

CHAPTER 138

LAND REGISTERS (RECONSTRUCTED FOLIOS)

Ordinance AN ORDINANCE TO MAKE PROVISION FOR THE PREPARATION AND SUBSTITUTION OF
 No. 18 of 1945. RECONSTRUCTED FOLIOS FOR LOST, MUTILATED OR DAMAGED FOLIOS IN LAND
 REGISTERS.

[24th August, 1945.]

Short title. **1.** This Ordinance may be cited as the Land Registers (Reconstructed Folios) Ordinance.

letters, memoranda, books or records in the custody or under the control of the Registrar-General.

Power to prepare and insert reconstructed folios in place of lost or mutilated or damaged folios in land registers.

2. Whenever the Registrar-General after due investigation and search, is satisfied that any folio of a land register has been abstracted or destroyed or otherwise lost and cannot be recovered or that any such folio has been permanently mutilated or so obliterated or damaged as to render the entries or any material part of the entries therein indecipherable, he may insert or cause to be inserted in that register, in the place formerly occupied by the lost folio or in place of the mutilated or damaged folio, as the case may be, a reconstructed folio prepared, and authenticated by him in accordance with the provisions of this Ordinance.

(3) The material particulars, so far as they are available, of every entry which is shown by the evidence admissible under paragraph (2) to have been contained in the original folio shall be inserted in the appropriate places in the provisional folio, and no other entry shall be included on any ground whatsoever under this section.

4. The Registrar-General shall, as soon as may be after he completes the preparation of a provisional folio or as much thereof as it is possible to prepare with the evidence admissible under section 3, publish for general information, in the Gazette and in at least two of the newspapers circulating in Sri Lanka, a notice under his hand—

Notice of preparation of provisional folio.

Preparation of provisional folio.

3. In each case where a folio has to be reconstructed for the purposes of this Ordinance, the Registrar-General shall in the first instance prepare a provisional folio in accordance with the following provisions and not otherwise;—

- (a) giving such particulars as may in his opinion be necessary for facilitating the identification of the folio which is lost or is mutilated or damaged ;
- (b) stating the extent of the reconstruction he has been able to complete in the provisional folio;
- (c) specifying the period and the hours during which, and the place at which, the provisional folio may be inspected by any person or persons interested therein; and
- (d) specifying the manner in which, and the date on or before which, objections may be lodged against

- (1) The provisional folio shall as far as possible be of the same size and form as the existing folios of the land register concerned.
- (2) In ascertaining the particulars originally contained in the lost folio or in that part of a mutilated or damaged folio which is missing or is indecipherable, no evidence shall be accepted or used other than the evidence furnished by the instruments, protocols, duplicates,

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any entry included in the provisional folio or any of the particulars contained in any such entry, or claims may be made for the insertion of any entry or any particulars alleged to be omitted therefrom.

Objections and claims.

5. Any person whose right to or interest in any land is or is likely to be affected by any entry or any particulars in an entry included in or alleged to be omitted from any provisional folio of the preparation of which notice is given by the Registrar-General under section 4, may, in the manner and within the time specified in the notice, lodge an objection against the inclusion, or make a claim for the insertion, of such entry or particulars in that folio.

Disposal of objections and claims.

6. (1) The Registrar-General shall consider and determine every objection or claim duly lodged or made under section 5 :

Provided that any objection or claim received within fourteen days after the time limit referred to in that section may be entertained by the Registrar-General if, in his opinion, the delay was due to any unavoidable or reasonable cause.

(2) (a) Where the Registrar-General deems it necessary to hold an inquiry into any objection or claim, he shall be entitled to procure and receive all evidence relating thereto and shall, for the purposes of such inquiry, have power to require witnesses by summons under his hand to appear before him and give evidence or produce documents and power to examine such witnesses on oath or affirmation.

(b) Every person who makes default in complying with any summons issued by the Registrar-General or refuses to give evidence or to produce any document, or who gives false evidence at any inquiry held by the Registrar-General, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and such imprisonment.

(3) The decision of the Registrar-General on each objection or claim lodged or made under section 5 shall be communicated in writing to the objector or claimant, as the case may be, and shall be final.

7. (1) Where the decision of the Registrar-General on any objection or claim lodged or made under section 5 renders necessary any alteration, insertion, omission or other amendment of any entry or the particulars in any entry included in the provisional folio, the Registrar-General shall, as soon as may be after his decision is communicated to the objector or the claimant, as the case may be, make or cause to be made each such amendment in accordance with the evidence which he has decided to accept.

Amendment, authentication and insertion of reconstructed folio.

(2) Upon the completion of all amendments required by subsection (1), or where no objection or claim has been duly lodged or made, upon the expiry of the period of fourteen days referred to in section 6 (1), the provisional folio shall be and be deemed to be the reconstructed folio for the purposes of this Ordinance.

(3) The Registrar-General shall authenticate the reconstructed folio by endorsing thereon a certificate under his hand to the effect that the folio has been prepared in accordance with the provisions of this Ordinance, and shall thereafter cause the reconstructed folio to be inserted in the appropriate land register in the place formerly occupied by the lost folio or in place of the mutilated or damaged folio, as the case may be.

8. A reconstructed folio prepared, authenticated and inserted in a land register in accordance with the provisions of this Ordinance shall for all purposes be deemed to have the same legal force and effect as the lost folio or the mutilated or damaged folio which such reconstructed folio replaces.

Legal effect of reconstructed folio.

9. (1) In this Ordinance, "land register" means the book or any volume forming part of the book kept or deemed to be kept by a Registrar of Lands for the purposes of the registration of instruments affecting land under the Registration of Documents Ordinance.

Interpretation and construction of Ordinance.

(2) This Ordinance shall be read and construed as one with the Registration of Documents Ordinance, and accordingly section 35 of that Ordinance shall apply for the purposes of the correction of any error or omission in a reconstructed folio after it is inserted in a land register in like manner as it applies in the case of any of the original folios in a land register.

(3) In this Ordinance "Registrar-General" shall include a Deputy Registrar-General. [§§ 2 & 3, Law 23 of 1978.]