

CHAPTER 20

DESTRUCTION OF VALUELESS DOCUMENTS

Ordinances

Nos. 12 of 1894,
7 of 1905,
13 of 1905,
24 of 1930.

Laws

Nos. 44 of 1973,
25 of 1975,
22 of 1977.

AN ORDINANCE TO AUTHORIZE THE DESTRUCTION OF VALUELESS DOCUMENTS PRESERVED IN COURTS OF JUSTICE.

[2nd January, 1895.]

Short title.

1. This Ordinance may be cited as the Destruction of Valueless Documents Ordinance.

5. The different classes of documents enumerated in Part B of the Second Schedule may be destroyed : what documents may, be destroyed.

Provided that in regard to the money cases, cases relating to persons of unsound mind, and District Court criminal cases therein mentioned, the material particulars of each such case shall have been accurately abstracted and entered in a register as near as may be according to the forms II, III, and IV in the First Schedule :

Provided also that at least three months before the date fixed for such destruction it shall have been notified by order of court, within the jurisdiction of such court, by proclamation in court and beat of torn torn, printed notices, or advertisements in one or more local newspapers, that any person interested in any record may personally, by attorney-at-law, or by duly authenticated petition, claim, upon good cause shown, that such record may not be destroyed; in which event it shall be competent to the court to make such order thereon as to it shall seem meet.

Minister in charge of the subject of Justice may bring any Court of Justice under the operation of this Ordinance.

2. It shall be lawful for the Minister in charge of the subject of Justice, by Order in that behalf made, to bring any Court of Justice in Sri Lanka under the operation of this Ordinance, and such Order to amend, alter, or revoke as and whenever the Minister in charge of the subject of Justice shall determine.

Register of extant and missing records.

3. Where an Order under section 2 has been made in respect of any Court of Justice, it shall be the duty of the officer presiding over it to cause to be prepared in duplicate a register of all the records of his court, extant and missing, according to the form 1 given in the First Schedule, and he shall certify to the correctness of such register.

What documents are not to be destroyed.

4. The different classes of documents enumerated in Part A of the Second Schedule shall not be destroyed, but the summonses, subpoenas, and other intermediate processes filed therein may be destroyed :

Provided that no such processes shall be destroyed except in cases which have been determined more than ten years previous to the date of destruction.

6. The preservation and destruction of the documents of each court in terms of this Ordinance shall be carried out under the personal direction of the officer presiding over such court. Responsibility of the judge of each court.

7. A true extract from any register made in terms of this Ordinance, duly certified by the officer presiding over a court, shall be received as prima facie evidence of the matters and things therein contained. Extract from register to be evidence.

FIRST SCHEDULE

Form I

REGISTER OF EXTANT AND MISSING RECORDS IN THE _____

Year	Number of Records, in Series of hundreds	Number of Missing Records
1845	1 to 99	6, 7, 8, 15, 16.
1845	100 to 199	143, 148, 160.
1846	200 to 299	240, 260, 276.
1846	300 to 399	362, 375, 376, 378, 390.
1847	400 to 499	429, 430, 475, 478, 492, 493, 497, 498.
1848	500 to 599	Nil.
1849	600 to 699	Nil.

I hereby certify that this is a correct register of the extant and missing records of this court filed from the _____ day of _____, 19____, to the _____ day of _____, 19____.

(Signed) _____

Form II

[Section 5.]

REGISTER OF MONEY CASES DESTROYED IN THE _____ COURT OF _____

Number of Plaintiff	When instituted	Name and Residence of Plaintiff	Name and Residence of Defendant	Nature of Suit	Amount claimed	Final Judgment or Decree of Court	Date of such Judgment or Decree	Judgment or Decree in Appeal	Date of such Judgment or Decree	Remarks

I hereby certify that this is a correct register of the destroyed money cases filed in court from the _____ day of _____, 19____, to the _____ day of _____, 19____.

(Signed) _____

Form III

[Section 5.]

REGISTER OF CASES, RELATING TO PERSONS OF UNSOUND MIND, DESTROYED IN THE _____ COURT OF _____

Number	Date	How instituted	Name and Residence of Person alleged to be of Unsound Mind	Final Order	Remarks

I hereby certify that this is a correct register of the destroyed cases, relating to persons of unsound mind, filed in court from the _____ day of _____, 19____, to the _____ day of _____, 19____.

(Signed) _____

Form IV

[Section 5.]

REGISTER OF CRIMINAL CASES DESTROYED IN THE _____ COURT OF _____

No. of Case	When instituted	Name and Residence of Complainant	Name and Residence of Accused	Crime or Offence Charged	Date of Judgment	Sentence	Remarks	Judgment in Appeal	Remarks

I hereby certify that this is a correct register of the destroyed criminal cases filed in court from the _____ day of _____, 19____, to the _____ day of _____, 19____

(Signed) _____

SECOND SCHEDULE

[Sections 4 and 5.]

Part A

Part B

CLASSES OF DOCUMENTS NOT TO BE DESTROYED

CLASSES OF DOCUMENTS WHICH MAY BE DESTROYED, SUBJECT TO THE PROVISOS OF SECTION 5

1. Land cases.
2. Testamentary cases.
3. Matrimonial cases.
4. Regular guardianship cases, as distinguished from those in which applications for a guardian *ad litem* only have been allowed.
5. Insolvency cases.
6. Cases in which a person has been adjudged to be of unsound mind.
7. Cases which have been decided in appeal.
8. Other cases of public interest.
9. Money cases in which—
 - (a) mortgage decrees have been entered ;
 - (b) unclaimed suitors' moneys are lying in deposit ;
 - (c) satisfaction of judgment-decree or order has not been recorded ;
 - (d) judgment being revived or writ issued, ten years have not elapsed.
10. Cases prior to 1833, and a few cases later than 1833 as specimens of procedure.
11. Calendars, registers or lists of cases made under the authority of any law or any order of the Government.
12. Notarial and other documents which may be useful as evidence of civil rights.

1. Money cases, save those excepted as in Part A under heads 9, 10, 11 and 12.
2. Cases over five years old, relating to persons of unsound mind, save those in which an adjudication of unsoundness of mind has been recorded.
3. All Justice of the Peace cases.
4. All inquest proceedings prior to 1884.
5. Non-summary inquiry cases over five years old.
6. District Court criminal cases over five years old.
7. Petitions, reports, cattle vouchers, &c., over five years old.
8. Summary criminal cases over five years old.
9. Inquest proceedings of 1884 and subsequent years, which are over five years old, except those in which a finding is recorded that the death was caused by some person who has not been found :

Provided that notarial and other documents which may be found in the foregoing classes of records, and which may be useful as evidence of civil rights, shall be removed from such records and not destroyed.