

agency and necessary to support its adjudication is not supported by substantial evidence. If the adjudication is not affirmed, the court may set it aside or modify it, in whole, or in part, or may remand the proceeding to the local agency for further disposition in accordance with the order of the court.

Section 9. Appellate Review.—The local agency, or any party affected by any decision of a court on an appeal from an adjudication, may, within thirty days of the filing of such decision, appeal to the Superior or Supreme Court as provided in the act of June 24, 1895 (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," and its amendments.

Section 10. Appeals Under Existing Law.—The provisions of sections 7, 8 and 9 shall not apply to any adjudication which under any existing act may be appealed to a court of record.

Section 11. Application of Act.—Except as provided in section 10, this act shall apply to all local agencies.

Section 12. Repeals.—All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 13. Effective Date.—This act shall take effect January 1, 1969.

APPROVED—The 2d day of December, A. D. 1968.

RAYMOND P. SHAFER.

No. 354

AN ACT

SB 1752

Amending the act of June 4, 1945 (P. L. 1388), entitled "An act relating to the practice, procedure, regulations and adjudications of departments, departmental administrative boards and commissions, independent administrative board and commissions, officers and other administrative agencies of this Commonwealth, and judicial review thereof; and preserving equitable jurisdiction in certain cases," implementing the provisions of section 9 of Article V of the Constitution of the Commonwealth of Pennsylvania by providing for a right of appeal in all cases from adjudications of administrative agencies of the Commonwealth; repealing certain provisions which restrict the applicability of the act to enumerated agencies; and repealing certain other acts and parts of acts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 46, act of June 4, 1945 (P. L. 1388), known as the "Administrative Agency Law," added September 28, 1951 (P. L. 1561), is amended to read:

Section 46. [Final Adjudications;] Appeals Under Existing Law.—The provisions of sections forty-one to forty-five shall not apply to any adjudication which under existing law [(1) is final, or (2)] may be appealed to a court other than the Court of Common Pleas of Dauphin County.

Section 2. ¹The act is amended by adding after section 46, a new section to read:

Section 47. Jurisdiction of Appeals.—Where an act of Assembly expressly provides that there shall be no appeal from an adjudication of an agency, or that the adjudication of an agency shall be final or conclusive, or shall not be subject to review, or where the applicable acts of Assembly are silent on the question of judicial review, any person aggrieved by such an adjudication, who has a direct interest in such adjudication may nevertheless appeal the same in the manner provided by sections 41 through 44 of this act and the applicable Rules of Civil Procedure to the Court of Common Pleas of Dauphin County. ²Sections 31 through 35 of this act shall apply to all proceedings leading to an adjudication of an agency which may be appealed under this section.

Section 3. The act is amended by adding immediately before section 51 thereof, a new section to read:

Section 50. None of the provisions of this act, except section 21, shall apply to proceedings before the Department of Revenue, Auditor General, Board of Finance and Revenue or Secretary of the Commonwealth, involving the original settlement or assessment or determination, resettlement or reassessment or redetermination, review or refund of taxes, bonus, interest or payments made into the State Treasury, or judicial review of such proceedings.

Section 4. The introductory clause of subsection (a) of section 51 of the act, amended June 13, 1963 (P. L. 135), is amended to read:

Section 51. (a) Except as provided in [section] sections forty-six and fifty hereof, all of the provisions of this act shall apply to the following agencies: * * *

¹ "This" in original.

² "Section" in original.

Section ¹5. Subsection (c) of section 51 of the act, amended September 28, 1951 (P. L. 1561), is amended to read:

Section 51. * * *

(c) Only [section] sections twenty-one, forty-seven and fifty of this act shall apply to agencies of the Commonwealth not enumerated in subsections (a) or (b) of this section. Such agencies shall not be required to have their regulations approved by the Department of Justice.

* * *

Section ²6. The last sentence of subsection (c) of section 51 of the act shall expire July 1, 1969.

Section ³7. All acts and parts of acts are repealed insofar as they provide that there shall be no appeal from an order, decision or other action of an agency, or that the order, decision or other action of an agency shall be final or conclusive, or shall not be subject to review.

Section 8. This act shall take effect January 1, 1969.

APPROVED—The 2d day of December, A. D. 1968.

RAYMOND P. SHAFER.

No. 355

AN ACT

SB 1757

Implementing the provisions of section 9 of Article V of the Constitution of the Commonwealth of Pennsylvania by providing for a right of appeal in all cases from decisions of the minor judiciary; and providing the procedure therefor.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as the “Minor Judiciary Court Appeals Act.”

Section 2. Definitions.—As used in this act:

(1) “Issuing authority” means any public official having the power and authority of a justice of the peace, alderman, magistrate or judge of a minor judiciary court.

(2) “Minor judiciary court” means a justice of the peace court, alderman’s court, Municipal Court and Traffic Court of the City of Philadelphia, police magistrate’s court of a city of the second class, including such city’s traffic court, housing court and city court, third-class city traffic court, community court, mayor’s court and all courts not of record heretofore or hereafter established by law.

(3) “Summary proceeding” or “summary case” means a case in which the issuing authority exercises summary criminal jurisdic-

¹ “6.” in original.

² “7.” in original.

³ “5.” in original.