

Provided further that, for the purposes of paragraphs (a) and (b), if any information is contained in a data message, electronic document, electronic record or other communication made by a person—

- (i) who is dead or who by reason of his bodily or mental condition is unfit to attend as a witness ; or
- (ii) who is outside Sri Lanka and where reasonable steps have been taken to find such person and he cannot be found ; or
- (iii) who does not wish to give oral evidence through fear ; or
- (iv) who is prevented from so giving evidence,

evidence relating to such information shall, if available, be admissible.

(3) The Courts shall, unless the contrary is proved, presume the truth of information contained in a data message, or in any electronic document or electronic record or other communication and in the case of any data message, electronic document, electronic record or other communication made by a person, that the data message, electronic document or electronic record or other communication was made by the person who is purported to have made it and similarly, shall presume the genuineness of any electronic signature or distinctive identification mark therein.

Provisions of the Evidence (Special Provisions) Act, No. 14 of 1995 not to apply.

22. Nothing contained in the Evidence (Special Provisions) Act, No. 14 of 1995 shall apply to and in relation to any data message, electronic document, electronic record or other document to which the provisions of this Act applies.

CHAPTER VI

MISCELLANEOUS

- 23.** The provisions contained in this Act shall not apply to — Restriction on application of the Act.
- (a) the creation or execution of a will, or any other testamentary disposition by whatever name called ;
 - (b) a license for a Telecommunication system issued under subsection (6) of section 17 of the Telecommunications Act, No. 25 of 1991 ;
 - (c) a Bill of Exchange as defined in subsection(1) of section 3 of the Bills of Exchange Ordinance (Chapter 82) ;
 - (d) a Power-of-Attorney as defined in section 2 of the Power of Attorney Ordinance (Chapter 122) ;
 - (e) a Trust as defined in the Trusts Ordinance (Chapter 87) excluding a constructive, implied and resulting trust ;
 - (f) a contract for sale or conveyance of immovable property or any interest in such property ;
 - (g) or any other document act or transaction specified by the Minister by regulations made under section 24.
- 24.** (1) The Minister may, in consultation with the Minister in Charge of the subject of Information and Communication Technology, make regulations in respect of any matter required or authorized by this Act to be made, or for the purpose of carrying out or giving effect to the objectives of this Act, as specified in subsection (2). Regulations.