

**RULES OF CIVIL PROCEDURE  
[ Title 231 – PA Code ]**

**Select**

**Rule 52. Effective Date. Application to Pending Actions.**

- (a) A rule or an amendment to a rule shall be effective upon the date specified by the Supreme Court.
- (b) If no effective date is specified, the rule or amendment shall be effective on the first day of July or January following the thirtieth day after its adoption, whichever is earlier.
- (c) Unless the Supreme Court specifies otherwise, a rule or an amendment to a rule shall apply to actions pending on the effective date.

**Rule 103. Words and Phrases.**

- (a) Words and phrases shall be construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a peculiar and appropriate meaning or as are expressly defined by rule shall be construed according to such peculiar and appropriate or express meaning or definition.
- (b) General words shall be construed to take their meanings and be restricted by preceding particular words.

**Rule 126. Liberal Construction and Application of Rules.**

The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

**Rule 127. Construction of Rules. Intent of Supreme Court Controls.**

- (a) The object of all interpretation and construction of rules is to ascertain and effectuate the intention of the Supreme Court.
- (b) Every rule shall be construed, if possible, to give effect to all its provisions. When the words of a rule are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.
- (c) When the words of a rule are not explicit, the intention of the Supreme Court may be ascertained by considering, among other matters (1) the occasion and necessity for the rule; (2) the circumstances under which it was promulgated; (3) the mischief to be remedied; (4) the object to be attained; (5) the prior practice, if any, including other rules and Acts of Assembly upon the same or similar subjects; (6) the consequences of a particular interpretation; (7) the contemporaneous history of the rule; and (8) the practice followed under the rule.

**Rule 128. Presumptions in Ascertaining the Intent of the Supreme Court.**

In ascertaining the intention of the Supreme Court in the promulgation of a rule, the courts may be guided by the following presumptions among others:

- (a) That the Supreme Court does not intend a result that is absurd, impossible of execution or unreasonable;
- (b) That the Supreme Court intends the entire rule or chapter of rules to be effective and certain;
- (c) That the Supreme Court does not intend to violate the Constitution of the United States or of this Commonwealth;
- (d) That if the Supreme Court has construed the language used in a rule or statute, the Supreme Court in promulgating a rule on the same subject matter which employs the same language intends the same construction to be placed upon such language;
- (e) That the Supreme Court intends to favor the public interest as against any private interest;
- (f) That no rule shall be construed to confer a right to trial by jury where such right does not otherwise exist.