Types of Acts

Acts may be classified as public or private; general, local, or personal; constitutional, treaty, or financial; and as consolidating, codifying, declaratory, or clauses Acts. [*Bennion (2020), s. 2.14*]

Public and private Act

In English law, based on the judicial notice, an Act is classified as public and private. A public Act is judicially noticed as it dealt with a matter of public concern. A private Act, on the other hand, must be proved by anyone wishing to rely on it. Such distinction, however, has lost its relevance especially after English Interpretation Act 1978 s 3 which provides that "Every Act is a public Act to be judicially noticed as such, unless the contrary is expressly provided by the Act. [*Bennion (2020), p. 60]*

A private Act obtained for the benefit of specific persons must be construed strictly against its promoters when interpreted in relation to the public. [*Parker v. Great Western Railway Co (1844) 7 Man & G 253, cited in Bennion (2020), p. 61*]

In India, all Acts enacted by legislatures are public and judicially noticed under Section 52(1)(a) of the Bharatiya Sakshya Adhiniyam, 2023 (corresponding to Section 57(1) of the Indian Evidence Act, 1872).

Public and private Bill: Mention may, however, be made of the distinction between Public Bill, Private Bill and Private Member's Bill. Based on the parliamentary procedure of England, a Bill is classified as public, private, and private member's Bill. A public Bill is introduced by the government ministers. A private Bill is promoted by individuals or bodies seeking powers beyond, or in conflict with, the general law and are introduced, based on their petitions, by government ministers. A private member's bill is introduced by a member of the legislative body who is not a government minister.

In India, there is no concept of private Bill, rather the private member's Bill is often referred to as private Bill and there is no distinct rule of interpretation for them.

General, local and personal Act

In English jurisprudence, based on the application, an Act is classified into general, local or personal. A general Act applies, in some way, to the entire community. An Act is local if it applies to a particular locality but is of general interest to the community in that locality. An Act is personal if it is limited to particular individuals and is only of interest to them.

Classification by Territorial Application in India: In India, there is a distinction of central (or union or federal) and state (or unit) government. An Act made by the Parliament of India is a Central Act and may apply to the entire or part of the territories of India (which may comprise one or more states and union territories of India), whereas an Act made by a State Legislature is a State Act and may apply to the entire or part of the territory of the state of India. This territorial application is expressly stated in the 'extent' clause under section 1 of each Act.

Constitutional, treaty and finance Act

Constitutional Act: Although the United Kingdom does not have a single written constitution, English courts have recognised certain statutes as having constitutional status due to their foundational significance in shaping governance and civil liberties. These constitutional Acts include historical and modern legislation such as the Magna Carta, Petition of Right 1628, Bill of Rights 1689, Act of Settlement 1701, Act of Union 1707, European Communities Act 1972, Human Rights Act 1998, Scotland Act 1998, Northern Ireland Act 1998, Constitutional Reform Act 2005, and Government of Wales Act 2006 [Bennion 2020, p. 63]. These Acts are treated with a higher degree of protection, often requiring express repeal to be altered.

Constitutional Amendment Act: In India one may categorize the Constitutional Amendment Act as a special class because of the special procedure of its passage by the Parliament and ratification by the State Legislature [*Art 368*].

Treaty Act: Acts that incorporate or implement international treaties constitute a distinct category of legislation. An international treaty does not form part of Indian law unless it is incorporated through an Act of Parliament [*Art 253*].

Finance Act: Finance Acts and other taxation or appropriation laws form a distinct class, highlighting the dominant role of the lower house of the Parliament or the State Legislature. It is constitutionally important that taxes are levied fairly, collected honestly, and expended in accordance with legislative approval. [*Art 109 and 198 specifying special procedure for Money Bills*].

Consolidating, codifying, declaratory, and clauses Act

Consolidating Act: A consolidation Act brings together a number of existing provisions on a topic in a single Act. [*Bennion 2020 p 64*]

For example, when different laws on income tax are combined into one comprehensive Act, it is called a consolidating Act.

The provisions relating to the law on a given subject matter are often found in a series of Acts. As a consequence, investigation of the law on a given subject requires simultaneous reference to a number of separate Acts. This problem can be solved by a re-enactment of the scattered provisions into one Act. Consolidation is, thus, a process of combining the legislative provisions on a single topic into one coherent enactment. The earlier Acts are repealed and in their place is substituted a single Act which embraces the subject matter of the earlier Acts. The aim of consolidation is to allow for easy access to a particular subject matter on which there would have been numerous amendments to the law at different times. An important point to observe in the consolidation of legislation is that the Acts to be consolidated must be in respect of the same subject matter. It would be inappropriate to consolidate fiscal legislation with family law legislation. Furthermore, where legislation is strewn about into bits and pieces of different Acts, the Acts to be consolidated should be identified to ensure that all the Acts on the same subject matter have been brought together. This will reduce the likelihood of omitting an important piece of legislation in the consolidation exercise. [*Rajgopaul 1980*]

A consolidating Act, therefore, is a summation of existing Acts on the topic. It may be with or without amendments. Amendment means making changes to an existing law to reflect current needs or circumstances. It allows the law to stay relevant and updated over time. The long title of the Income-tax Act, 1961 reads:

> "An Act to consolidate and amend the law relating to income-tax and super-tax."

This means the Act was created both to combine earlier tax laws (consolidation) and to modify them as needed (amendment), making the law more structured and updated.

Codifying Act: A codifying Act restates the law on a topic, whether common law or statutory. [*Bennion 2020 p 64*]

In codification the various areas of the law, such as equity, the common law, orders of the executive and judicial decisions are examined and then condensed in the form of a code. In other words, the entire law on a particular subject matter is extracted from case law and any other relevant enactments, and placed into one single Act. This compilation is then used as the prima facie evidence of the existing law on that subject. [*Rajgopaul 1980*]

A codifying Act, therefore, is a summation of existing Acts and case laws on the topic.

Declaratory Act: A declaratory Act is a special type of legislation enacted to clarify, confirm, or remove doubts about the meaning or application of an existing law. Its primary purpose is to declare what the law already is or was, rather than to create new legal rules. This may involve explaining the meaning of a previous statute or confirming what the common law position has always been.

As noted by legal scholars like Bennion, such Acts are often used to confirm the validity of previous actions or laws. [*Bennion on Statutory Interpretation, 8th Ed., 2020, p. 65*]

A key example is the Sales Tax Laws Validation Act, 1956, passed by the Union of India. This Act declared that even though state legislatures had no power to impose sales tax on inter-State transactions (which falls under Union jurisdiction), those state laws would be treated as valid as if they had been passed by the correct authority from the beginning.

Because declaratory laws are meant to affirm existing law, courts often treat them as having retrospective effect, unless stated otherwise. Their function is not to alter the law but to remove uncertainty about what the law has always been.

Clauses Act: A clauses Act sets out common-form provisions in order to shorten the new Act which incorporates it. For example, General Clauses Act 1897 contains clauses which are not required to be provided in a new Act.

Other types of Acts

A number of others distinctions have been drawn over the ages between different types of legislation, for example those between enabling (or enlarging) and restraining statutes, obligatory and permissive statutes, declaratory and remedial statutes, affirmative (or positive) and negative statutes. To this list may also be added Acts of indemnity, amnesty or oblivion. These distinctions or descriptions are either obsolete or of little practical relevance and are not discussed further. [*Bennion 2020 p 66*]