

ACT No. XVIII OF 1928.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th September, 1928.)

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

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

AND WHEREAS it is also expedient that the enactments specified in the Second Schedule, which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;

It is hereby enacted as follows:—

1. This Act may be called the Repealing and Amending Act, 1928. 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 The enactments specified in the Second Schedule are hereby repealed. 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 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

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Price 1 anna or 1½d.]

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the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;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

1	2	3	4
Year.	No.	Short title.	Amendments.
1872	XV	The Indian Christian Marriage Act, 1872.	In section 37, for the words and figures "under Part I or Part III of this Act," the words, figures and brackets "by any such person, Clergyman or Minister of Religion as is referred to in clause (1), clause (2) or clause (3) of section 5" shall be substituted.
1897	●	The General Clauses Act, 1897.	(1) In section 3 - (a) to clause (3a) the following shall be added, namely :- "or by the local Legislature or the Governor of Assam under the Government of India Act"; (b) to clause (5) the following shall be added, namely :- "or by the local Legislature or the Governor of the presidency of Bengal under the Government of India Act";

(c) to

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Short title.	Amendments.
1897	X	The General Clauses Act, 1897— <i>contd.</i>	<p>(c) to clause (5a) the following shall be added, namely:—</p> <p>“or by the local Legislature or the Governor of Bihar and Orissa under the Government of India Act”;</p> <p>(d) to clause (6) the following shall be added, namely:—</p> <p>“or by the local Legislature or the Governor of the presidency of Bombay under the Government of India Act”;</p> <p>(e) to clause (8a) the following shall be added, namely:—</p> <p>“or by the local Legislature or the Governor of Burma under the Government of India Act”;</p> <p>(f) to clause (8b) the following shall be added, namely:—</p> <p>“or by the local Legislature or the Governor of the Central Provinces under the Government of India Act”;</p> <p>(g) to clause (30) the following shall be added, namely:—</p> <p>“or by the local Legislature or the Governor of the presidency of Madras under the Government of India Act”;</p> <p>(h) to clause (44a) the following shall be added, namely:—</p> <p>“or by the local Legislature or the Governor of the Punjab under the Government of India Act”;</p> <p>(i) to clause (46) the following shall be added, namely:—</p> <p>“or the Government of India Act”; and</p>

(j) to

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THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Short title.	Amendments.
1897	X	The General Clauses Act, 1897— <i>concl.</i>	<p>(j) to clause (55a) the following shall be added, namely:— “or by the local Legislature or the Governor of the United Provinces under the Government of India Act.”</p> <p>(2) In section 16, after the word “having” the words “for the time being” shall be inserted, and for the words “by it” the words “whether by itself or any other authority” shall be substituted.</p> <p>(3) In section 30 A, for the words and figure “except in section 5, shall be deemed to include” the following shall be substituted, namely:— “includes an Act of the Indian Legislature and, except in section 5,”</p>
1899	II	The Indian Stamp Act, 1899.	<p>(1) In section 2— (a) in clause (23), the word “and” at the end shall be omitted; and (b) after clause (24) the following shall be added, namely:— “and (25) ‘soldier’ includes any person below the rank of non-commissioned officer who is enrolled under the Indian Army Act, 1911”.</p> <p>(2) In Schedule I— (a) for clause (a) of Article No. 4, the following clause shall be substituted, namely:— “(a) as a condition of enrolment under the Indian Army Act, 1911”; (b) in Article No. 47— (i) in sub-clause (ii) of clause (1) of Division A, in the first column, for the words “one thousand rupees”, in both places where they occur, the words “one thousand five hundred rupees”, and, in the second column, for the words “Two annas” the words “One anna”, and, in the third column, for the words “One anna” the words “Half an anna” shall be inserted;</p>

(ii) to.

THE FIRST SCHEDULE—*contd.*

1	2	3	4		
Year.	No.	Short title.	Amendments.		
1899	II	The Indian Stamp Act, 1899— <i>contd.</i>	<p>(ii) to clause (b) of Division C, below the entry in the second column, the following proviso shall be added, namely:—</p> <p>“Provided that, in case of a policy of insurance against death by accident when the annual premium payable does not exceed Rs. 2-3-0 per Rs. 1,000, the duty on such instrument shall be one anna for every Rs. 1,000 or part thereof of the maximum amount which may become payable under it,” and</p> <p>(iii) for Division D, the following shall be substituted:—</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;">If drawn singly.</td> <td>If drawn in duplicate for each part.</td> </tr> </table> <p>“D—LIFE INSURANCE OR OTHER INSURANCE NOT SPECIFICALLY PROVIDED FOR, except such a RE-INSURANCE as is described in Division E of this article—</p> <p>(i) for every sum insured not exceeding Rs. 250 . Two annas. One anna.</p> <p>(ii) for every sum insured exceeding Rs. 250 but not exceeding Rs. 500 . Four annas. Two annas.</p> <p>(iii) for every sum insured exceeding Rs. 500 but not exceeding Rs. 1,000 and also for every Rs. 1,000 or part thereof in excess of Rs. 1,000 . Six annas. Three annas.</p>	If drawn singly.	If drawn in duplicate for each part.
If drawn singly.	If drawn in duplicate for each part.				

Exemption.

THE FIRST SCHEDULE—*concl'd.*

1	2	3	4
Year.	No	Short title.	Amendments.
1899	II	The Indian Stamp Act, 1899— <i>concl'd.</i>	<p><i>Exemption.</i></p> <p>Policies of life-insurance granted by the Director General of Post Offices in accordance with rules for Postal Life-Insurance issued under the authority of the Governor General in Council "; and</p> <p>(c) in clause (a) of the <i>Exemptions</i> from Article No. 53, for the words "or exempted" the words "or any instrument exempted" shall be substituted, and after the words and brackets "(instruments executed on behalf of the Government)" the words "or any cheque or bill of exchange payable on demand" shall be inserted.</p>
1908	V	The Code of Civil Procedure, 1908.	<p>To section 98 the following sub-section shall be added, namely:—</p> <p>"(3) Nothing in this section shall be deemed to alter or otherwise affect any provision of the letters patent of any High Court."</p>
1923	XXI	The Indian Merchant Shipping Act, 193.	<p>(1) In the heading above section 217, for the words "<i>Draught of Water</i>" the word "<i>Deck-line</i>" shall be substituted.</p> <p>(2) In clause (iv) of section 227, after the words "British India" the words "which comes into any port in British India" shall be inserted.</p>

THE SECOND SCHEDULE.

REPEALS.

(See section 3.)

Year.	No.	Title or short title
1900	IX	An Act to provide for the Court-fee payable on certain Applications to the Court of the Financial Commissioner of the Punjab.
1927	XII	The Repealing Act, 1927.