

## Pennsylvania Rules of Appellate Procedure

### Rule 105. **[Waiver and Modification of Rules] Application of Rules and Enlargement of Time.**

- (a) **[Liberal construction and modification of rules] Application.**~~—~~These rules shall be liberally **[construed] applied** to secure the just, speedy, and inexpensive determination of every matter to which they are applicable. In the interest of expediting decision, or for other good cause shown, an appellate court may, except as otherwise provided in **[paragraph] subdivision** (b) **[of this rule]**, disregard the requirements or provisions of any of these rules in a particular case on application of a party or on its own motion and may order proceedings in accordance with its direction.
- (b) **Enlargement of [time] Time.**~~—~~An appellate court for good cause shown may upon application enlarge the time prescribed by these rules or by its order for doing any act, or may permit an act to be done after the expiration of such time, but the court may not enlarge the time for filing a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, a petition for review, or a petition for specialized review.

**[Official Note] Comment:** 42 Pa.C.S. § 5504 provides that the time limited by, *inter alia*, Chapter 55D of the Judicial Code shall not be extended by order, rule, or otherwise, except that the time limited may be extended to relieve fraud or its equivalent, but there will be no extension of time as a matter of indulgence or with respect to any criminal proceeding. However, under 42 Pa.C.S. § 5571(a), statutory time limits under Chapter 55D do not apply to appeals to or other judicial review by the Supreme, Superior, or Commonwealth Courts.

**[Paragraph] Subdivision** (b) of this rule is not intended to affect the power of a court to grant relief in the case of fraud or breakdown in the processes of a court.

**Rule 107. [Rules of] Construction of Rules.**

**[Chapter 19 of Title 1 of the *Pennsylvania Consolidated Statutes* (rules of construction) so far as not inconsistent with any express provision of these rules, shall be applicable to the interpretation of these rules and all amendments hereto to the same extent as if these rules were enactments of the General Assembly.] In the construction of the Pennsylvania Rules of Appellate Procedure, the principles set forth in Pa.R.J.A. 104 to 115 shall be observed.**

**[Official Note: The effect of this rule is substantially the same as Pa.R.Civ.P. 76 to 153, which were in turn patterned after the Statutory Construction Act. See also former Commonwealth Court Rules 120 and 121.]**

**Rule 903. Time for Appeal.**

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**[Official Note:] Comment:**

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Rule of Appellate Procedure 107 incorporates by reference the rules of construction **[of the Statutory Construction Act of 1972, 1 Pa.C.S. §§ 1901-1991] in the Pennsylvania Rules of Judicial Administration, Pa.R.J.A. 104-115.** See **[1 Pa.C.S. § 1908] Pa.R.J.A. 107(a)-(b)** relating to computation of time for the rule of construction relating to (1) the exclusion of the first day and inclusion of the last day of a time period and (2) the omission of the last day of a time period which falls on Saturday, Sunday or legal holiday.

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