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2nd Session 1957-58

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Courts' Records (Inspection by Minister of Justice) Act, No. 9 of 1958

Date of Assent : March 12, 1958

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AN ACT TO ENABLE THE MINISTER OF JUSTICE TO CAUSE ANY RECORD OF ANY COURT OF JUSTICE TO BE PRODUCED FOR HIS INSPECTION IF HE CONSIDERS SUCH INSPECTION NECESSARY FOR THE PERFORMANCE OF HIS DUTIES.

[Date of Assent: March 12, 1958]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Courts' Records (Inspection by Minister of Justice) Act, No. 9 of 1958.

Short title.

2. (1) The Minister of Justice may direct any record of any court of justice to be produced for his inspection if he considers such inspection necessary for the performance of his duties.

Minister of Justice may cause a record of any court of justice to be produced for his inspection.

(2) A direction of the Minister of Justice under sub-section (1) in respect of a record of any court of justice shall be communicated in writing by the Permanent Secretary to the Ministry of Justice,—

(a) where such court is the Supreme Court, to the Chief Justice,

(b) where such court is a District Court, to the Judge of that Court,

(c) where such court is a Court of Requests, to the Commissioner of Requests of that Court,

(d) where such court is a Magistrate's Court, to the Magistrate of that Court, and

(e) where such court is a Rural Court, to the President of that Court.

3. (1) Subject to the provisions of sub-section (2), it shall be the duty of the Chief Justice, District Judge, Commissioner of Requests, Magistrate, or President of a Rural Court, to whom a direction of the Minister of Justice under section 2 is communicated, to cause the record to which such direction relates to be transmitted to or delivered at the office of the Permanent Secretary to the Ministry of Justice.

Duty of person to whom a direction under section 2 is communicated to comply with it.

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(2) Where a record to which a direction of the Minister of Justice under section 2 relates—

- (a) is being used in any trial, inquiry or other proceeding that is in progress, or
- (b) is with the Attorney-General, or
- (c) has been destroyed in accordance with the provisions of the Destruction of Valueless Documents Ordinance,

it shall be the duty of the person to whom such direction is communicated under section 2 (2) to report in writing to the Minister of Justice that such record is being so used or is with the Attorney-General or has been so destroyed, and, unless such record has been so destroyed, to cause it to be transmitted to or delivered at the office of the Permanent Secretary to the Ministry of Justice as soon as it is available.

(3) Where it is manifest on the face of the record, or it is made manifest in any other way, that the record is required in the court on any particular day, it shall be the duty of the Permanent Secretary to cause the record to be returned before that day.