

CHAPTER 62.

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary and for facilitating the publication of a Revised Edition of the Statutes and the Citation of Statutes.

[30th July 1948.]

WHEREAS it is expedient that certain enactments which may be regarded as spent, or have ceased to be in force otherwise than by express specific repeal by Parliament, or have, by lapse of time or otherwise, become unnecessary, should be expressly and specifically repealed:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Enactments
in schedule
repealed.

1. The enactments described in the First Schedule to this Act are hereby repealed, subject to the provisions of this Act and subject to the exceptions and qualifications in the said schedule mentioned; and every part of a title, preamble, or recital specified after the words "in part, namely," in connection with an Act mentioned in the said schedule may be omitted from any revised edition of the statutes published by authority after the passing of this Act, and there may be added in the said edition such brief statement of the Acts, officers, persons, and things mentioned in the title, preamble, or recital, as may in consequence of such omission appear necessary:

Provided as follows:—

The repeal of any words or expressions of enactment described in the said schedule shall not affect the binding force, operation, or construction of any statute, or of any part of a statute, whether as respects the past or the future;

and where any enactment not comprised in the said schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act;

and the repeal by this Act of any enactment or schedule shall not affect any enactment in which such enactment or schedule has been applied, incorporated, or referred to;

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon or prevent any such enactment from being put in force for the collection of any such revenues or otherwise in relation thereto;

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered,—or any existing status or capacity,—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,—or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or the general or public nature of any statute, or any existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, emolument, or benefit, or any prospective right, 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 this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, liability, right, state, degree, style, dignity, title, honour, privilege, restriction, exemption, usage, practice, procedure, form of punishment, or other matter or thing not now existing or in force;

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of His Majesty's dominions out of the United Kingdom, except where otherwise expressed in the said schedule.

2. If and so far as any enactment repealed by this Act applies or may have been by Order in Council applied to the court of the county palatine of Lancaster or to any inferior court of civil jurisdiction, such enactment shall be construed as if it were contained in a local and personal Act specially relating to such court and shall have effect accordingly.

Application
of repealed
enactments in
local courts.

3.—(1) From any revised edition of the statutes published by authority there may be omitted—

Omissions.

- (a) words of enactment, whether in the form "Be it enacted by the King's (or Queen's) most excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows" or

in any other form or to the like effect, and words such as " item," " also " and " that " referring to or consequential on words of enactment;

- (b) clauses of attestation added to ancient statutes;
- (c) in any enactment relating to courts now merged in the Supreme Court the words " debt," " suit," " bill," " plaint," " proceeding " or any of those words occurring after or in connection with the word " action ";
- (d) in any enactment relating to Scotland the word " stewardry " occurring in connection with the words " shire," " sheriffdom " or " county," and the word " steward " occurring in connection with the word " sheriff," whether any of these words be used in the singular or the plural;
- (e) the words " of ", " and " or " or " " where used in connection with any word omitted by virtue of paragraphs (c) and (d) of this subsection; and
- (f) enactments or words in respect of matters exclusively relating to territory within the jurisdiction of a self-governing Dominion.

(2) An omission made under the authority of this Act shall not affect the construction or interpretation of any statute.

General repeal of obsolete or unnecessary words.

4. The following words, being obsolete or unnecessary, are hereby repealed wherever occurring:—

- (a) words barring the allowance in any action or proceeding of any essoin or privilege or protection or wager of law or imparlance or of bail or main-prise or benefit of clergy; and
- (b) the words " that part of Britain called " or " that part of the United Kingdom called," or words to the like effect, where used before the words " England ", " Scotland " or " Ireland."

Citation of Acts.

5. Each of the Acts mentioned in the Second Schedule to this Act may, without prejudice to any other mode of citation, be cited by the short title therein mentioned in that behalf.

Short title and extent.

6.—(1) This Act may be cited as the Statute Law Revision Act, 1948.

(2) In its application to Northern Ireland this Act shall, as respects matters within the powers of the Parliament of Northern Ireland, be subject to alteration by that Parliament as if it had been an Act passed before the appointed day within the meaning of the Government of Ireland Act, 1920.

SCHEDULES.

THE FIRST SCHEDULE.

Section 1.

ENACTMENTS REPEALED.

Reign and Chapter	Short Title
20 Hen. 3.: Stat. Merton:	
c. 2.	Widows may bequeath the corn on their lands. The whole chapter.
c. 9.	Special bastardy. The whole chapter.
52 Hen. 3.: Stat. Marlb.:	
c. 2.	Distresses for suit of court. The whole chapter.
c. 17.	The duty of guardians in socage. The whole chapter.
3 Edw. 1.: Stat. Westm. prim.:	
c. 28.	Maintenance by officers of courts. In part, namely,— The words to " his service."
c. 29.	Deceits by pleaders. The whole chapter.
13 Edw. 1.: Stat. Westm. sec.:	
c. 5.	Three original writs of advowson. In part, namely,— The words from " And when the parson " to " in the King's court."
c. 18.	Execution either by levying of the land and goods, or by delivery of goods and half the land, at the choice of the creditor. The whole chapter so far as unrepealed.