



# THE COMMERCIAL DOCUMENTS EVIDENCE ACT, 1939



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# THE COMMERCIAL DOCUMENTS EVIDENCE ACT, 1939.

## <sup>1</sup>ACT No. XXX OF 1939

[26th September, 1939]

### **An Act to amend the Law of Evidence with respect to certain commercial documents.**

WHEREAS it is expedient to amend the Law of Evidence with respect to certain commercial documents;

It is hereby enacted as follows:—

**1. Short title and extent.**—(1) This Act may be called the Commercial Documents Evidence Act, 1939.

<sup>2</sup>[(2) It extends to the whole of Pakistan.]

**2. Statements of relevant facts in scheduled documents to be themselves relevant facts.** Notwithstanding anything contained in the Evidence Act, 1872 (I of 1872), statements of facts in issue or of relevant facts made in any document included in the Schedule as to matters usually stated in such document shall be themselves relevant facts within the meaning of that Act.

**3. Presumption as to genuineness of documents.** For the purposes of the Evidence Act, 1872 (I of 1872), and notwithstanding anything contained therein, a Court —

(a) shall presume, within the meaning of that Act, in relation to documents included in Part I of the Schedule, and

(b) may presume, within the meaning of that Act, in relation to documents included in Part II of the Schedule,—

that any document purporting to be a document included in Part I or Part II of the Schedule, as the case may be, and to have been duly made by or under the appropriate authority, was so made and that the statements contained therein are accurate.

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<sup>1</sup>For Statement of Objects and Reasons, see *Gazette of India*, 1937, Pt. V, p. 119 ; for Report of Select Committee, see *ibid.*, 1939, Pt. V, p. 157.

This Act has been applied to—

(i) Baluchistan, see *Gazette of India*, 1940, Pt. I, p. 790 ;

It has also been extended to the Leased Areas of Baluchistan, see the *Leased Areas (Laws) Order*, 1950 (G. G. O. 3 of 1950) , and also applied in the Federated Areas of Baluchistan, see *Gazette of India*, 1937, Pt. I, p. 1499.

<sup>2</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by A. O., 1949.

**4. Definition.** In the Schedule the expression “recognised Chamber of Commerce” means a Chamber of Commerce recognised by the Government of its country as being competent to issue certificates of origin, and includes any other association similarly recognised.

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## THE SCHEDULE

(See sections 2 and 3)

### PART I

#### Documents in relation to which the Court “SHALL presume”

1. Lloyd’s Register of Shipping.
2. Lloyd’s Daily Shipping Index.
3. Lloyd’s Loading List.
4. Lloyd’s Weekly Casualty Reports.
5. Certificate of delivery of goods to the Manchester Ship Canal Company.
6. Official log book, Supplementary Official log book and official wireless log kept by a British ship.
7. Certificate of Registry, Safety Certificate, Safety Radio-Telegraphy Certificate, Exemption Certificate, Certificate of Survey, Declaration of Survey, International Load Line Certificate <sup>1</sup>[Pakistan Load Line Certificate], Report of Survey of a ship provisionally detained and unsafe, Report of Survey to be served upon the master of a ship declared unsafe upon survey, Docking Certificate, Memorandum issued under Article 56 of the International Convention for the Safety of Life at Sea, 1929.
8. Certificates A and B, issued under the Merchant Shipping Act, 1923.
9. The following documents relating to marine insurance, namely, insurance policy, receipt for premium, certificate of insurance and insurance cover note.
10. Certificate concerning the loss of country craft issued by the appropriate authority under Department of Commerce, Mercantile Marine Department Circular No. 2 of 1938.
11. Protest made before a Notary Public or other duly authorised official by a master of a ship relating to circumstances calculated to affect the liability of the ship-owner.

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<sup>1</sup>Subs. by A. O., 1949, for “British India Load Line Certificate”.