

THE OFFICIAL TRUSTEES ACT, 1913.

CONTENTS.

PART I.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
 2. Interpretation clause.
 3. Extent of jurisdiction of High Courts.
-

PART II.

THE OFFICE OF OFFICIAL TRUSTEE.

4. Official Trustees.
 5. Appointment and powers of Deputy Official Trustee.
 6. Official Trustee to be corporation sole, to have perpetual succession and official seal, and to sue and be sued in his corporate name.
-

PART III.

RIGHTS, POWERS, DUTIES AND LIABILITIES OF OFFICIAL TRUSTEE.

7. General powers and duties of Official Trustee.
8. Official Trustee may, with consent, be appointed trustee of settlement by grantor.
9. Appointment of Official Trustee as trustee by will.
10. Power of High Court to appoint Official Trustee to be trustee of property.
11. Power of private trustees to appoint Official Trustee to be trustee of property.
12. Executor or administrator may pay to Official Trustee legacy, share, etc., of infant or lunatic.
13. Official Trustee not to be required to give bond of security.
14. Entry of Official Trustee not to constitute notice of a trust.
15. Liability of Government.
16. Notice of suit not required in certain cases.

PART IV.

FEES.

SECTIONS.

17. Fees
 18. Disposal of fees.
-

PART V.

AUDIT.

19. Auditors to be appointed to examine Official Trustee's accounts, etc., and to report to Government.
 20. Auditor's power to summon witnesses and to call for documents.
 21. Costs of audit, etc., how paid.
 22. Right of beneficiary to inspection and copies of accounts.
-

PART VI.

MISCELLANEOUS.

23. Transfer to Government of accumulations in the hands of Official Trustee.
 24. Mode of proceeding by claimant to recover money so transferred.
 25. Power of High Court to make orders in respect of property vested in Official Trustee.
 26. Who may apply for order under Act.
 27. Order of Court to have effect of a decree.
 28. General powers of administration.
 29. Transfer of trust property by Official Trustee to original trustee or any other trustee.
 30. Rules.
 31. Division of Presidency into Provinces.
 32. Saving of provisions of Indian Registration Act, 1908.
 33. (*Repeals.*) *Repealed.*
-

THE SCHEDULE—ENACTMENTS REPEALED. *Repealed.*

(Part I.—Preliminary.)

ACT No. II OF 1913.¹

[27th February, 1913.]

An Act to consolidate and amend the Law constituting the office of Official Trustee.

WHEREAS it is expedient to consolidate and amend the law constituting the office of the Official Trustee; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Official Trustees Act, 1913.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas, and applies also to all British and Indian subjects of His Majesty in the territories of Native States in India.

(3) It shall come into force on such ²date as the Governor General in Council, by notification in the Gazette of India, may direct.

2. In this Act, unless there is anything repugnant in the subject or context,—

Interpreta-
tion clause.

(1) "Government" means the Governor General in Council, so far as the Act relates to the Presidency of Bengal, and the Local Governments of Madras and Bombay, respectively, so far as the Act relates to those Presidencies:

(2) "High Court" means His Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay, respectively, in the exercise of their original civil jurisdiction:

(3) "Official Gazette" means, in the case of the Presidency of Bengal, the Gazette of India, in the case of the Presidency of Madras, the Fort St. George Gazette, and in the case of the Presidency of Bombay, the Bombay Government Gazette:

¹ For Statement of Objects and Reasons, see Gazette of India, 1912, Pt. V, p. 202; for Report of Select Committee, see *ibid*, 1913, Pt. V, p. 19; and for Proceedings in Council, see *ibid*, 1912, Pt. VI, p. 699 and *ibid*, 1913, Pt. VI, pp. 15 and 28.

² The 1st April, 1914, see General Statutory Rules and Orders, Vol. IV, p. 388.

(Part I.—Preliminary.)

(4) " Prescribed " means prescribed by rules under this Act :

(5) (a) " Presidency of Bengal " includes the territories for the time being under the government of the Governor of Fort William in Bengal in Council, the United Provinces of Agra and Oudh, the Provinces of the Punjab, Burma, Bihar and Orissa, the Central Provinces, Assam, the North-West Frontier Province, the Province of Delhi, Ajmer and Merwara, the Andaman and Nicobar Islands, and such of the territories of any Native State as the Governor General in Council may by ¹notification in the Gazette of India direct,

(b) " Presidency of Bombay " includes the territories for the time being under the government of the Governor of Bombay in Council, the Province of British Baluchistan, and such of the territories of any Native State as the Governor General in Council may by ¹notification in the Gazette of India direct,

(c) " Presidency of Madras " includes the territories for the time being under the government of the Governor of Fort St. George in Council, the Province of Coorg, and such of the territories of any Native State as the Governor General in Council may by ¹notification in the Gazette of India direct :

(6) " Presidency " means any of the Presidencies mentioned in clause (5) :

²[(7) " revenues of the Government " means, in respect of any part of India in which the powers and duties of the Government under this Act are exercised and discharged by a Local Government, the revenues allocated to that Government under the Government of India Act.]

Extent of
jurisdiction
of High
Courts.

3. For the purposes of this Act the High Court at a Presidency-town shall have jurisdiction throughout the Presidency.

¹ For notification under this section in conjunction with section 31, including certain Native States in the Presidencies and Provinces constituted for the purposes of the Act. see General Statutory Rules and Orders, Vol. IV, p. 390.

² This clause was added by s. 2 of the Official Trustees and Administrator General's Acts Amendment Act, 1922 (21 of 1922).

(Part II.—The Office of Official Trustee. Part III.—Rights, Powers, Duties and Liabilities of Official Trustee.)

PART II.

THE OFFICE OF OFFICIAL TRUSTEE.

4. (1) In each of the Presidencies of Bengal, Madras and Bombay, Official Trustees, the Government shall appoint an Official Trustee.

(2) No person shall be appointed to the office of Official Trustee of any of the said Presidencies who is not—

(a) a Barrister; or

(b) an Advocate, Attorney or Vakil enrolled by a High Court; or

(c) a person holding the office of Deputy Administrator General at the commencement of this Act.

(3) The said Official Trustees shall be called respectively, the Official Trustee of Bengal, the Official Trustee of Madras and the Official Trustee of Bombay.

5. The Government may appoint a Deputy or Deputies to assist the Official Trustee; and any Deputy so appointed shall, subject to the control of the Government and the general or special orders of the Official Trustee, be competent to discharge any of the duties and exercise any of the powers of the Official Trustee, and, when discharging such duties or exercising such powers, shall have the same privileges and be subject to the same liabilities as the Official Trustee. Appointment and powers of Deputy Official Trustee.

6. The Official Trustee shall be a corporation sole by the name of the Official Trustee of the Presidency for which he is appointed and, as such Official Trustee, shall have perpetual succession and an official seal, and may sue and be sued in his corporate name. Official Trustee to be corporation sole, to have perpetual succession and official seal, and to sue and be sued in his corporate name.

PART III.

RIGHTS, POWERS, DUTIES AND LIABILITIES OF OFFICIAL TRUSTEE.

7. (1) Subject to, and in accordance with, the provisions of this Act and the rules made thereunder, the Official Trustee may, if he thinks fit,— General powers and duties of Official Trustee.

(a) act as an ordinary trustee;

(b) be appointed trustee by a Court of competent jurisdiction.

(Part III.—Rights, Powers, Duties and Liabilities of Official Trustee.)

(2) Save as hereinafter expressly provided, the Official Trustee shall have the same powers, duties and liabilities and be entitled to the same rights and privileges and be subject to the same control and orders of the Court as any other trustee acting in the same capacity.

(3) The Official Trustee may decline, either absolutely or except on such conditions as he may impose, to accept any trust.

(4) The Official Trustee shall not accept any trust under any composition or scheme of arrangement for the benefit of creditors, nor of any estate known or believed by him to be insolvent.

(5) The Official Trustee shall not, save as provided by any rules made under this Act, accept any trust for a religious purpose or any trust which involves the management or carrying on of any business.

(6) The Official Trustee shall not administer the estate of a deceased person, unless he is expressly appointed sole executor of, and sole trustee under, the will of such person.

(7) The Official Trustee shall always be sole trustee, and it shall not be lawful to appoint the Official Trustee to be trustee along with any other person.

Official Trustee may with consent be appointed trustee of settlement by grantor.

8. (1) Any person intending to create a trust other than a trust which the Official Trustee is prohibited from accepting under the provisions of this Act may by the instrument creating the trust and with the consent of the Official Trustee, appoint him by that name or any other sufficient description to be the trustee of the property subject to such trust :

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by, the Official Trustee.

(2) Upon such appointment the property subject to the trust shall vest in such Official Trustee, and shall be held by him upon the trusts declared in such instrument.

Appointment of Official Trustee as trustee by will.

9. When the Official Trustee has by that name or any other sufficient description been appointed trustee under any will, the executor of the will of ¹[the testator] or the administrator of his estate shall,

¹ These words were substituted for the words "such testator" by s. 2 and Sch. I of the Repealing and Amending Act, 1919 (18 of 1919).

(Part III.—Rights, Powers, Duties and Liabilities of Official Trustee.)

after obtaining probate or letters of administration, notify in the prescribed manner the contents of such will to such Official Trustee; and, if such Official Trustee consents to accept the trust, then upon the execution by such executor or administrator of an instrument in writing transferring the property subject to the trust to the Official Trustee, such property shall vest in such Official Trustee, and shall be held by him upon the trusts expressed in the said will:

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by the Official Trustee.

10. (1) If any property is subject to a trust other than a trust which the Official Trustee is prohibited from accepting under the provisions of this Act, and there is no trustee within the local limits of the ordinary or extraordinary original civil jurisdiction of the High Court willing or capable to act in the trust, the High Court may on application make an order for the appointment of the Official Trustee by that name with his consent to be the trustee of such property.

Power of High Court to appoint Official Trustee to be trustee of property.

(2) Upon such order such property shall vest in the Official Trustee and shall be held by him upon the same trusts as the same was held previously to such order, and the previous trustee or trustees (if any) shall be exempt from liability as trustees of such property save in respect of acts done before the date of such order.

XXVIII of 1866. II of 1882.

(3) Nothing in this section shall be deemed to affect the provisions of the Trustees' and Mortgagees' Powers Act, 1866, or the Indian Trusts Act, 1882.

11. (1) If any property is subject to a trust other than a trust which the Official Trustee is prohibited from accepting under the provisions of this Act, and all the trustees or the surviving or continuing trustee or trustees and all persons beneficially interested in the trust are desirous that the Official Trustee shall be appointed in the room of such trustee or trustees, it shall be lawful for such trustee or trustees, by an instrument in writing to appoint the Official Trustee by that name or any other sufficient description with his consent to be the trustee of such property:

Power of private trustees to appoint Official Trustee to be trustee of property.

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by him.

(Part III.—Rights, Powers, Duties and Liabilities of Official Trustee.)

(2) Upon such appointment such property shall vest in the Official Trustee and shall be held by him upon the same trusts as the same was held previously to such appointment, and the previous trustee or trustees shall be exempt from all liability as trustees of such property save in respect of acts done before the date of such appointment.

Executor or administrator may pay to Official Trustee legacy, share, etc., of infant or lunatic.

12. (1) If any infant or lunatic is entitled to any gift, legacy or share of the assets of a deceased person, it shall be lawful for the person by whom such gift is made, or executor or administrator by whom such legacy or share is payable or transferable, or any trustee of such gift, legacy or share, to transfer the same by an instrument in writing to the Official Trustee by that name or any other sufficient description with his consent :

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by the Official Trustee.

(2) Any money or property transferred to the Official Trustee under this section shall vest in him and shall be subject to the same provisions as are contained in this Act as to other property vested in such Official Trustee.

Official Trustee not to be required to give bond or security.

13. (1) No Official Trustee shall be required by any Court to enter into any bond or security on his appointment in any capacity under this Act.

(2) No Official Trustee or Deputy Official Trustee shall be required to verify otherwise than by his signature any petition presented by him under the provisions of this Act, and if the facts stated in any such petition are not within the Official Trustee's personal knowledge, the petition may be verified and subscribed by any person competent to make the verification.

Entry of Official Trustee not to constitute notice of a trust.

14. The entry of the Official Trustee by that name in the books of a company shall not constitute notice of a trust; and a company shall not be entitled to object to enter the name of the Official Trustee on its register by reason only that the Official Trustee is a corporation; and, in dealing with property, the fact that the person dealt with is the Official Trustee shall not of itself constitute notice of a trust.

(Part III.—Rights, Powers, Duties and Liabilities of Official Trustee.
Part IV.—Fees.)

15. (1) The revenues of the Government ^{1*} shall be liable to ^{Liability of Government.} make good all sums required to discharge any liability which the Official Trustee, if he were a private trustee, would be personally liable to discharge, except when the liability is one to which neither the Official Trustee nor any of his officers has in any way contributed or which neither he nor any of his officers could by the exercise of reasonable diligence have averted, and in either of those cases the Official Trustee shall not, nor shall the revenues ²[of the Government or] of the Government of India, be subject to any liability.

(2) Nothing in sub-section (1) shall be deemed to render the revenues ²[of the Government or] of the Government of India or any Official Trustee appointed under this Act liable for anything done by or under the authority of any Official Trustee before the commencement of this Act.

V of 1908.

16. Nothing in section 80 of the Code of Civil Procedure, 1908, shall apply to any suit against the Official Trustee in which no relief is claimed against him personally. ^{Notice of suit not required in certain cases.}

PART IV.

FEEs.

17. (1) There shall be charged in respect of the duties of the Official Trustee such fees, whether by way of percentage or otherwise, as the Government may prescribe :

Provided that in the case of a trust accepted by the Official Trustee before the commencement of this Act the fees prescribed under this section shall not exceed the fees leviable in respect of such trust under the ³Official Trustees Act, 1864, as subsequently amended.

XVII of 1864.

(2) The fees under this section may be at different rates for different properties or classes of properties or for different duties, and shall, so far as may be, be arranged so as to produce an amount sufficient to discharge the salaries and all other expenses incidental to the working of

¹ The words "of India" were omitted by s. 3 of the Official Trustees and Administrator General's Acts Amendment Act, 1922 (21 of 1922).

² These words were inserted by *ibid.*

³ Repealed by the Official Trustees Act, 1913 (2 of 1913).

(Part IV.—Fees. Part V.—Audit.)

this Act (including such sum as Government may determine to be required to insure the revenues of the Government ^{1*} * against loss under this Act).

Disposal of fees.

18. (1) All expenses which might be retained or paid out of the trust fund, if the Official Trustee were a private trustee, shall be so retained or paid, and any fees leviable under this Act shall be retained or paid in like manner as and in addition to such expenses.

(2) The Official Trustee shall transfer and pay to such authority and in such manner and at such times as the Government may prescribe, all fees received by him under this Act, and the same shall be carried to the account and credit of the Government ^{1*}

 PART V.

AUDIT.

Auditors to be appointed to examine Official Trustee's accounts, etc., and to report to Government.

19. (1) The accounts of the Official Trustees shall be audited at least once annually and at any other time if the Government so direct by the prescribed person and in the prescribed manner.

(2) The auditor shall examine such accounts, and shall forward to Government a statement thereof in the prescribed form, together with a report thereon and a certificate signed by him showing—

- (a) whether the accounts contain a full and true account of every thing which ought to be contained therein, and
- (b) whether the books, which by any rules made under this Act are directed to be kept by the Official Trustee, have been duly and regularly kept, and
- (c) whether the trust funds and securities have been duly kept and invested and deposited in the manner prescribed by this Act or any rules made thereunder;

or (as the case may be) that such accounts are deficient, or that the Official Trustee has failed to comply with this Act or the rules made thereunder, in such respects as may be specified in such certificate.

¹ The words "of India" were omitted by s. 4 of the Official Trustees and Administrator General's Acts Amendment Act, 1922 (21 of 1922).

(Part V.—Audit. Part VI.—Miscellaneous.)

- 20.** (1) Every auditor shall have the powers of a Civil Court under Auditor's power to summon witnesses and to call for documents. the Code of Civil Procedure, 1908,
- (a) to summon any person whose presence he may think necessary to attend him from time to time, and
- (b) to examine any person, on oath to be by him administered, and
- (c) to issue a commission for the examination on interrogatories or otherwise of any person, and
- (d) to summon any person to produce any document or thing, the production of which appears to be necessary for the purposes of such audit or examination.
- (2) Any person who, when summoned, refuses, or without reasonable cause neglects to attend or to produce any document or thing or attends and refuses to be sworn, or to be examined shall be deemed to have committed an offence within the meaning of, and punishable under, section XLV of 1860. 188 of the Indian Penal Code, and the auditor shall report every case of such refusal or neglect to Government.
- 21.** The cost of and incidental to every such audit and examination shall be determined in accordance with rules made by the Government Cost of audit, etc., how paid. and shall be defrayed in the prescribed manner.
- 22.** Every beneficiary under a trust which is being administered by the Official Trustee shall, subject to such conditions and restrictions as may be prescribed, be entitled, at all reasonable times, to inspect the accounts of such trust, and the report and certificate of the auditor and, Right of beneficiary to inspection and copies of accounts. on payment of the prescribed fee, to be furnished with copies thereof or extracts therefrom, and nothing in the Indian Trusts Act, 1882, shall II of 1892. affect the provisions of this section.

PART VI.

MISCELLANEOUS.

- 23.** When any moneys payable to a beneficiary under a trust have been in the hands of any Official Trustee for a period of twelve years or upwards whether before or after the commencement of this Act in consequence of the Official Trustee having been unable to trace the person Transfer to Government of accumulations in the hands of Official Trustee.

(Part VI.—Miscellaneous.)

entitled to receive the same, such moneys shall be transferred in the prescribed manner to the account and credit of the Government 1* * :

Provided that no such moneys shall be so transferred if any suit or proceeding is pending in respect thereof in any Court.

Mode of proceeding by claimant to recover money so transferred.

24. (1) If any claim is made to any moneys so transferred and such claim is established to the satisfaction of the prescribed authority, the Government 1 * * shall pay to the claimant the amount in respect of which the claim is established.

(2) If such claim is not established to the satisfaction of the prescribed authority, the claimant may, without prejudice to his right to take any other proceedings for the recovery of such moneys, apply by petition to the High Court against the Secretary of State for India in Council, and, after taking such evidence as it thinks fit, such Court shall make such order on the petition in regard to the payment of such moneys as it thinks fit, and such order shall be binding on all parties to the proceedings.

(3) The Court may further direct by whom all or any part of the costs of such proceedings shall be paid.

Power of High Court to make orders in respect of property vested in Official Trustee. Who may apply for order under Act.

25. The High Court may make such orders as it thinks fit respecting any trust property vested in the Official Trustee, or the interest or produce thereof :

26. Any order under this Act may be made, on the application of any person beneficially interested in any trust property or of any trustee thereof.

Order of Court to have effect of a decree.

27. Any order made by a High Court under this Act shall have the same effect as a decree.

General powers of administration.

28. The Official Trustee may, in addition to and not in derogation of any other powers of expenditure lawfully exerciseable by him, incur expenditure—

(a) on such acts as may be necessary for the proper care and management of any property belonging to any trust administered by him; and

¹ The words "of India" were omitted by s. 4 of the Official Trustees and Administrator Generals' Acts Amendment Act, 1922 (21 of 1922).

(Part VI.—Miscellaneous.)

(b) with the sanction of the High Court on such religious, charitable and other objects and on such improvements as may be reasonable and proper in the case of such property.

29. (1) Nothing in this Act shall be deemed to prevent the transfer by the Official Trustee of any property vested in him to—

- (a) the original trustee (if any); or
- (b) any other lawfully appointed trustee; or
- (c) any other person if the Court so directs.

Transfer of trust property by Official Trustee to original trustee or any other trustee.

(2) Upon such transfer such property shall vest in such trustee, and shall be held by him upon the same trusts as those upon which it was held prior to such transfer, and the Official Trustee shall be exempt from all liability as trustee of such property except in respect of acts done before such transfer:

Provided that, in the case of any transfer under this section, the Official Trustee shall be entitled to retain out of the property any fees leviable in accordance with the provisions of this Act.

30. (1) The Government shall make rules¹ for carrying into effect the objects of this Act and for regulating the proceedings of the Official Trustee in the discharge of his duties. Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the accounts to be kept by the Official Trustee and the audit and inspection thereof;
- (b) the safe custody, and deposit of the funds and securities which come into the hands of the Official Trustee;
- (c) the remittance of sums of money in the hands of the Official Trustee in cases in which such remittances are required;
- (d) the statements, schedules and other documents to be submitted by the Official Trustee to Government or to any other authority and the publication of such statements, schedules or other documents;

¹ For rules made by the Governor General in Council for the Presidency of Bengal, see General Statutory Rules and Orders, Vol. IV, p. 393, and for other provinces see Local Rules and Orders.

(Part VI.—Miscellaneous.)

(e) the realization of the cost of preparing any such statements, schedules or other documents;

1* * * * *

(f) subject to the provisions of this Act, the fees to be paid thereunder and the collection and accounting for any fees so fixed;

(g) the manner in which and the person by whom the costs of and incidental to any audit under the provisions of this Act are to be determined and defrayed;

(h) the manner in which summonses issued under the provisions of section 20 are to be served and the payment of the expenses of any persons summoned or examined under the provisions of this Act and of any expenditure incidental to such examination;

(i) the acceptance by the Official Trustee of trusts for religious purposes and trusts which involve the management or carrying on of business; and

(j) any matter in this Act directed to be prescribed.

(3) Rules made under the provisions of this section shall be published in the official Gazette, and shall thereupon have effect as if enacted in this Act.

Division of
Presidency
into Pro-
vinces.

31. (1) Notwithstanding anything in the foregoing provisions of this Act, the Governor General in Council may, by ²notification in the Gazette of India,—

(a) remove any of the territories included in the Presidency of Bengal from such Presidency and constitute the same into provinces for the purposes of this Act;

(b) ³direct that for the purposes of this Act any of the territories of any Native State in India shall be included in any Province so constituted; and

(c) appoint any person qualified in accordance with the provisions of sub-section (2) of section 4, or who holds office under Government to be an Official Trustee for any such Province to be called the Official Trustee of the Province,

¹ Clause (ee) which was inserted by Act 10 of 1914, was repealed by s. 6 and Sch. of the Destruction of Records Act, 1917 (5 of 1917).

² For such a notification, see General Statutory Rules and Orders, Vol. IV, p. 388.

³ For notification under this section in conjunction with section 2 (5), see General Statutory Rules and Orders, Vol. IV, p. 390.

(Part VI.—Miscellaneous.)

and subject to the provisions of this section the following consequences shall thereupon ensue, namely :—

- (i) the Official Trustee of a Province shall by that name have the like rights, powers, privileges and liabilities, and perform the like duties, in the Province as the Official Trustee of the Presidency within which such territories were included had and performed as Official Trustee therein, and shall be deemed to be his successor in office :
- (ii) the powers and duties of the Government under this Act shall, as regards the Province, be exercised and discharged by the Governor General in Council, or by such Local Government as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf ; and the Gazette of the Government exercising and discharging such powers and duties shall be the official Gazette of the Province for the purposes of this Act :
- (iii) the powers and duties assigned by the foregoing provisions of this Act to the High Court shall be exercised and discharged in respect of such Province by such Court as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf :
- (iv) in the foregoing provisions of this Act, the word " Presidency " shall be deemed to include a province ; and
- (v) generally, the provisions of the foregoing sections with respect to the High Court and the provisions of this Act and of any other enactment for the time being in force with respect to the Official Trustee of a Presidency shall, in relation to a Province, be construed so far as may be to apply to the Court and the Official Trustee respectively appointed for the Province under this section.

(2) Any proceeding which was commenced before the publication of the notification constituting the province and to or in which the Official Trustee of any Presidency within which any territories constituted into a Province are situate was a party or was otherwise concerned, shall be continued as if the notification had not been published.

(Part VI.—Miscellaneous.)

(3) If by reason of the constitution of provinces for the purposes of this Act it appears to the Governor General in Council that any property vested in the Official Trustee of any Presidency should be vested in the Official Trustee of a Province, he may direct that the property shall be so vested, and thereupon it shall vest in the Official Trustee of the Province as fully and effectually for the purposes of this Act as if it had originally been vested in him under this Act.

(4) If in accordance with the provisions of this section territories have been removed from the Presidency of Bengal and constituted a Province for the purposes of this Act, the Governor General in Council may, by notification¹ in the Gazette of India, direct that as regards the Presidency of Bengal excluding the territories so removed the powers and duties of the Government under the Act shall be exercised and discharged by the Local Government of Bengal, and that the official Gazette shall be the Calcutta Gazette.

(5) Upon the rescission of a notification constituting a Province under sub-section (1), the territories comprised therein shall again form part of the Presidency within which they were originally included, the office of Official Trustee for the Province shall determine and all properties vested in and all proceedings by or against such Official Trustee pending at the date of the rescission shall vest in and be carried on by or against such Official Trustee or Official Trustees as the Governor General in Council may direct.

32. Nothing contained in this Act shall be deemed to affect the provisions of the Indian Registration Act, 1908.

Savings of provisions Indian Registration Act, 1908.

33. [Repeals.] *Repealed by the Repealing Act, 1927 (12 of 1927).*

[THE SCHEDULE.]

[Enactments repealed.] *Repealed by the Repealing Act, 1927 (12 of 1927).*

¹ For such notification, see General Statutory Rules and Orders, Vol. IV, p. 392.