

1974 WL 27213 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 25, 1974

\*1 Mr. John P. Henry  
Attorney at Law  
211 Beaty Street  
Conway, SC 29526

Dear Mr. Henry:

Your letter of May 21, 1974, to Mr. McLeod has been referred to me for reply. You ask whether an act passed by the General Assembly on January 23, 1974, (R889, H1197) impliedly repeals Section 31-3053, Code of Laws of South Carolina. It is the opinion of this office that the act passed on January 23 is not inconsistent with § 31-3053, and so does not impliedly repeal § 31-3053.

I find no irreconcilable conflict between the above said code section and act such as would indicate an intent by the legislature to repeal the former by the latter. The act of January 23, 1974, concerns meetings of the County Board of Education during the regular school session, meaning approximately august through May or June. On the other hand, Code § 31-3053 only prescribes an annual meeting in July. Due to the different periods covered by the above two enactments of the General Assembly, do not see any inconsistency between them. Furthermore, there is a general presumption against implied repeals in a situation such as this:

‘The enactment of a general law broad enough in its scope and application to cover the field of operation of a special or local statute will generally not repeal a statute which limits its operation to a . . . particular locality within the jurisdictional scope of the general statute. An implied repeal of prior statutes will be restricted to statutes of the same general nature . . . . Therefore, where the latter general statute does not present an irreconcilable conflict the prior special statute will be construed as remaining in effect as a qualification of or exception to the general law.’ Sutherland Statutory Construction, 4th Ed., Vol. 1A, § 23.15 Repeal of special and local statutes by general statutes.

Please contact me if I can provide any further assistance.

Sincerely,

Hardwick Stuart, Jr.  
Assistant Attorney General

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