

ACT No. XVII OF 1914.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 16th September, 1914.)

An Act to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the First Schedule ;

and whereas it is also expedient that certain enactments specified in the Second Schedule, which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed ;

It is hereby enacted as follows :—

1. This Act may be called the **Second Repealing and Amending Act, 1914.** Short title.
2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.
3. The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.
4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to ; Savings.
and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued, or incurred or any remedy or proceeding in respect thereof, or any release

OR

or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1870	VII	The Court Fees Act, 1870.	In Schedule II, Article 6, for the words "Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1882, or the Code of Civil Procedure," the following shall be substituted, namely:— "Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, and not otherwise provided for by this Act."

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Short title.	Amendments.
1893	III	The Government Tenants (Punjab) Act, 1893.	<p>1. In the title and preamble, for the word "Punjab" the words "North-West Frontier Province" shall be substituted.</p> <p>2. For section 1, the following section shall be substituted :—</p> <p>"1. (1) This Act may be called the Government Tenants (North-West Frontier Province) Act, 1893.</p> <p>(2) It extends to the territories for the time being administered by the Chief Commissioner of the North-West Frontier Province."</p>
1894	VIII	The Indian Tariff Act, 1894.	In Schedule III, for the words "Spirit which has been rendered effectually and permanently unfit for human consumption" the words "Denatured spirit" shall be substituted.
1897	X	The General Clauses Act, 1897.	<p>1. In section 3, after clause 8 (a), the following shall be inserted, namely :—</p> <p>"8. (b) 'Central Provinces Act' shall mean an Act made by the Chief Commissioner of the Central Provinces in Council under the Indian Councils Acts, 1861 to 1909."</p> <p>2. To section 24, the following shall be added, namely :—</p> <p>"and when any Act of the Governor General in Council or Regulation, which, by a notification under section 5 or 5A of the Scheduled Districts Act, 1874, or any like law, has been extended to any local area, has, by a subsequent notification, been withdrawn from and re-extended to such area or any part thereof, the provisions of such Act or Regulation shall be deemed to have been repealed and re-enacted in such area or part within the meaning of this section."</p>

THE FIRST SCHEDULE—*concl'd.*

1	2	3	4
Year.	No.	Short title.	Amendments.
1897	X	The General Clauses Act, 1897— <i>concl'd.</i>	3. After section 29, the following section shall be added, namely :— "30. In this Act the expression 'Act of the Governor General in Council,' wherever it occurs, except in section 5, and the word 'Act' in clauses (9), (12), (38), (48), and (50) of section 3 and in section 25 shall be deemed to include an Ordinance made and promulgated by the Governor General under section 23 of the Indian Councils Act, 1861."
1908	V	The Code of Civil Procedure, 1908.	In the first Schedule, Order V, for clause (b) of rule 26, the following shall be substituted :— "(b) the Governor General in Council has, by notification in the <i>Gazette of India</i> , declared, in respect of any Court situate in any such territory and not established or continued in the exercise of any such jurisdiction as aforesaid, that service by such Court of any summons issued by a Court under this Code shall be deemed to be valid service."
1911	II	The Indian Patents and Designs Act, 1911.	In sub-section (5) of section 16, after the word "conditions" the words "and restrictions" shall be inserted.
1914	IV	The Decentralization Act, 1914.	In Part I of the Schedule, in No. 1 of the amendments made in Act XX of 1888, for the word "Commissioner" the words "the Commissioner" shall be substituted.

THE SECOND SCHEDULE

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REPEALS.

(See section 3.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal.
1859	XXIV	The Madras District Police Act, 1859.	In section 1, the words <i>from</i> "words importing the singular" <i>to</i> "include females."
1865	XXX	The Madras Irrigation and Canal Company Act, 1865.	So much as is unrepealed.
1867	III	The Public Gambling Act, 1867.	In section 1, the words <i>from</i> "words in the singular" <i>to</i> "include females."
1872	IV	The Punjab Laws Act, 1872.	Section 4 and the Second Schedule.
1875	XV	The Punjab Laws Amendment Act, 1875.	In section 1, the words "and it shall come into force at once."
1879	XIV	The Hackney Carriage Act, 1879.	In section 1, the words "and it shall come into force at once; but."
1880	XVI	The Madras Irrigation and Canal Company Act, 1880.	The whole.
1881	XXIV	The Punjab Laws Amendment Act, 1881.	In section 1, the words "and shall come into force at once."
1885	XXI	The Madras Civil Courts Act, 1885.	In section 1: the words "and" after sub-section (1), and sub-section (2).
1889	VI	The Probate and Administration Act, 1889.	1. In the title and preamble the words "the Court-fees Act, 1870." 2. The heading above section 18. 3. Section 18, so much as is unrepealed.
1892	VII	The Madras City Civil Court Act, 1892.	In section 1: the word "and" after sub-section (1), and sub-section (2).
1889	XVI	The Northern India Canal and Drainage (Amendment) Act, 1889.	In section 1: the word "and" after sub-section (1), and sub-section (2).
1908	V	The Code of Civil Procedure, 1908.	Section 156 and the Fifth Schedule.

THE SECOND SCHEDULE—*concl'd.*

1	2	3	4
Year.	No.	Short title.	Extent of repeal.
1908	IX	The Indian Limitation Act, 1908.	Section 32 and the Third Schedule.
1909	IV	The Whipping Act, 1909.	Section 8 and the Schedule.
1911	XVII	The Indian Airships Act, 1911.	In section 10, the word "of" in the second place where it occurs.
1912	II	The Co-operative Societies Act, 1912.	Section 50.
"	IV	The Indian Lunacy Act, 1912.	Section 101 and the Second Schedule.
"	VI	The Indian Life Assurance Companies Act, 1912.	Section 42.
"	VIII	The Wild Birds and Animals Protection Act, 1912.	Section 9.
1914	VIII	The Indian Motor Vehicles Act, 1914.	In the proviso to section 9, the words "by such authority and."