

Last amended by Order dated Friday, February 26, 2010; effective May 3, 2010.

RULES OF SUPREME COURT OF VIRGINIA
PART TWO A
APPEALS PURSUANT TO THE
ADMINISTRATIVE PROCESS ACT

Rule 2A:1. Authorization; Definitions; Application.

(a) These rules are promulgated pursuant to § 2.2-4026 of the Code of Virginia. They shall apply to the review of, by way of direct appeal from, the adoption of a regulation or the decision of a case by an agency.

(b) All terms used in this part that are defined in Chapter 40, Article 1 of Title 2.2 are used with the definitions therein contained. ~~In addition, the term "agency secretary" means the secretary of the agency or, if there be none, the executive officer or a member of the agency.~~ Every agency may, ~~by regulation, name~~ designate some individual to perform the function of "agency secretary." If there is no designated "agency secretary," that term shall mean the executive officer of the agency.

(c) The term "party" means any person affected by and claiming the unlawfulness of a regulation, or a party aggrieved who asserts a case decision is unlawful ~~and or~~ any other affected person or aggrieved person who appeared in person or by counsel at a hearing, as defined in § 2.2-4001, with respect to the regulation or case decision as well as the agency itself. Whenever a case decision disposes of an application for a license, permit or other benefit, the applicant, licensee or permittee shall be a necessary party to any proceeding under this part.

~~(e) These rules shall apply to the review of, by way of direct appeal from, the adoption of a regulation or the decision of a case by an agency.~~