

POWERS OF ATTORNEY

1.This Ordinance may be cited as the Powers of Attorney Ordinance.

2.For the purposes of this Ordinance, and unless there be anything in the subject or context repugnant to such construction-

'attorney' shall include every person holding such power of attorney;

'power of attorney' means any written power or authority other than that given to an attorney at law for the purpose of appearing as an attorney at law on behalf of such person, given by one person to another, to represent him, to perform any work, do any act, or carry on any trade or business, and -

(a) if it is executed in Sri Lanka, executed before two witnesses and attested by a notary public; or

(b) if it is executed outside Sri Lanka, executed before an Ambassador, or a High Commissioner, or a Diplomatic Officer or a Consular Officer within the meaning of the Consular Functions Act, No. 4 of 1981 or a person who is authorized to attest such power of attorney according to the law of that country;

'Registrar General' includes the Registrar General of Title, a Senior Deputy Registrar General, a Deputy Registrar General, an Assistant Registrar General and any person who for the time being is lawfully discharging the duties of the Registrar General, the Registrar General of Title, the Senior Deputy Registrar General, the Deputy Registrar General or the Assistant Registrar General.

- Registration of Power of Attorney. [3, 28 of 2022] 3.(1)
- (a) Every power of attorney executed in Sri Lanka or any other country shall be registered with the Registrar General.
- (b) Every power of attorney holder (hereinafter referred to as the 'attorney') shall submit his power of attorney for registration, if it is executed in Sri Lanka within one month and if it is executed outside Sri Lanka within three months, from the date of execution of the power of attorney together with -
- (i) a copy thereof certified by a notary public to be a true copy; and
- (ii) an affidavit made as specified in Schedule I hereto.
- (2) The Registrar General shall, upon being satisfied as to the correctness of the power of attorney referred to in subsection (1), register the power of attorney and file such certified copy and shall endorse upon such certified copy and the original power of attorney, the registration number and the date thereof, together with a reference to the volume and folio wherein such registration is recorded and shall return the original power of attorney to the person producing the same.
- (3) Such registration shall be recorded in a book maintained by the Registrar General which is to be kept in the form specified in the Schedule II hereto.

- Power of Attorney granted to be used for the purpose of a transaction falling within the scope of section 2 of the Prevention of Frauds Ordinance to comply with certain requirements 3A.
- (1) A power of attorney granted to be used for the purpose of a transaction which falls within the scope of section 2 of the Prevention of Frauds Ordinance (Chapter 70) shall be executed subject to the provisions specified in subsection (2) or (3), as the case may be.
- (2) If a power of attorney specified in subsection (1) is executed in Sri Lanka, it shall -
- (a) be duly attested by a notary public in accordance with the Notaries Ordinance (Chapter 107) and the Prevention of Frauds Ordinance;

- (b) contain a description of the land or land parcel as the case may be, with metes and bounds, and the extent, in the case of a land or land parcel;
- (c) contain a description of the condominium parcel with other elements by which it can be identified, and a description of the whole land where the condominium parcel cannot be identified in the case of a condominium property;
- (d) contain a reference to the volume and the folio in which the land or land parcel or condominium parcel, relating to the transaction is registered in the case of a land or land parcel or condominium parcel with prior registration;
- (e) bear the left or right thumb impression of the grantor and where both thumbs of the grantor are missing, the impression of any other finger from either the left or the right hand of the grantor, in addition to his signature and where both his hands are missing, he shall place his toe impression, in the presence of the notary public and the witnesses; and
- (f) be accompanied with a copy of the bio page of the passport, National Identity Card or driving license of the grantor and attorney of such power of attorney certified by the notary public.

(3) If a power of attorney specified in subsection (1) is executed outside Sri Lanka, it shall -

- (a) be duly executed before a person authorized under section 2 of this Act;
- (b) contain a description of the land or land parcel as the case may be with metes and bounds and the extent in the case of a land or land parcel;
- (c) contain a description of the condominium parcel with other elements by which it can be identified, and a description of the whole land where the condominium parcel cannot be identified in the case of a condominium property;
- (d) contain a reference to the volume and folio in which the land or land parcel or condominium parcel relating to the transaction, is registered, in the case of a land or land parcel or condominium parcel

with prior registration; and

(e) be accompanied with a copy of the bio page of the passport of the grantor signed by such grantor and a copy of the bio page of the passport, National Identity Card or driving license of the attorney of such power of attorney certified by a notary public.

Notary to verify whether the power of attorney has been revoked or cancelled and to retain copies of certain documents
[4, 28 of 2022]

3B. (1) Every notary public who attests a deed or instrument in terms of the Notaries Ordinance in respect of a transaction referred to in section 3A of this Act, shall -

(a) examine the relevant volumes and folios in the Registrar General's department;

(b) be satisfied that the power of attorney has not been revoked or cancelled and shall state such fact in his attestation; and

(c) retain the copies of the National Identity Card or the driving license or the bio page of the passport, as the case may be, of the grantor and the attorney, and a copy of the power of attorney.

(2) For the avoidance of doubt, it is declared that it shall be sufficient for the notary public who attests such deed or instrument to examine the relevant volumes and the folios in the Registrar General's department in order to determine whether such power of attorney has been revoked or cancelled.

Period of validation of a power of attorney
[4, 28 of 2022]

3C. A power of attorney other than a power of attorney executed by a State institution shall be valid, only for a period of five years from the date of execution, unless the period of validity of such power of attorney is specified in such power of attorney or until such power of attorney is revoked or cancelled in accordance with the provisions of section 4.

Irrevocable power of attorney
[4, 28 of 2022]

3D. A person other than a State institution shall not execute an irrevocable power of attorney.

Procedure of cancellation or revocation of a power of attorney
[4, 3 of 2024]

4.(1) Where the grantor of any power of attorney wishes to revoke or cancel a power of attorney or where the attorney of any power of attorney does not wish to act under such power of attorney, such grantor or attorney as the case may be, shall -

(a) notify the other party of such intention;

(b) execute a document -

(i) if it is executed in Sri Lanka before two witnesses and attested by a notary public; or

(ii) if it is executed outside Sri Lanka before an Ambassador, or a High Commissioner, or a Diplomatic Officer or a Consular Officer within the meaning of the Consular Functions Act, No. 4 of 1981 or a person who is authorized to attest a power of attorney according to the law of that country,

declaring his intention of revoking or cancelling the power of attorney or expressing his intention not to act under that power of attorney, as the case may be; and

(c) submit such document referred to in paragraph (b) to the Registrar General, to register the same in the relevant volume and folio with cross reference to the volume and folio in which such power of attorney was registered.

(2)

(a) If the grantor of any power of attorney requires to revoke or cancel his power of attorney with immediate effect, until such document referred to in paragraph (b) of subsection (1) is executed and tendered to the Registrar General, the grantor or his attorney at law may notify his intention of revocation or cancellation to the Registrar General, by a notice in duplicate in the form specified in Schedule III:

Provided however, such notice shall be valid only for a period of three months from the date of the notice.

(b) Upon the receipt of such a notice referred to in paragraph (a), the Registrar General, shall make an endorsement of the intention of such revocation or cancellation in the relevant volumes and the folios.

Registration of
cancellation or

5. The Registrar-General shall register every notification of cancellation or revocation made to him under section 4, and endorse upon the copy of

revocation.
[6, 28 of 2022]

the power of attorney a certificate signed by him stating the fact of such cancellation or revocation and the date of such endorsement, with a reference to the volume and folio where such cancellation or revocation is recorded and the notification is filed. Such cancellation or revocation shall be recorded in a book to be kept in the form prescribed in Schedule II.

Registrar-General
shall file
documents.

6. The Registrar-General shall carefully file and preserve all copies of powers of attorney and all notifications of cancellation or revocation received by him, together with the affidavits relating thereto, with convenient lists and indexes thereof.

Inspection of documents. All such records shall be open to inspection of any person on an application in writing to be made by such person to the Registrar-General for that purpose.

Copies of
registered powers
of attorney.

7. The Registrar-General shall, at the request of any person applying in writing for the same, issue a copy, certified by him to be a true copy, of any copy of a power of attorney filed in his office under section 3. To such certified copy shall be added a certificate signed by the Registrar-General stating the date of registration of the power of attorney and by whom the power of attorney was produced for such registration, together with the date of registration of cancellation or revocation, if any, of the power of attorney, and by whom the notification of such cancellation or revocation was given.

Copies issued by
Registrar-General
to be received in
evidence.

8. In any judicial proceeding every certified copy issued by the Registrar-General as provided in section 7 of this Ordinance shall be received as prima facie evidence of the execution by the person by whom it purports to have been executed of the original power of attorney and of the contents of such original power of attorney, notwithstanding that the original power of attorney be not produced: Provided that if in any case such person denies the execution of such power, the certified copy thereof shall not be accepted as prima facie evidence of the execution of the original.

Fees.
[2, 14 of 2013]

9. The following fees or such other amount as may be prescribed by the Minister, time to time shall be payable to the Registrar-General under this Ordinance:-

Rs.c.

1. For the registration of any power of attorney 1500.00

2. For the registration of any notification of cancellation or revocation of any registered power of attorney 500.00
3. For every application to inspect the records 500.00
4. For every application for a certified copy of a registered power of attorney 500.00
5. For every certified copy issued under section 7, per Folio 500.00

Regulation
[3, 14 of 2013]

10.(1) The Minister may, from time to time, make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act and in particular in respect of any matter required under this Act to be prescribed.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of any or all of the following matters:-

- (a) the fees payable in respect of any matter under this Act;
- (b) the Forms to be used for any purpose under this Act.

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified therein.

(4) Every regulation made by the Minister shall as soon as convenient after its publication in the Gazette, be brought before the Parliament for approval. Any such regulation which is not so approved shall be deemed to be rescinded as from the date of its disapproval, but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation made by the Minister is deemed to be so rescinded shall be published in the Gazette.