commonwealth by virtue of Section 3(b) of JARA (42 P. S. § 20003(b)) are hereby abolished and shall not continue as part of the common law of this Commonwealth.

(2) With respect to all statutes relating to practice and procedure, repeal of which will become effective June 27, 1980 as provided by Section 4(b) of JARA (42 P. S. § 20004(b)), these rules are a general rule within the meaning of Section 3(b) of JARA and the practice and procedure provided in those statutes, so far as related to appellate procedure within the scope of these rules, shall not continue as part of the common law of this Commonwealth.

(c) These rules are intended to provide a complete and exclusive procedure relating to appellate practice and procedure and:

(1) Except as provided in Rule 5102 (statutes saved from suspension), all statutes relating to practice and procedure finally enacted prior to January 1, 1981 are hereby suspended to the extent inconsistent with these rules.

(2) All local rules of court relating to appellate practice and procedure are hereby abrogated, except where these rules expressly authorize the adoption of a local rule of court supplementary to a provision of these rules applicable to appeals generally.

Source

The provisions of this Rule 5101 amended through April 26, 1982, effective May 15, 1982, 12 Pa.B. 1536; amended July 7, 1997, effective in 60 days, 27 Pa.B. 3503. Immediately preceding text appears at serial pages (188427) to (188430).

Rule 5102. Statutes Saved from Suspension.

(a) Judicial Code unaffected.—No provision of these rules shall be construed to suspend any provision of Title 42 of the Pennsylvania Consolidated Statutes (relating to judiciary and judicial procedure) enacted prior to May 1, 1978.

(b) Other statutes.—These rules shall not be deemed to suspend or affect:

(1) [Rescinded].

Note: Rule 5102(b)(1) is rescinded as obsolete.

(2) Section 426 of the act of June 2, 1915 (P. L. 736, No. 338), known as The Pennsylvania Workmen's Compensation Act (77 P. S. § 871).

Official Note: Relates to power of Workmen's Compensation Appeal Board to reopen case while appeal is pending.

(3) Act of June 3, 1937 (P. L. 1333, No. 320) known as the Pennsylvania Election Code (25 P. S. § 2600 *et seq.*).

(4) Section 9 of the act of October 27, 1955 (P. L. 744, No. 222), known as the Pennsylvania Human Relations Act (43 P. S. § 959).

Official Note: Relates to automatic supersedeas of orders of the Human Relations Commission.

(5) 15 Pa.C.S. § 137 (Commonwealth Court to pass upon rejection of documents by Department of State).

(6) Rescinded. 20 Pa.C.S. § 746 (money paid into court), repealed by the Judiciary Act Repealer Act effective June 27, 1980.

Official Note: Rule 5102(b)(7) is rescinded as obsolete effective June 27, 1980.

Source

The provisions of this Rule 5102 amended February 27, 1980, 10 Pa.B. 1038, effective date as set forth at 10 Pa.B. 1038; amended July 7, 1997, effective in 60 days, 27 Pa.B. 3503. Immediately preceding text appears at serial pages (188430) and (192855).

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