

# **Andhra Pradesh Government Medical and Dental Institutions (Conversion into Semi-Autonomous Institutions) Act, 2007**

ANDHRA PRADESH

India

## **Andhra Pradesh Government Medical and Dental Institutions (Conversion into Semi-Autonomous Institutions) Act, 2007**

### **Act 31 of 2007**

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1. [Repealed by THE ANDHRA PRADESH GOVERNMENT MEDICAL AND DENTAL INSTITUTIONS (COVERSION INTO SEMI-AUTONOMOUS INSTITUTIONS) (REPEAL) ACT, 2018 (Act 29 of 2018) on 25 October 2018]

Andhra Pradesh Government Medical and Dental Institutions (Conversion into Semi-Autonomous Institutions) Act, 2007(Act No. 31 of 2007)Last Updated 10th September, 2019[Dated 10.12.2007]An Act to Provide semi-Autonomous Status to the Government Medical/Dental Colleges and Institutes of Medical/Dental Sciences for Effective Functional Autonomy.Be it enacted by the Legislature of the State of Andhra Pradesh in the Fifty-eighth Year of the Republic, of India as follows:

### **1. Short title, extent and Commencement.**

(1)This Act may be called the Andhra Pradesh Government Medical and Dental Institutions (Conversion into Semi-Autonomous Institutions) Act, 2007.(2)It extends to all Government Medical/ Dental Colleges and Institutions of Medical/Dental Sciences established in the State of Andhra Pradesh.(3)It shall be deemed to have come into force with effect from 22nd October, 2007.

### **2. Definitions.**

- In the Act, unless the context otherwise requires,-(a)'Teacher' means a professor, so appointed by the Governing Council from among the faculty of the institute, to assist the Director in all his functions;(b)'Director' means the Director of the Institute appointed under Section 17;(c)'Fund'

means the fund of the Institute referred to in Section 27;(d)'Governing Council' means Governing Council of the Institute constituted under Section 9;(e)'Government' means the State Government of Andhra Pradesh;(f)'Institute' means the semi-autonomous Institute notified under Section 3;(g)'General Hospital' means the teaching General/Dental Hospital attached or affiliated to Government Medical/ Dental Colleges or Institutes of Medical/Dental Sciences;(h)'Member' means a member of the institute;(i)'Notification' means a notification published in the Andhra Pradesh Gazette;(j)'Prescribed' means prescribed by rules or regulations made under this Act;(k)'President' means the President of the Institute referred to in Section 8;(l)'Regulation' means a Regulation made by the Institute under this Act;(m)'Teacher' means and includes a Professor, Associate Professor, Assistant Professor, Tutor, Demonstrator, or any person appointed under this Act, for the conduct of training, research or imparting medical/dental education including undergraduate and post graduate courses or paramedical education in the Institute.

### **3. Status of the Institute.**

(1)As soon as may be after the commencement of this Act, the Government may by notification confer semi-autonomous status on any Medical/Dental College or Institute of Medical/Dental Sciences identified for this purpose,(2)The Institute notified under subsection (1) shall function as a semi-autonomous institution under this Act with its own staff structure to suit the norms of. the Medical or Dental Council of India with the affiliation to Dr. N.T.R. University of Health Sciences, Vijayawada for grant of Degrees, Diplomas, etc., as per its regulations.(3)The Institute shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said corporate name of the Institute to maintain the Medical/ Dental Colleges or Institutes of Medical/Dental Sciences and teaching hospital.(4)In all suits and other legal proceedings by or against the Institute the pleading shall be signed and verified by the Registrar and all process in such suits and proceedings shall be issued to and on the Registrar.

### **4. Objects of the Institute.**

- The objects of the Institute shall be:-(i)to create a centre of excellence for providing medical care, educational and research facilities of high order in the field of Medical/Dental Sciences and such other Super-Specialities as may develop in future, including continuing Medical/ Dental Education and hospital administration;(ii)to develop patterns of teaching in Under-Graduate and Post-Graduate Level, so as to set a standard of Medical/Dental Education;(iii)to provide for training in Para-Medical, Nursing, Dental and allied fields;(iv)to function as a referral hospital/ General or dental Hospital;(v)to provide for Under-Graduate, Post-Graduate teaching and conduct of research in the relevant disciplines of modern medicine and other allied sciences, including inter-disciplinary fields of Physical and Biological Sciences.

### **5. Powers and functions of the Institute.**

- The Institute shall have the following powers and functions, namely:-(i)to hold examinations for Degrees, Diplomas, etc., in Under-Graduate and Post-Graduate Medical education as per the regulations of Dr. N.T.R. University of Health Sciences Act, 1986;(ii)to give training to teachers for

imparting Medical/Dental Education;(iii)to receive grants from \he Government and gifts, donations, benefactions, bequests and transfer of properties, both movable and immovable from donors, benefactors, testators or transferor's as the case may be;(iv)to deal with property belonging to or vested in the institute in any manner which is considered necessary for promoting the objects of the Institute;(v)to demand and receive such fees as may be laid down by the regulations;(vi)to co-operate with other Institutions in the conduct of research and Higher Education in Medical/Dental field;(vi)to co-operate with other Institutions in the conduct of research and Higher Education in Medical/Dental field;(vii)to take decisions on questions of policy relating to the administration of the affairs and working of the Institute;(viii)to appoint teachers, officers, and other employees as are necessary for carrying out the functions of the Institute in accordance with this Act, and the rules and regulations made thereunder from time to time; and(ix)to do all such other Acts and things as may be necessary to further the objects of the Institute.

## **6. Authorities of the Institute.**

- (i) the Governing Council;(ii)the Executive Board;(iii)the Academic Council;(iv)the Finance Committee; and(v)any other committee or committees as it may deem necessary, to further the objects of the Institute.

## **7. Officers of the Institute.**

- The following shall be the officers of the Institute, namely:-(i)the President;(ii)the Vice President;(iii)the Director;(iv)the Dean;(v)Medical Superintendent of the General/Dental Hospital of the Institute;(vi)the Registrar; and(vii)such other person as may be prescribed to be officers of the Institute.

## **8. The President.**

(1)The Chief Minister of Andhra Pradesh shall be the President of the Institute.(2)The President shall, after every five years cause to review the progress of the Institute, in such manner as he/she thinks fit.

## **9. Governing Council.**

- There shall be a Governing Council consisting of the following members, namely:-(i)the President;(ii)the Vice-President who shall be the Minister in charge of Medical Education;(iii)the Prl. Secretary/Secretary to Government, HM 86 FW Department;(iv)the Prl. Secretary/Secretary to Government, Finance Department;(v)the Vice-Chancellor, Dr. N.T.R. University of Health Sciences;(vi)the Director of Medical Education;(vii)the Director of the Institute;(viii)the Dean;(ix)the Medical Superintendent of the General/Dental Hospital of the Institute; and(x)the Registrar of the Institute shall be the Member-Convener.

## **10. Functions of Governing Council.**

(1) Subject to the provisions of this Act, the Governing Council shall be responsible for the general supervision, direction and control of the affairs of the Institute. (2) Without prejudice to the generality of the provisions of sub-section (I), the Governing Council shall perform the following functions, namely:-(i) take steps for achieving the objectives of the Institute; (ii) hold, control and administer the property and funds of the Institute; (iii) acquire or transfer any movable or immovable property on behalf of the Institute; (iv) administer any funds placed at the disposal of the Institute for specific purposes; (v) manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the institute and for that purpose appoint such agent as it may think fit; (vi) invest the money belonging to the Institute (including any income from the trust and the endowed property) in such stocks, funds, shares or securities as it may from time to time think fit; (vii) enter into, vary, carry out and cancel contracts on behalf of the Institute; (viii) regulate and determine all other matters concerning the Institute in accordance with the provisions of this Act, the rules and regulations made thereunder; (ix) delegate any of its powers to a Committee or the Director or to any officer of the Institute; and (x) co-operate with other Institutions, Universities and other authorities in such manner and for such purposes as it may determine.

## **11. Executive Board.**

- There shall be an Executive Board consisting of the following members of the Governing Council, namely: -(i) The Vice President of the Governing Council, who shall be the Chairperson; (ii) the Prl. Secretary/Secretary to Government, HM 86 FW Dept; (iii) the Prl. Secretary/Secretary to Government, Finance Department; (iv) the Director of Medical Education; (v) the Director of the Institute; (vi) the Dean; (vii) the Medical Superintendent of the General/Dental Hospital of the Institute; and (viii) The Registrar of the Institute shall be the Member-Convener.

## **12. Powers of the Executive Board.**

- The Executive Board shall have the following powers, namely: -(i) to constitute Committees for specific or general purposes; (ii) to appoint from time to time such number of teachers, officers and other employees and on such terms and conditions as it may deem fit for carrying out management and affairs of the Institute; (iii) to appoint such number of persons and on such terms and conditions as it may deem fit for the conduct of the studies, investigations, research, teaching or other work undertaken by the Institute; (iv) to exercise control and discipline over the employees of the Institute; (v) to accept on behalf of the Institute endowments, bequests, donations, grants and transfer of any immovable property made to it; (vi) to receive moneys, securities, instruments or any other movable property for and on behalf of the Institute; (vii) to grant receipts, sign and execute instruments and endorse or discount cheques or other negotiable instruments through its accredited agents; (viii) to make, sign and execute all such documents and instruments, as may be necessary or proper for carrying on the management of the property or affairs of the Institute; (ix) to invest moneys and funds of the institute and vary the investments as and when it may be necessary or proper; (x) to introduce courses of study at the Institute and take decisions on the recommendations

of the Academic Council;(xi)to co-operate and co-ordinate with other educational and Medical/ Dental Institutions and authorities in India and abroad;(xii)to grant fellowships and scholarships or other monetary assistance on such terms and conditions as it may prescribe to such persons as it may select to carry on any research, investigation or study;(xiii)to propose regulation for consideration and adoption by the Governing Council;(xiv)to publish or finance publication of studies, treatises, books, periodicals, reports, and other literature and sell or arrange for the sale of them, as it may deem fit, from time to time to cause to maintain proper books of accounts supported by necessary vouchers;(xv)to arrange for the audit of the accounts of the Institute annually;(xvi)to create or abolish posts of teachers of the Institute;(xvii)to delegate any of its powers to a committee or the Director or to any officers of the Institute; and(xviii)to exercise all the powers of the Institute not otherwise provided for and all powers requisite to give effect to the provisions of this Act, or the rules made thereunder.

### **13. Meetings of the Governing Council.**

(1)The Governing Council shall meet at least twice in a calendar year.(2)The President may direct the Registrar to convene a meeting of the Governing Council as and when necessary.(3)An emergency meeting of the Governing Council may be convened by the Registrar on the request of the Director of the Institute on a requisition signed by not less than five (5) members of Governing Council and in such manner as may be prescribed by regulations.

### **14. Meetings of the Executive Board.**

- The Executive Board shall meet at least once in three months. An emergency meeting of the Executive Board may be convened by the Vice-President in such manner as may be prescribed by the regulations.

### **15. Special Invitees.**

- The Vice-President shall have the powers to invite any person not being a member of the Governing Council or the Executive Board to attend the meeting of the Governing Council or the Executive Board but such invitee shall not be entitled to vote at such meeting.

### **16. Term of office and vacancies among members of Governing Council and the Executive Board.**

- An Ex-officio Member shall continue so long as he holds the office by virtue of which he is such member.

### **17. Method of appointment of Director.**

(1)There shall be a Director of the Institute who shall be appointed by the President from a panel of names recommended by the Executive Council.(2)The initial term of appointment shall be for 3

years and shall not be extended for beyond a total of 3 terms including initial appointment or 65 years of age whichever is earlier.(3)The Director shall be a doctor with Post Graduate degree in any medical speciality recognized by the MCI. He shall have a minimum of 10 years teaching experience in the speciality out of which at least 5 years shall be in the cadre of Professor.

## **18. Powers and Duties of the Director.**

(1)The Director shall be the Chief Executive and Academic officer of the Institute. He shall preside over the meetings of the Academic Council and Finance Committee.(2)Without prejudice to the generality of the provisions contained in subsection (1), the Director shall, -(a)exercise general supervision and control over the affairs of the Institute and its affiliates;(b)ensure implementation of the decisions of the authorities of the Institute and responsible for imparting of instruction and maintenance of discipline in the Institute;(c)the Director shall exercise such other powers and perform such other duties as may be assigned to him under this Act, or as may be delegated to him by the Governing Council or the Vice President, as the case may be.

## **19. Registrar, his powers and duties.**

(1)The Government may, by notification in the Gazette, appoint a Registrar of the Institute, in such manner and on such terms and conditions as may be prescribed by the Regulations. The Registrar shall be of the cadre of a Professor of the Andhra Pradesh Medical Education Service with a minimum of five (5) years of experience in the same cadre.(2)The Registrar shall have the following powers and duties, namely:-(a)he shall be responsible for the custody of the records and the common seal of the institute;(b)he shall be bound to place before the Governing Council and the Executive Board and authorities of the Institute all such information as may be necessary for the transaction of their business;(c)he shall assist the Director and Dean of the Institute, in conducting the examinations and make all other arrangements necessary therefor and be responsible for the due execution of all processes connected therewith;(d)he shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act, or as may be delegated to him by the Governing Council, Vice President, Executive Board or the Director and Dean of the Institute and Medical Superintendent of the General/ Dental Hospital;(e)he shall be responsible to the Director and Dean of the Institute for the proper discharge of his/her functions;(f)he shall attest and execute the documents on behalf of the Institute;(g)he shall be responsible for the day to day affairs of the administration, drawing and disbursement of the bills of the Institute and such other duties as may be assigned to him/her by the Director and Dean from time to time. He shall be the custodian of the records and such other property of the Institute;(h)out source the employees, if necessary, for assisting the administration, with the approval of the Director and Dean. Negotiate, enter into agreement, sign documents and execute deeds on behalf of the Institute on approval of the Director and Dean;(i)submit Accounts, Budget Estimates and other proposals including re-appropriation for approval of the Executive Board through the Director and Dean;(j)record the minutes of the meetings of the Governing Council, Executive Board and other Committees and maintain the minutes book; and(k)obtain approval of the Executive Board by circulating the proposal among the members in case of emergency. He shall be assisted in his duties by the Deputy Registrar (Academic) and the Deputy Registrar (Administration). The Deputy Directors of the

College/General or Dental Hospital shall be the Deputy Registrars.

## **20. Superintendent, Powers and Functions.**

(1)The Superintendent shall, subject to the control of the Director and Dean of the Institute, exercise general supervision, maintain discipline and control over the affairs of the General or Dental Hospital and its affiliates;(2)He shall assist the Director and Dean in academic affairs of the Institute and exercise such powers and perform such functions as may be assigned to him by or under this Act, or the Regulations or the rules made thereunder or as may be delegated to him by the Governing Council, Vice-President, Executive Board or Director and Dean of the Institute.

## **21. Academic Council.**

(1)There shall be an Academic Council, subject to the provisions, Statutes and Regulations of the Dr. NTR University of Health Sciences Act, 1986 which shall have the general control over teaching and responsible for maintenance of the standards of education in the institute.(2)The Academic Council shall consist of the following members, namely:-(i)the Director, who shall be the Chair-Person of the Council;(ii)the Dean of the Institute;(iii)the Medical Superintendent of the General or Dental Hospital of the Institute;(iv)all Heads of Departments of the Institute;(v)two Assistant Professors of the Institute to be nominated by the Director;(vi)two Honorary Consultants to be nominated by the Director;(vii)the Director of Medical Education, Andhra Pradesh or his nominee; and(viii)the Registrar of the Institute shall be the Member-Convener.

## **22. Recruitment policy.**

(1)The Institute shall have the following categories in the teaching faculty, namely:  
-(a)Professors;(b)Associate Professors;(c)Assistant Professors; and(d)Tutors/Senior Residents/ Registrars.(2)(a)the posts of Professors and Associate Professors shall be filled by promotion from the lower cadres; or(b)by deputation; or(c)by direct recruitment at all India level.(3)(a)the posts of Assistant Professors, Tutors/Senior Residents/ Registrars, shall be filled by direct recruitment at all India level; or(b)by deputation.Note. - 1. Any Doctor in service under the State Government/A.P. Vaidya Vidhana Parishad either in the same Institute or other Government College or service may exercise an option to continue or come to, as the case may be, to the services of the Institute. The option once exercised is irrevocable and final.

**2. Any Doctor in service under the State Government shall be eligible to apply for any category of the post and if selected he shall leave the State Government service before joining the Institute. Such person shall not have lien in the Government service and shall stand automatically terminated on joining the services of the Institute.**

**3. The other mode of recruitment shall take place after the options are finalized.**

**4. The teaching faculties that are working there shall be deemed to be on deputation from the State Government till alternative arrangements are made.**

**5. The person taken on deputation shall be on such terms and conditions as governed by the service rules applicable to the individual concerned.**

### **23. Selection Committee.**

- The Selection Committee for the appointment/promotion of the Professor, Associate Professor, Assistant Professor and Tutors/Senior Residents/Registrars, shall consist of:-(a)the Director;(b)the Dean;(c)the Secretary to Government, HM & FW Department, or his nominee;(d)the Director of Medical Education, Andhra Pradesh or his nominee.(e)the Medical Superintendent of the General or Dental Hospital of the Institute;(f)the Registrar of the Institute shall be the Member-Convener; and(g)one external expert in the concerned speciality nominated by the Director.

### **24. Finance Committee.**

- There shall be constituted a Finance Committee which shall consist of the following, namely:-(a)the Director;(b)the Dean;(c)the Secretary to Government, HM & FW Department or his nominee;(d)the Secretary to Government, Finance Department or his nominee;(e)the Director of Medical Education, Government of Andhra Pradesh; and(f)the Registrar shall be the Member-Convener of the Committee.

### **25. Powers of the Finance Committee.**

- The Finance Committee shall have the following powers, namely:-(i)to examine the proposals of the Budget and annual accounts of the Institute and advise the Executive Board thereon.(ii)to review the financial position of the Institute from time to time and make recommendations to the Executive Board thereon and also on all proposals involving raising of funds, receipts and expenditure and make recommendations on all proposals involving expenditure for which no provision has been made in the budget or which involve expenditure in excess of the amount provided in the budget.

### **26. Payment to the Institute.**

- The Government may pay to the Institute in each financial year such sums of money and in such manner as may be considered necessary for the exercise of its powers and discharge its functions under this Act.



## **27. Fund of the Institute.**

(1)The Institute shall have its own fund consisting of,-(a)all moneys provided by the Government under Section 26;(b)all fees and other charges received by the Institute;(c)all moneys received by the institute by way of grants, loans, gifts, donations, benefactions, bequests or transfers;(d)all moneys received by the Institute in any other manner or from any other source like auctioning of canteen services, parking place for vehicles, drug stores, paying rooms, service charges for special investigations etc.(2)All moneys credited to the fund shall be deposited in such bank or invested in such manner as the Governing Council may decide.(3)The fund shall be applied towards the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions.(4)The Institute shall receive all moneys, sale proceeds of the publications of the Institute, fees payable to the Institute and remit the same into the account of the Institute and a register of accounts of the Institute shall be maintained and the fund utilized for the purposes, as laid down in this Act and the rules, regulations and orders made there under.

## **28. Annual Financial Statement.**

(1)The Institute shall prepare an annual financial statement on or before such date as may be prescribed by the regulations of the estimated capital and revenue receipts and expenditure for the ensuing year and submit the same to the Government.(2)The said statement shall include a statement of salaries and allowances of members, officers and servants of the institute and of such other particulars as may be prescribed by the regulations.(3)The Institute may at any time during the year in respect of which a statement under sub-section (1) has been submitted, submit to the Government a supplementary statement, and all provisions of this section shall apply to such statements as they apply to the statement under the said subsection.

## **29. Accounts and Audit.**

(1)The Institute shall cause to be kept proper accounts and other records in relation thereto, including a proper system of the internal check and prepare an annual statement of accounts including the income and expenditure account and the balance sheet in such manner as may be prescribed by regulations.(2)The Accounts of the Institute shall be audited by the Director of State Audit and the audit report thereon shall be forwarded annually to the Government and the Government may issue such instructions to the Institute in respect thereof as they deem fit and Institute shall comply with such instruction.

## **30. Annual report.**

- The Institute shall prepare for every year a report of its activities during the previous year and submit the report to the Governing Council on or before such date as may be prescribed and copies of the report shall be submitted to the President and the Government.

### **31. Authentication of orders and Instruments of the Institute.**

- All orders and decisions of the Institute shall be authenticated by the signature of the Registrar or any other officer authorized by the Director in this behalf, and all other instruments issued by the institute shall be authenticated by the signature of such officer of the Institute as may be authorized by the Director in this behalf.

### **32. Acts and proceedings not to be invalidated by vacancies, etc.**

- No act or Proceeding of the Governing Council, Executive Board or any authority of the Institute or any Committee constituted under this Act shall be questioned on the ground merely of the existence of any vacancy in or defect in the constitution of the Governing Council, Executive Board, authority or such committee.

### **33. Directions by Government.**

(1)In the discharge of its functions under this Act, the Institute shall be guided by such directions on question of policy relating to the State purposes or in case of any emergency as may be given to it by the Government.(2)It any dispute arises between the Government and the Institute as to whether the question is or is not a question of policy relating to the State purposes or whether an emergency has arisen, the decision of the Government thereon shall be final.(3)The Institute shall function under the general supervision of the Government and the Government shall have power to review the actions of the Institute taken under this Act.

### **34. Reference to the President.**

- If any question arises whether any person has been duly appointed as, or is entitled to be, a member of the Governing Council, Executive Board or any authority or other body of the Institute or whether any decision of the Governing Council, Executive Board or any Authority or other body of the Institute is in conformity with this Act or the rules or regulations made thereunder, the matter shall be referred to the President and the decision of the President thereon shall be final:Provided that no reference made under this section shall be made more than three months after the date when the question could have been raised for the first time:Provided further that the President may in exceptional circumstances act suo-motu to entertain reference after the expiry of the period mentioned in the preceding proviso.

### **35. Returns and Information.**

- The institute shall furnish to the Government such reports, returns, statements, and other information as it may require from time to time.

### **36. Power to remove difficulties.**

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, within a period of two years from the commencement of this Act, by order published in the Gazette, make such provisions including adaptations or modification, if any, of the provisions of this Act, not affecting the substance thereof as appears to it to be necessary or expedient for removing the difficulty.

### **37. Power to make rules.**

(1)The Governing Council is empowered to make any and all rules governing recruitment / promotions / retirements/pay and allowances of employees of the Institute.(2)The appointments and promotions of teaching faculty shall be governed by norms prescribed by Medical Council of India for such posts.(3)The Governing Council shall seek prior approval of the State Government for implementation of the rules so prepared.

### **38. Power to make regulations.**

(1)Subject to the provisions of this Act and the rules made thereunder, the Governing Council may, with the prior approval of the Government, make regulations to provide for any matter which is to be or may be provided for, by regulation and without prejudice to the generality of this power and such regulations may provided for, by regulation and without prejudice to the generality of this power and such regulations may provide for:-(a)the summoning and holding of meetings, other than first meeting of the Governing Council and the quorum and conduct of business at such meetings;(b)any matter in respect of the constitution of the Governing Council or any Committee or Committees to be constituted under this Act.(c)the powers and functions to be exercised and discharged by the President of the Institute;(d)the procedure to be followed by the Governing Council and any Committee or Committees or other body constituted under this Act, in the conduct of their business, exercise of their powers and discharge of their functions;(e)the tenure of office, salaries and allowances and other conditions of service of the teachers, officers and employees of the Institute;(f)the powers and duties of the Director, Dean, Medical Superintendent of General/ Dental Hospital, Registrar, Deputy Registrars, other officers and employees of the Institute;(g)the management of the properties of the Institute;(h)the creation of the post of Professors, Associated Professors, Assistant Professors, Tutors, Senior Residents/ Registrars, Demonstrators, Officers and employees of the Institute and appointment of persons to such posts including the qualifications requisite there of; and(i)the fees and other charges which may be demanded and received by the Institute.(2)Any other matter for which provisions may be made under this Act by Regulations.(3)All regulations made under this section shall be published in the Gazette.(4)Notwithstanding anything contained in sub-section (1) the first regulations under this Act shall be made by the Government.

### **39. Repeal of Ordinance 14 of 2007.**

- The Andhra Pradesh Government Medical and Dental Institutions (Conversion into Semi-Autonomous Institutions) Ordinance, 2007 is hereby repealed. -