

PART V

SUPPLEMENTARY

Good faith.

92. A thing is deemed to be done in good faith within the meaning of this Ordinance, where it is in fact done honestly, whether it is done negligently or not.

Signature.

93. (1) Where, by this Ordinance, any instrument or writing is required to be signed by any person, it is not necessary that he should sign it with his own hand, but it is sufficient if his signature is written thereon by some other person by or under his authority.

(2) In the case of a corporation, where, by this Ordinance, any instrument or writing is required to be signed, it is sufficient if the instrument or writing be sealed with the corporate seal.

But nothing in this section shall be construed as requiring the bill or note of a corporation to be under seal.

Computation of time.

94. Where, by this Ordinance, the time limited for doing any act or thing is less than three days, in reckoning time, non-business days are excluded.

" Non-business days " for the purposes of this Ordinance mean—

- (a) a bank holiday;
- (b) a day appointed to be a public holiday by or under any law for the time being in force.

Any other day is a business day.

When noting equivalent to protest.

95. For the purposes of this Ordinance, where a bill or note is required to be protested within a specified time or before some further proceeding is taken, it is sufficient that the bill has been noted for protest before the expiration of the specified time or the taking of the proceeding; and the formal protest may be extended at any time thereafter as of the date of the noting.

96. Where a dishonoured bill or note is authorized or required to be protested, and the services of a notary cannot be obtained at the place where the bill is dishonoured, any householder or substantial resident of the place may, in the presence of two witnesses, give a certificate, signed by them, attesting the dishonour of the bill, and the certificate shall in all respects operate as if it were a formal protest of the bill.

Protest when notary not accessible.

The form given in the Schedule to this Ordinance may be used with necessary modifications, and if used shall be sufficient.

97. The provisions of this Ordinance as to crossed cheques shall apply to a warrant for payment of dividend.

Dividend warrants may be crossed.

98. (1) The rules in insolvency or Savings. bankruptcy relating to bills of exchange, promissory notes, and cheques shall continue to apply thereto, notwithstanding anything in this Ordinance contained.

(2) The rules of the common law of England, including the law merchant, save in so far as they are inconsistent with the express provisions of this Ordinance, or any other enactment for the time being in force, shall apply to bills of exchange, promissory notes, and cheques.

(3) Nothing in this Ordinance or in any repeal effected thereby shall affect—

- (a) any law or enactment for the time being in force relating to stamps or the revenue;
- (b) the provisions of the Companies Ordinance,* or enactments amending it, or any enactment relating to joint stock banks or companies;
- (c) the provisions relating to promissory notes contained in the Money Lending Ordinance;
- (d) the validity of any usage relating to dividend warrants or the indorsement thereof.

* Repealed and replaced by the Companies Act, No. 17 of 1982.

SCHEDULE

[Section 96.] FORM OF PROTEST WHICH MAY BE USED WHEN THE SERVICES OF A NOTARY
CANNOT BE OBTAINED

Know all men that I. A. B. (householder), of..... in the district of..... in Sri Lanka, at the request of C. D., there being no notary public available, did on the.....-day of..... 19...., at..... demand payment (or acceptance) of the bill of exchange hereunder written, from E. F; to which demand he made answer (*state answer, if any*), wherefore I now in the presence of G. H. and J. K. do protest the said bill of exchange.

(Signed) A.B.

G. H.]
J. K.] Witnesses.

MB.—The bill itself should be annexed, or a copy of the bill and all that is written thereon should be underwritten.