

Rule 1. Applicability

General rules apply to both civil and criminal proceedings. The rules on proceedings in the trial court, together with the Civil Practice Law and the Code of Criminal Procedure, shall govern all proceedings in the trial court, except to the extent that the procedure in a particular kind of action is regulated by a statute other than the Civil Practice Law. The rules on appeals shall govern all appeals.

Amended October 21, 1969, effective January 1, 1970; amended February 19, 1982, effective April 1, 1982; amended May 28, 1982, effective July 1, 1982.

Committee Comments (Revised July 1, 1971)

This rule changed former Rule 1, in effect until January 1, 1967, which provided that the rules applied only to civil proceedings unless the rules or their context indicated otherwise. In the revised rules, separate articles contain the rules applicable to civil proceedings (articles II and III) and those applicable to criminal proceedings (articles IV and VI). Certain general provisions (article I) apply to both.

The second sentence of Rule 1 establishes for trial court proceedings the same standard for determining applicability that appears in section 1 of the Civil Practice Act.

The third sentence was revised in 1969 when the appeals rules were broadened to cover all appeals. The authority for supersedure of inconsistent statutes is found in the provision of the Judicial Article, effective January 1, 1964 (former Illinois Const., art. VI, §7), repeated in the new constitution effective July 1, 1971 (art. VI, §16), that directs the Supreme Court to “provide by rule for expeditious and inexpensive appeals.” See Committee Comments to Civil Appeals Rules and Rule 601.

Supersedure by the criminal appeals rules (Rule 601 *et seq.*) of the appeals provisions of the Code of Criminal Procedure of 1963 is covered by Rule 601.

The effective date of the revised rules and their applicability to pending proceedings are covered in the order adopting the rules.