

ACT NO. XI OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
5th March, 1923.)

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

WHEREAS it is expedient that certain amend-
ments 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 otherwise become unnecessary, or
have ceased to be in force otherwise than by express
specific repeal, should be expressly and specifically
repealed;

It is hereby enacted as follows:—

1. This Act may be called the Repealing and Short title.
Amending Act, 1923.

2. The enactments specified in the First Schedule Amendment
of certain
enactments.
are hereby amended to the extent and in the manner
mentioned in the fourth column thereof.

3. The enactments specified in the Second Sche- Repeal of
certain enact-
ments.
dule are hereby repealed to the extent mentioned in
the fourth column thereof.

4. The repeal by this Act of any enactment shall Savings.
not affect any Act or Regulation in which such enact-
ment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invali-
dity, effect or consequences of anything already done
or suffered, or any right, title, obligation or liability
already acquired, accrued or incurred, or any re-
medy or proceeding in respect thereof, or any release
or discharge of or from any debt, penalty, obligation,
liability,

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the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;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.)

Year.	Number.	Short title.	Amendments.
1867	XXV	The Press and Registration of Books Act, 1867.	<p>In section 17, for the words "the last foregoing section" the word and figures "section 16" shall be substituted.</p> <p>In section 21, before the words "the Local Government" the words "the Governor General in Council or" and before the words "the local Gazette" the words "the Gazette of India or" shall be inserted and after the words "local Gazette" the words "as the case may be" shall be inserted.</p>
1869	IV	The Indian Divorce Act, 1869.	<p>(1) In section 3, clause (1), for the words "Chief Court of Lower Burma" the words "High Court of Judicature at Rangoon" shall be substituted.</p> <p>(2) In section 3, clause (2), for the word "Divisional" the word "District" shall be substituted.</p>

THE FIRST SCHEDULE.

OF 1923.] *Repealing and Amending.*

THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(See section 2.)

Year.	Number.	Short title.	Amendments.
1870	VII	The Court-fees Act, 1870	In Article 14, Schedule I, for the words "Chief Court of Lower Burma" the words "High Court of Judicature at Rangoon" shall be substituted.
1877	I	The Specific Relief Act, 1877.	In section 45, for the words "and Bombay" the words "Bombay and Rangoon" shall be substituted.
1890	IX	The Indian Railways Act, 1890.	In sub-section (5) of section 59, for the words and figures "a person enrolled as a volunteer under the Indian Volunteers Act, 1869" the words and figures "a member of the Indian Territorial Force or of the Auxiliary Force, India" shall be substituted.
1891	XVI	The Colonial Courts of Admiralty (India) Act, 1891.	In section 2, clause (4), for the words "Chief Court of Lower Burma" the words "High Court of Judicature at Rangoon" shall be substituted.
1897	X	The General Clauses Act, 1897.	After section 30, the following section shall be inserted, namely:— "30A. In this Act the expression "Act of the Governor General in Council" shall be deemed to include an Act made by the Governor General under section 67B of the Government of India Act."
1898	V	The Code of Criminal Procedure, 1898.	In section 4, sub-section (1), clause (j), the word "and" where it occurs between the words "Patna" and "Lahore" shall be omitted and for the words "the Chief Court of Lower Burma" the words "and Rangoon" shall be substituted.

THE FIRST SCHEDULE.

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THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(See section 2.)

Year.	Number.	Short title.	Amendments.
1899	II	The Indian Stamp Act, 1899.	In section 57, sub-section (1), clause (d), for the words "Chief Court of Lower Burma" the words "High Court of Judicature at Rangoon" shall be substituted.
1899	IX	The Indian Arbitration Act, 1899.	In section 23, sub-section (1), for the words "Chief Court of Lower Burma" the words "High Court of Judicature at Rangoon" shall be substituted.
1908	IX	The Indian Limitation Act, 1908.	In the second column of the First Schedule,— (1) For each of the entries in Articles 4 and 5 the entry "six months" shall be substituted. (2) For each of the entries in Articles 7 to 31 the entry "one year" shall be substituted. (3) For each of the entries in Articles 33 to 36 the entry "Two years" shall be substituted. (4) For each of the entries in Articles 38 to 115 and for the entry in Article 181 the entry "Three years" shall be substituted. (5) For each of the entries in Articles 117 to 120 the entry "Six years" shall be substituted. (6) For each of the entries in Articles 122 to 144 the entry "Twelve years" shall be substituted. (7) For each of the entries in Articles 146 and 146A the entry "Thirty years" shall be substituted.

THE FIRST SCHEDULE.

OF 1923.] *Repealing and Amending.*

THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(See section 2.)

Year.	Number.	Short title.	Amendments.
			<p>(8) For each of the entries in Articles 148 and 149 the entry "Sixty years" shall be substituted.</p> <p>(9) For each of the entries in Articles 153, 154 and Articles 164 to 170 the entry "Thirty days" shall be substituted.</p> <p>(10) For the entry in Article 159 the entry "Ten days" shall be substituted.</p> <p>(11) For the entry in Article 161 the entry "Fifteen days" shall be substituted.</p> <p>(12) For the entry in Article 172 the entry "Sixty days" shall be substituted.</p> <p>(13) For each of the entries in Articles 174 and 177 the entry "Ninety days" shall be substituted.</p>
1911	II	The Indian Patents and Designs Act, 1911.	In sub-section (1) of section 78A, after the words "United Kingdom" where they first occur, the words "or his legal representative or assignee" shall be inserted.
1912	IV	The Indian Lunacy Act, 1912.	In sections 3 (4), 35 (2) and 91 (1) (c), for the word "confinement" the word "detention" shall be substituted. In sections 30 and 35 (2), for the word "confined" wherever it occurs the word "detained" shall be substituted.
1917	I	The Inland Steam Vessels Act, 1917.	In section 22A (1), for the words "as to such Government" the words "as such Government" shall be substituted.

THE FIRST SCHEDULE.

THE FIRST SCHEDULE—contd.

AMENDMENTS.

(See section 2.)

Year.	Number.	Short title.	Amendments.
1918	XVI	The Provisional Collection of Taxes Act, 1918.	In section 2, for the words "a Member of the Executive Council of the Governor General" the words "any officer of Government acting on behalf of the Governor General in Council," shall be substituted. After section 3 the following section shall be inserted, namely :— "4. A declaration such as is referred to in Application section 2 may be of Act to made in respect specified of any provision clause of a Bill. of a Bill of the nature described in that section which provides for the imposition or variation of any tax in the nature of customs or excise duties and where such declaration has been made in respect of any such provision this Act shall have effect as if references to the Bill were references to such provision." For section 2 the following section shall be substituted, namely :— "2. In the Third Division of the First Schedule to the Indian Limitation Act, 1908, in Articles 176, 177 and 179, for each of the entries in the second column the entry "ninety days" shall be substituted, and in Article 178, for the entry in the second column the entry "six months" shall be substituted.
1920	XXVI	The Indian Limitation and Code of Civil Procedure (Amendment) Act, 1920.	In the Schedule, for the word "Budla" in the fourth column of the entries relating to the Assam Roman Catholic Mission Trust the words "Budla Beta" shall be substituted.
1921	IX	The Enemy Missions Act, 1921.	

THE FIRST SCHEDULE.

OF 1923.] *Repealing and Amending.*

THE FIRST SCHEDULE—*concl'd.*

AMENDMENTS.

(See section 2.)

Year.	Number.	Short title.	Amendments.
1922	II	The Indian Factories (Amendment) Act, 1922.	In section 25(b), for the figures and letter "19B" the figures and letter "19A" shall be substituted.
<i>Regulation by the Governor General in Council.</i>			
1874	VIII	The Arakan Hills Civil Justice Regulation, 1874.]	In section 76, for the words "Chief Court of British Burma" the words "High Court of Judicature at Rangoon" shall be substituted and for the words "Chief Court" where they elsewhere occur, the words "High Court" shall be substituted.

THE SECOND SCHEDULE.

REPEALS.

(See section 3.)

Year.	Number.	Short title.	Repeals.
<i>Acts of the Governor General in Council.</i>			
1866	XXVII]	The Indian Trustees Act, 1866.	In the definition of High Court in section 2, the words "and also the Chief Court of Lower Burma."
1866	XXVIII	The Trustees' and Mortgagees' Powers Act, 1866.	In the definition of High Court in section 1, the words "and includes the Chief Court of Lower Burma."
1870	VII	The Court-fees Act, 1870.	In Schedule I, Article 15.
1879	XVIII	The Legal Practitioners Act, 1879.	In section 41, sub-section (4), the words "except in the case of the Chief Court of Lower Burma."
1890	IX	The Indian Railways Act, 1890.	In section 26, sub-section (3), the words "or in the case of the Chief Court of Lower Burma, the Chief Judge."

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THE SECOND SCHEDULE—*contd.*

REPEALS.

(See section 3.)

Year.	Number.	Short title.	Repeals.
1898	V	The Code of Criminal Procedure, 1898.	(1) Clause (d) of section 4, sub-section (1). (2) In section 266, the words "the Chief Court of Lower Burma and". (3) In section 364, sub-section (1), the words "or the Chief Court of Lower Burma." (4) In section 365, the words "and the Chief Court of Burma."
1900	VI	The Lower Burma Courts Act, 1900.	The whole Act.
1908	V	The Code of Civil Procedure, 1908.	(1) In section 122, the words "and the Chief Court of Lower Burma." (2) In section 123, sub-section (1), the words "and of the Chief Court." (3) In section 123, sub-section (2), the words "(in Burma.)"
1910	XIV	The Indian Emigration (Amendment) Act, 1910.	The whole Act.
1914	IV	The Decentralisation Act, 1914.	So much of Part I of the Schedule as relates to the Indian Emigration Act, 1908.j
1914	X	The Repealing and Amending Act, 1914.	So much of the Second Schedule as relates to the Indian Emigration Act, 1908.
1918	XIX	The Indian Defence Force (Further Amendment) Act, 1918.	The whole Act.
1919	XXIV	The Indian Companies Restriction Repealing Act, 1919.	The whole Act.
1920	XXXVIII	The Devolution Act, 1920.	So much of Part I of the First Schedule as relates to the Indian Emigration Act, 1908.
1921	VI	The Indian Finance Act, 1921.	The whole Act.

THE SECOND SCHEDULE.

OF 1923.] *Repealing and Amending.*

THE SECOND SCHEDULE—*concl'd.*

REPEALS.

(*See section 3.*)

Year.	Number.	Short title.	Repeals.
1922	XXIII	The Indian Transfer of Ships Restriction (Repealing) Act, 1922.	The whole Act.
<i>Regulations by the Governor General in Council.</i>			
1892	V	The Upper Burma Criminal Justice Regulation, 1892.	In the Schedule, section I and sub-sections (1) to (4) of section II and section X.
1896	I	The Upper Burma Civil Courts Regulation, 1896.	The whole Regulation.