

TITLE 231

RULES OF CIVIL PROCEDURE

- Part**
I. GENERAL
II. ORPHANS' COURT RULES

Editorial Note

Under the Commonwealth Documents Law the text of documents published in this title acquires no special status by reason of such publication. For the official text of judicial documents reference should be made to the Prothonotary of the Supreme Court or to the Administrative Office of Pennsylvania Courts, as appropriate. See 201 Pa. Code Rule 103.

Cross References

This title cited in 25 Pa. Code § 1021.96a (relating to motions for expedited hearing); and 55 Pa. Code § 187.26 (relating to noncooperation).

PART I. GENERAL

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Rules of Civil Procedure

The General Assembly, by Act of June 21, 1937, P.L. 1982, as amended, 17 P.S. § 61 et seq. (repealed), vested in the Supreme Court of Pennsylvania the power to prescribe by general rule the practice and procedure in civil actions for the courts of common pleas. This concept was incorporated into the Constitution of 1968, Article V, Section 10(c) which continued to vest in the Supreme Court:

“... the power to prescribe general rules governing practice, procedure, and conduct of all courts . . . if such rules are consistent with Constitution and neither abridge, enlarge nor modify the substantive right of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of peace, nor suspend nor alter any statute of limitation or repose. All laws shall be suspended to the extent that they are inconsistent with rules prescribed under these provisions.”

This Constitutional provision is now implemented by section 1722 of the Judicial Code, 42 Pa.C.S. § 1722, relating to the adoption of administrative and procedural rules.

Pursuant to such rule making power the Supreme Court appointed a Civil Procedural Rules Committee to assist the Court in the preparation and revision of the Rules. The Rules of Civil Procedure were recommended by the Committee and adopted by the Court. Specific numbers were assigned to the chapters of the rules as they were promulgated pursuant to a general plan. The explanatory notes following the Rules were prepared by the Committee for the convenience of the Bench and Bar but were not part of the Rules and were not officially adopted or promulgated by the Supreme Court.

Section 323 of the Judicial Code, 42 Pa.C.S. § 323, continues the prior law empowering every court “to make such rules and orders of court as the interest of justice or the business of the court may require.” Rule of Civil Procedure 239 sets forth the limitation that local rules may not be inconsistent with Acts of Assembly or general rules of the Supreme Court.

By an order of the Supreme Court dated December 31, 1968, all rules then in force governing practice and procedure in courts, including the rules of civil procedure, were continued in force under the Constitution of 1968 until suspended, revoked or modified pursuant to Article V, Section 10(c) of that Constitution.

Equity Rules

Equity Rule 92, adopted by the Supreme Court, May 13, 1940, and as amended Nov. 28, 1941, read as follows:

“Those Rules of Civil Procedure promulgated by the Supreme Court which are applicable to equity practice and procedure, shall prevail over any existing Equity Rules which are inconsistent therewith; and the Equity Rules are modified, or abrogated, to the extent of such inconsistency, as of the respective dates the dominant Rules of Civil Procedure became or become operative.”

CHAPTER 1. APPEALS FROM CERTAIN ADMINISTRATIVE AGENCIES

[Rescinded]

Official Note: Except for those matters listed in section 933(a)(1) of the Judicial Code, 42 Pa.C.S. § 933(a)(1), practice and procedure in appeals from Commonwealth agencies under the Administrative Agency Law, 2 Pa.C.S. § 103(a) are governed by Rule of Appellate Procedure 1501 et seq. Section 763(a) of the Judicial Code, 42 Pa.C.S. § 763(a), vests jurisdiction over such appeals in the Commonwealth Court.

Explanatory Note

Prior to the inception of the Commonwealth Court, jurisdiction over appeals from certain administrative agencies was in the Court of Common Pleas of Dauphin County. This was limited to appeals authorized by the Administrative Agency Law. These appeals were regulated by Rules 1 to 13 inclusive.

However, jurisdiction of these appeals was transferred to the Commonwealth Court by the Appellate Court Jurisdiction Act, approved July 31, 1970, P. L. 673, No. 223, § 403 as amended, 17 P. S. § 211.403 [repealed; see, now, 42 Pa.C.S.A. § 763 et seq.]. The Commonwealth Court has promulgated its own rules to cover these appeals. Rules 1 to 13 inclusive have been made obsolete and have been rescinded.

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