

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**POWERS OF ATTORNEY (AMENDMENT)**  **ACT, No. 28 OF 2022**

**[Certified on 25th of October, 2022]**

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| *Powers of Attorney (Amendment)* | 1 |

*Act, No. 28 of 2022*

[Certified on 25th of October, 2022]

L.D.-O. 35/2016

AN ACTTOAMENDTHE POWERSOF ATTORNEY ORDINANCE   
(CHAPTER 122)

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

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| **1.** This Act may be cited as the Powers of Attorney (Amendment) Act, No. 28 of 2022.  **2.** Section 2 of the Powers of Attorney Ordinance (Chapter 122) (hereinafter referred to as the “principal enactment”) is hereby amended – | | Short title  Amendment of section 2 of  Chapter 122 |
| (1) | by the repeal of the definition of the expression |
| “power of attorney” and the substitution therefor of the following definition: - | |

“ “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 -

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

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(2) by the repeal of the definition of the expression  
 “Registrar General” and the substitution therefor   
 of the following definition: -

““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.”.

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| Replacement of section 3 of the principal | **3.** Section 3 of the principal enactment is hereby repealed and the following section is substituted therefor:- |

enactment

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| “Registration  of Power of  Attorney | 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.

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(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.”.

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| **4.** The following new sections are hereby inserted immediately after section 3 of the principal enactment and shall have effect as sections 3A, 3B, 3C and 3D, of that enactment: - | | | Insertion of new sections 3A, 3B,  3C and 3D, in the principal  enactment |
| “Power of  Attorney  granted to be used for the | 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 | |
| purpose of a transaction  falling within | | Prevention of Frauds Ordinance (Chapter 70) shall be executed subject to the provisions |
| the scope of section 2 of the | specified in subsection (2) or (3), as the case may be. | |

Prevention of

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| Frauds  Ordinance to comply with | (2) If a power of attorney specified in subsection (1) is executed in Sri Lanka, it shall - |

certain   
requirements

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(*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

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(*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

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(*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.

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| Notary to  verify  whether the  power of  attorney has  been revoked  or cancelled  and to retain  copies of  certain  documents | 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.

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| Period of  validation of a power of  attorney | 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.

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| Irrevocable  power of  attorney | | 3D. A person other than a State institution shall not execute an irrevocable power of attorney.”. | Replacement of section 4 of the principal  enactment |
| **5.** Section 4 of the principal enactment is hereby repealed and the following section is substituted therefor: - | | |
| “Procedure | 4. (1) Where the grantor of any power of | |
| of  cancellation or  revocation of a power | 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 | |
| of attorney | may be, shall – | |

(*a*) notify the other party of such   
 intention;

(*b*) execute a notarially executed   
document 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.

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(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.”.

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| Amendment of section 5 of the principal  enactment  Replacement of Schedule in the principal  enactment | **6.** Section 5 of the principal enactment is hereby amended by the substitution for the words “prescribed in the Schedule.” of the words “prescribed in Schedule II.” .  **7.** The Schedule of the principal enactment is hereby repealed and the following Schedules are substituted therefor: - |

[Section 3(1)]

“SCHEDULE I

I ………………………………… (holder of National Identity

Card No. ..…….),of No. …………………………..being a

…………………………. do hereby sincerely, solemnly and

truly declare and affirm/swear and state as follows:-

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(1) I am the deponent/affirmant above named.

(2) I declare/ affirm that ………………………(holder of   
 National Identity Card No. ………………………….) of   
 No. ……………..has executed a power of attorney   
 bearing No. …………… dated ………………… attested   
 by …………………..Notary Public, appointing me as   
 his/her attorney for the purpose mentioned therein.

(3) That the said power of attorney is genuine and still in   
 force and I believe that the grantor is alive.  
 ……………………..

|  |  |  |
| --- | --- | --- |
| The foregoing affidavit having |  | attorney |
| been read over and explained to |
| the above named and having |
| understood the contents thereof |
| signed and affirmed/sworn to at |
| …………….. on this …….. |
| day of ………………. |

Before me

Justice of the Peace/   
Commissioner for Oaths

[sections 3(3) and 5]

SCHEDULE II

|  |  |
| --- | --- |
| Serial No: |  |
| Date of Registration: |  |
| Name and address of the grantor: |  |
| Name and address of the attorney: |  |
| Date of power of attorney: |  |
| By whom the power of attorney is produced for the registration: |  |
| Volume and Folio where the power of attorney is registered: |  |
| Date and number of notarially  executed document of revocation or cancellation: |  |
| By whom notarially executed document of revocation or cancellation given: |  |
| Volume and Folio where notarially executed document of revocation or  cancellation is registered: |  |

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[section 4(2)]

SCHEDULE III

Registrar General,   
Registrar General’s Department,  
……………………

Take notice under the Powers of Attorney Ordinance that I,  
………………………………. (name of the grantor) of  
……………………………..(address) intend to present to you   
for the registration within three months from the date of this   
notice, an instrument cancelling the power of attorney registered   
in the ……………………under the Day Book No. …………  
Volume ………. Folio…….. of the register of the power of   
attorney.

At ………………. on this day of ……………  
 ………

Signature of the grantor or attorney   
at law of the grantor

signed in the presence of -

1. Signature :-  
 Full name :-  
 NIC :-  
 Address :-

2. Signature :-  
 Full name :-  
 NIC :-  
 Address :-”.

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| Transitional  Provisions | **8.** | (1) Notwithstanding anything to the contrary in the |
| principal enactment and in the provisions of this Act - | |

(*a*) every power of attorney executed prior to the date of commencement of this Act which has not been registered under the provisions of section 3 of the principal enactment and which has not been revoked or cancelled on or prior to the date of commencement of this Act, shall, within a period of six months from the date of commencement of this Act, be submitted for registration to the Registrar General;

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(*b*) every power of attorney executed prior to the date of commencement of this Act which has been registered under the provisions of section 3 of the principal enactment and has not been revoked or cancelled on or prior to the date of commencement of this Act, shall, continue to be valid and effectual until revoked or cancelled under section 4 of this Act;

(*c*) every power of attorney executed prior to the date of commencement of this Act which has been submitted for registration to the Registrar General, and pending registration under the provisions of section 3 of the principal enactment on the date of commencement of this Act, shall be registered by the Registrar General.

(2) Every power of attorney referred to in paragraph (*a*) of subsection (1) which is not submitted for registration within the period specified in that paragraph shall be deemed to be null and void, with effect from the date of expiration of that period.

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| **9.** | In the event of any inconsistency between the Sinhala | Sinhala text to prevail in the case of |
| and Tamil texts of this Act, the Sinhala text shall prevail. | |

inconsistency

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