

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

**NOTARIES (AMENDMENT)**   
**ACT, No. 31 OF 2022**

**[Certified on 31st of October, 2022]**

*Printed on the Order of Government*

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| *Notaries (Amendment) Act, No. 31 of 2022* | 1 |

[Certified on 31st of October, 2022]

L.D.—O. 24/2014

AN ACTTOAMENDTHE NOTARIES ORDINANCE (CHAPTER 107)

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

|  |  |  |
| --- | --- | --- |
| **1.** | This Act may be cited as the Notaries (Amendment) | Short title |

Act, No. 31 of 2022.

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| --- | --- | --- | --- |
| **2.** | Section 3 of the Notaries Ordinance (Chapter 107) | | Replacement of section 3 of  Chapter 107 |
| (hereinafter referred to as the “principal enactment”) is hereby repealed and the following section substituted therefor:- | | |
| “Attorneys- | | 3. (1) Every attorney-at-law who has passed |
| at-law,  qualified for admission as notaries | | the examination conducted by the Council of Legal Education in conveyancing, after his admission as such attorney-at-law and who has obtained a certificate substantially in Form |

B1 set out in the Second Schedule hereto, from   
an attorney-at-law who has been in active   
practice as a notary for a consecutive period of   
at least ten years to the effect that such   
attorney-at-law has learnt notarial work for a   
period of one year and is fully acquainted with   
conveyancing practices, rules and guidelines   
specified in or under this Ordinance shall be   
entitled, on an application to a warrant   
authorizing him to practice as notary in the   
language in which he has passed the   
examination in conveyancing, within the   
judicial zone in which he resides.

(2) Every notary who has been issued a   
warrant under subsection (1) shall, prior to   
commencement of practice as a notary, hand   
over a letter of commencement to the Registrar   
of the relevant land registry.”.

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| Amendment of  section 12 of the principal | 2 | *Notaries (Amendment) Act, No. 31 of 2022* |
| **3.** | Section 12 of the principal enactment is hereby |
| amended as follows:- | |

enactment   
 (1) by the repeal of in paragraph (*b*) in subsection (1) thereof and the substitution therefor, of the following:-

“(*b*) execute a bond before the High Court by   
depositing a sum of rupees ten thousand, to   
the due and faithful discharge of his duties as   
a notary, which shall be credited to the   
Consolidated Fund; and”;

(2) by the repeal of subsection (2) thereof and the   
 substitution therefor, of the following:-

“(2) Every bond referred to in paragraph (*b*) of   
subsection (1) shall be signed in the presence of the   
High Court Judge having jurisdiction over the area   
specified in the warrant of the notary.”; and

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| Amendment of  section 13 of the principal  enactment | (3) | by the repeal of subsection (3) thereof. |
| **4.** | Section 13 of the principal enactment is hereby |
| amended by the substitution for the words “given such bond and security” of the words, “given such bond” and for the words “to a fine not less than ten thousand rupees”, of the | |

words “to a fine not less than twenty-five thousand rupees”.

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| Repeal of  section 14 of the principal | **5.** | Section 14 of the principal enactment is hereby |
| repealed. | |

enactment

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| Repeal of  section 15 of the principal | **6.** | Section 15 of the principal enactment is hereby |
| repealed. | |

enactment

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| *Notaries (Amendment) Act, No. 31 of 2022* | | 3 | Repeal of  section 16 of the principal |
| **7.** | Section 16 of the principal enactment is hereby | |
| repealed. | | |

enactment

|  |  |  |
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| **8.** | Section 17 of the principal enactment is hereby | Amendment of  section 17 of the principal  enactment  Amendment of  section 19 of the principal  enactment |
| amended by the substitution for the word “security” of the word “bond”. | |
| **9.** | Section 19 of the principal enactment is hereby |
| amended by the repeal of subsection (1) thereof and substitution therefor of the following:- | |

“(1) Where a notary has been indicted before a   
High Court, the Minister may, on the application   
of the Attorney-General, suspend him from the office   
of notary pending his trial.”.

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| **10.** | Section 20 of the principal enactment is hereby | Amendment of  section 20 of the principal  enactment  Amendment of  section 21 of the principal |
| amended by the substitution for the words “which, in the opinion of the Minister”, of the words, “under this Ordinance, which”. | |
| **11.** | Section 21 of the principal enactment is hereby |
| amended as follows:- | |

enactment (*a*) in paragraph (*e*) of subsection (1) thereof, by the   
 substitution for the words “incompetence, age”, of   
 the word “incompetence”; and

(*b*) in subsection (4) thereof, by the substitution for the words “to a fine not less than two thousand five hundred rupees”, of the words “to a fine not less than ten thousand rupees”.

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| **12.** | Section 24 of the principal enactment is hereby | Amendment of  section 24 of the principal  enactment |
| amended by the substitution for the words “to a fine not less than ten thousand rupees and not exceeding fifty thousand | |

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rupees” of the words “to a fine not less than one hundred thousand rupees and not exceeding five hundred thousand rupees”.

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| Amendment of  section 26 of the principal | **13.** | Section 26 of the principal enactment is hereby |
| amended as follows:- | |

enactment

(1) in subsection (2) thereof, by the substitution for the   
 word “security”, of the word “bond”.;

(2) in subsection (3) thereof, by the substitution for the   
 word “security” of the word “bond”.

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| Amendment of  section 27 of the principal  enactment  Amendment of  section 28 of the principal  enactment | **14.** | Section 27 of the principal enactment is hereby |
| amended in subsection (2) thereof, by the substitution for the word “March” of the word “April”. | |
| **15.** | Section 28 of the principal enactment is hereby |
| amended by the insertion immediately after subsection (1) thereof of that section of the following subsection: - | |

“(1A) Every notary shall annex to such application an affidavit to the effect that such notary has forwarded the duplicates of all deeds or instruments attested by him in the previous year, to the Registrar of Lands.”.

|  |  |  |
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| Amendment of  section 31 of the principal | **16.** | Section 31 of the principal enactment is hereby |
| amended as follows:- | |

enactment

(1) by the substitution for the rule (3) thereof, of the following: -

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“Signature (3) He shall not require, permit, or   
not to be taken on suffer any executant or any witness to

blank papers any deed or instrument executed or to   
or be executed before him to sign or make   
incomplete forms a mark of such executant or witness, or   
 such executant to affix the left or right   
 thumb impression or any other finger   
 impression or toe impression, as the   
 case may be, to such deed or instrument   
 or any duplicate or protocol, or require   
 such executant or witness to sign or   
 make the mark of such executant or   
 witness and such executant to affix the   
 left or right thumb impression or any   
 other finger impression or toe   
 impression, as the case may be, upon   
 any paper or other material intended to   
 be used afterwards for any such   
 purpose, until the whole of such deed   
 or instrument shall have been written   
 or engrossed thereon, and in any event   
 no signature or affixing of the left or   
 right thumb impression or any other   
 finger impression or toe impression   
 of such executant shall be obtained   
 for any deed or instrument on a   
 blank paper or in any incomplete   
 form.”;

(2) by the substitution for the rule (4) thereof, of the following:-

|  |  |
| --- | --- |
| “Material on  which deeds  may be  written | (4) He shall not authenticate or attest any deed or instrument unless the same is written, typed or printed on durable parchment paper or blue |

sheet.”;

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(3) by the substitution for the rule (5) thereof, of the following:-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| “Deeds to be  written on  divided or  undivided  paper | (5) (*a*) He shall authenticate or | | | |
| attest | any | deed | or |
| instrument which is written on one entire undivided parchment paper or blue sheet; or | | | |

(*b*) where he uses two or more   
separate sheets of paper, he   
shall-

(i) number every page;

(ii) place his signature   
on each such paper;   
and

(iii) cause every   
 executant, holder of   
 power of attorney   
 (thereinafter referred   
 to as the “attorney”),   
 or authorized person   
 of a corporate body,   
 as the case may be, to   
 place his signature   
 and affix left or right   
 thumb impression or   
 any other finger   
 impression or toe   
 impression to each   
 such paper.”;

(4) by the substitution for the rule (6) thereof, of the following: -

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| --- | --- | --- |
| “Assurance | (6) | He shall not authenticate |
| of the | or attest any deed or |
| payment of | instrument unless he has an |
| the required |
| assurance that the required |
| stamp duty |
| stamp duty is provided.”; |

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(5) by the insertion, immediately after rule (7) thereof, of the following new rule: -

|  |  |
| --- | --- |
| “Stamping of  document  relating to a  transfer, a  gift or an  exchange | (7A) (*a*) Notwithstanding anything to the contrary in this Ordinance or any other written law, any stamp duty which is required to be paid |

in respect of any deed or   
instrument relating to a   
transfer, a gift or an   
exchange executed under   
any written law, shall be   
paid by the notary;

|  |  |  |
| --- | --- | --- |
| (*b*) The | original | receipt |

received by the notary as   
the proof of such payment,   
from the relevant State   
bank shall be affixed to the   
duplicate of the deed or   
instrument;

(*c*) The copies of such receipt   
shall be affixed to the   
original and the protocol of   
such deed or instrument.”;

(6) in rule (9) thereof, by the substitution for the words,“He shall not authenticate or attest any deed or instrument unless the person executing the same be known to him or to at least two of the attesting witnesses thereto;” of the words “He shall not authenticate or attest any deed or instrument unless one of the executants to the deed or instrument or the two attesting witnesses be known to notary or by the identity of the executants to a deed or instrument is established by such notary by inspection of the national identity card, bio-page of the passport or the driving licence of such executants;”;

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(7) by the substitution for the rule (14) thereof, of the following: -

|  |  |
| --- | --- |
| “Full names  of executants  and witnesses  to be  ascertained | (14) He shall, before any executant or witness signs or makes a mark and before any executant affixes his left or right thumb impression or any other |

finger impression or toe impression,   
ascertain the full names of the executant   
and witnesses to such deed or   
instrument and if an executant to any   
deed or instrument is a corporate body,   
cause to be affixed the seal of the   
corporate body and obtain the   
signatures of the board of directors or   
any person authorized by the board by   
resolution to sign such deed or   
instrument and if the name of such   
executant or witness differs from the   
name given in the identification   
documents of such executant or witness,   
he shall, in his attestation of such deed   
or instrument, describe such executant   
or witness by such name and by the   
name written in the signature. Where   
the executant is a body corporate, he   
shall attach a copy of the board   
resolution authorizing the executant to   
sign such deed or instrument to the   
protocol of such deed or instrument.”;

(8) by the insertion, immediately after rule (15) thereof, of the following new rule: -

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“Executant, (15A). (1) (*a*) Every-  
an attorney,   
authorized (i) executant;   
person of a   
corporate   
body to affix (ii) attorney ; or

his finger   
impression to (iii) board of directors or the deed or authorized person of a instrument in corporate body;   
respect of an   
immovable property executing a deed or instrument in respect of an immovable property, in addition to the provisions of rule (15) shall affix his thumb impression of any hand above or beside his signature to the original, duplicate and the protocol of such deed or instrument;

(*b*) where such thumb impression of an   
 executant, an attoney or board of   
 directors or an authorized person of a   
 corporate body cannot be obtained,   
 such an executant, an attorney or an   
 authorized person of a corporate body   
 shall affix his finger impression of any   
 hand or toe impression, above or   
 beside his signature to the original,   
 duplicate and the protocol of such   
 deed or instrument;

(*c*) where a deed or instrument is signed   
 by an attorney, such attorney shall   
 submit to the notary an affidavit   
 affirming that the Power of Attorney is   
 genuine and in force and the grantor is   
 alive when executing such deed or   
 instrument;

(*d*) where the transferee is a minor, the   
 legal guardian or guardian, as the case   
 may be, shall be a competent person to   
 act on behalf of the transferee for the   
 purpose of this section.”;

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(9) in rule (16)–

(*a*) in paragraph (*a*) thereof, by the substitution   
for the words, “the assessment number and the   
name, if any, of the street in which it is   
situated.”, of the following: -

“the assessment number and the name, if any,   
of the street in which it is situated and in the   
case of a condominium property, where the   
condominium parcel can be identified, the   
description of such condominium parcel and   
other elements, and where the condominium   
parcel cannot be identified, the whole land or   
the land parcel.”; and

(*b*) in paragraph (*b*) thereof, by the substitution   
for the words from “which it is a share:   
Provided, however” to the end of that   
paragraph of the words “which it is a share.”;

(10) (*a*) by the repeal of paragraph (*b*) of rule (17) thereof, and the substitution therefor, of the following:-

“(*b*) (i) he shall obtain from the Registrar of   
the relevant Land Registry the   
certified extract of the folio containing   
the last entry pertaining to such land   
or immovable property containing the   
ownership and the registered   
encumbrances relating to such land   
or immovable property;

(ii) he shall, if any previous deed has been   
registered write in ink or print at the   
on the front page of the deed the   
number of the volume and the folio in   
which the previous deed has been   
registered; and

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(iii) in the case of a deed of transfer or a   
deed of gift, or deed of exchange or a   
will, he shall affix to the original of   
such deed or instrument passport size   
certified photographs of the parties, to   
which the notary has affixed his seal   
and shall keep copies of such national   
identity card, passport or driving   
licence attached to the protocol;”;

(*b*) by the addition, immediately after paragraph (*b*)   
thereof, of the following new paragraphs: -

“(*c*) he shall write on the front page of the deed   
his full name, number assigned to the   
notary, address of his office and telephone   
number. If he is a legal officer working in   
any organization, entity or company, he   
shall specify the registered address of such   
organization, entity or company;

(*d*) if a party to any deed or instrument is a   
corporate body he shall retain a certified   
copy of the certificate of incorporation   
or other instrument establishing such   
corporate entityand details of board of   
directors; and

(*e*) in the case of a deed in relation to a trust,   
he shall, state the names, addresses and   
national identity card numbers of trustees   
who are acting under a Trust Deed and   
the provision of such Trust Deed under   
which they are empowered to execute the   
deed, in the attestation, and retain a copy   
of the trust deed.”;

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(11) in rule (20) thereof,–

(*a*) by the repeal of paragraph (*b*) thereof, and   
 the substitution therefor of the following:-

“(*b*) whether the executants of the said deed   
or instrument are known to him or   
whether he has identified them by the   
inspection of the national identity card,   
bio-page of the passport or the driving   
licence or whether the witnesses thereto   
are known to him and in the latter case   
he shall specify which of the executants   
or the person acknowledging are known   
to the said witness,”;

(*b*) by the repeal of paragraph (*e*) thereof, and   
 the substitution therefor, of the following:-

“(*e*) whether any money was paid or not in   
his presence as consideration or part of   
the consideration of the deed or   
instrument, and if paid, the actual   
amount in local currency of such   
payment and if the payment is made by   
cheque, pay order, bank draft or a   
banker’s cheque the details of such   
instrument shall be set out in the   
attestation, in proof of such payment.”;

(*c*) in paragraph (*g*) thereof, by the substitution   
for the words “affixed thereto.” of the words  
“affixed thereto; and”; and

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(*d*) by the addition, immediately after paragraph   
 (*g*) thereof, the following new paragraph: -

“(*h*) in the case of a will–

(i) set out in the attestation of the   
will that the testator was in good   
and sound mind to execute the   
will; and

(ii) enter in the deed register   
maintained by him, the number   
assigned to such will, the date   
and the name of the testator.”;

(12) by the repeal of rule (27) thereof;

(13) by the substitution in rule (30) thereof, from the words“he shall preserve a true copy of the registered power of attorney with his protocol” to the end of that rule, of the words “he shall annex a certified copy of the power of attorney obtained from the Registrar General to the original, and true copies to the duplicate and the protocol thereof.”;

(14) by the insertion, immediately after rule (30) thereof, of the following new rule:-

|  |  |
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| “Submission  of a deed or  instrument  for  registration | (30A) It shall be the duty of every notary to submit for registration to the Registrar, every deed or instrument attested by him before the expiry of thirty days from the date of attestation |

thereof:

Provided that, where such deed or   
instrument is required to be registered   
outside the jurisdiction in which he is   
practicing, he shall submit such deed

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or instrument for registration before the   
expiry of sixty days from the date of   
attestation.”.

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| Replacement of section 34 of the principal | **17.** | Section 34 of the principal enactment is hereby |
| repealed and the following section substituted therefor:- | |

enactment

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| --- | --- |
| “Penalty for  breaches of  rules in | 34. (1) Every notary who acts in violation of or disregards or neglects to observe- |

section 31   
 (*a*) rules (1), (31) or (32) set out in section 31, shall be guilty of an offence, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five thousand rupees, in addition to any civil liability he may incur thereby;

(*b*) rules (2), (3),(6),(7),(11),(18),(21),(23),   
(24) or (30A) set out in section 31, shall   
be guilty of an offence, and shall, on   
conviction after summary trial before a   
Magistrate, be liable to a fine not   
exceeding twenty thousand rupees, in   
addition to any civil liability he may   
incur thereby; or

(*c*) any other rule set out in section 31,   
shall be guilty of an offence, and shall,   
on conviction after summary trial   
before a Magistrate, be liable to a fine   
not exceeding fifty thousand rupees, in   
addition to any civil liability he may   
incur thereby.

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(2) Where a notary acts in violation of or   
disregards or neglects to observe the provisions   
of rule (26) set out in section 31 the Registrar-  
General may, by a written notice served on him   
personally or sent by registered post, call upon   
such notary to comply with the requirements   
of the said rule within such further period of   
time as he may specify in such notice for such   
purpose. In the event of such notary failing to   
comply with the terms of such notice, the   
Minister may, on application made in that   
behalf by the Registrar-General, suspend the   
notary from his office as notary.

(3) A notary, whose licence is suspended   
shall not attest any deed or instrument, from   
the date of receipt of the notice of such   
suspension.

(4) The Registrar-General shall, forthwith   
notify the Registrars of Land and the registrars   
of the High Courts, District Courts and the   
Magistrates’ Courts, requiring such registrars   
to display a copy of the notice of such   
suspension in the relevant land registry or   
courts’ premises.

(5) A notary who fails to submit the   
duplicates within the time specified in the   
notice of suspension, shall be guilty of an   
offence and shall on conviction after a summary   
trial before a Magistrate, be liable to a fine not   
exceeding five hundred thousand rupees and   
the Minister may, on application made in that   
behalf by the Registrar-General, cancel the   
licence of such notary.”.

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| Amendment of  section 38 of the principal  enactment  Amendment of  section 39 of the principal  enactment | 16 | *Notaries (Amendment) Act, No. 31 of 2022* |
| **18.** | Section 38 of the principal enactment is hereby |
| amended in subsection (2) thereof, by the substitution for the words “not exceeding twenty five thousand rupees” of the words “not exceeding fifty thousand rupees”. | |
| **19.** | Section 39 of the principal enactment is hereby |
| amended as follows:-  (1) by the substitution, in paragraph (*c*) thereof for the | |

words,“signature or mark” of the words “signature,   
and the left or right thumb impression or any other   
finger impression or toe impression, as the case may   
be”; and

(2) by the substitution, for the words “for any period not exceeding five years.” of the words “for any period not exceeding ten years, or be liable to a fine of rupees one hundred thousand or both such fine and imprisonment, and to pay such compensation to the person who has suffered any damage or loss as a result of such action of the notary specified in paragraphs (*a*) to (*g*) as may be determined by the court.”.

|  |  |  |
| --- | --- | --- |
| Amendment of  section 41 of the principal  enactment | **20.** | Section 41 of the principal enactment is hereby |
| amended in subsection (1) thereof by the substitution for the words from “to simple or rigorous” to the end of that subsection of the words, “to a fine not exceeding fifty | |

thousand repees.”.

|  |  |  |
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| Amendment of  section 43 of the principal  enactment | **21.** | Section 43 of the principal enactment is hereby |
| amended by the insertion of the following definitions immediately before the definition of the expression “High Court Judge”:- | |

“ “Council of Legal Education” shall have the same meaning as assigned to it by section 2 of the Council of the Legal Education Ordinance (Chapter 276);

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“ executant” means–

(*a*) in relation to a deed of transfer, the transferor and   
 the trasferee; and

(*b*) in relation to other deed or instrument the parties   
 to such deed or instrument;

|  |  |  |
| --- | --- | --- |
| **22.** | The Second Schedule to the principal enactment is | Amendment of the Second  Schedule to the principal  enactment |
| hereby amended as follows:–  (1) by the insertion immediately after Form B thereof, of the following new form which shall have effect as | |

Form B1 of the principal enactment:-

“Form B1 [Section 3]

I, ………………… Attorney-at-Law and Notary Public of   
the Judicial Zone of ………………., do hereby certify that I   
have commenced practicing as a Notary on…………………….   
and have been in active practice for a consecutive period of   
ten years and that Mr/Mrs/Ms…………………….. Attorney-  
at-Law has pursued his studies under me on notarial practice   
for a period of one year since…………………..

Date ……………………….

……………………….

(signature)   
Attorney-at-Law and Notary Public   
( Imprint of the Seal)”;

(2) by the repeal of Form E of that Schedule, and the substitution therefor, of the following form: -

|  |  |
| --- | --- |
| “FORM E | [Section 31(21)] |

Form of Attestation

I, Notary Public of ………………………………… (Address   
of Notary Public) in the Judicial Zone of............ do hereby   
certify and attest that the foregoing instrument having been

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read over by (or, read and explained by) me, the said notary,   
to the said executants (names), who have signed this deed   
(illegibly/ as Juvanis, as the case may be) and affixed their   
(thumb of left/right hand or any other finger or toe) impression   
in the presence of (insert the names of the witnesses in full   
and the addresses) holder of National Identity Card/ Passport/   
Driving Licence No. ......, the subscribing witnesses hereto,   
and who signed (illlegibly/as ......., as the case may be)   
respectively, and the same was signed by the said executants,   
the said witnesses and also by me the said Notary, in my   
presence and in the presence of one another, all being present   
at the same time on the …………………..day of  
…………………at ……………………

And I certify that the (executant …… is known to me/   
witnesses are known to me/ I have checked their identity by   
the inspection of their (national identity card / passport/   
driving licence) and prior to the execution of the foregoing   
instrument, I have inspected the identity card/ passport/ driving   
licence of the executant/s.

And I further certify and attest that I have affixed hereto   
recent photographs of the executants to the original of the   
deed or instrument and that (in the case of a transfer or a gift)   
the stamp duty to the value of *Rs.*………(*Rs.* in figures) was   
paid to the credit of the ……….Provincial Council in the   
State Bank of …………………. in proof of which the original   
of such stamp duty paying in slip No. …………… dated... is   
affixed to the duplicate of this instrument and, copies are   
affixed to the original and the protocol / (in all other cases)   
the original of this instrument bears ………..stamps of the   
value of Rs…….. and the duplicate …….stamps of the value   
of Rs…………..

And I further certify that the withinmentioned consideration   
(was paid in my presence by the Purchaser to the Vendor /   
Lessee to the Lessor, or was not paid in my presence. However   
the Vendor/Lessor acknowledges the receipt of the said   
consideration from the Purchaser/Lessee prior to the execution   
hereof).

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(in case of a will) And I further certify and attest that the   
testator was in good and sound mind to execute the will.

And I further certify and attest that on page…… in line…..   
the word/letter ............ was erased and written over in ink/   
deleted prior to the execution hereof.

And I have annexed a certified copy of the registered Power   
of Attorney to the original, and true copies to the duplicate   
and protocol of this deed. (in case of Power of Attorney)

And I also certify that I have renewed my licence for the   
year/ I have applied for renewal of the licence for the current   
year.

Date: ……………………

………………………….

(signature)   
Notary Public   
(Imprint of the Seal)”.

|  |  |  |
| --- | --- | --- |
| **23.** | For the avoidance of doubt, it is hereby declared | Avoidance of doubt |
| that the provisions of this Act shall- | |

(*a*) not affect any deed or instrument lawfully executed prior to the date of commencement of this Act and pending registration in accordance with the provisions of Registration of Documents Ordinance (Chapter 117);

(*b*) not derogate from the powers of any Provincial Council to levy or recover any stamp duty on any instrument or deed executed prior to the date of commencement of this Act;

(*c*) not affect any action or suit pending before a court of law or any decision of a court of law given prior to the date of commencement of this Act;

(*d*) not make a notary who has commenced his practice prior to the date of commencement of this Act, liable to execute a bond in terms of section 12 of the principal enactment.

|  |  |  |
| --- | --- | --- |
| Sinhala text to  prevail in case  of inconsistency | 20 | *Notaries (Amendment) Act, No. 31 of 2022* |
| **24.** | In the event of any inconsistency between the |
| Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | |

|  |  |
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