

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

**REGISTRATION OF DOCUMENTS (AMENDMENT) ACT, No. 32 OF 2022**

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

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| *Registration of Documents (Amendment)* | 1 |

*Act, No. 32 of 2022*

[Certified on 31st of October 2022]

L.D.—O. 2/2021

AN ACTTOAMENDTHE REGISTRATIONOF DOCUMENTS ORDINANCE (CHAPTER 117)

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

**1.** This Act may be cited as the Registration of Documents Short title (Amendment) Act, No. 32 of 2022.

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| **2.** Section 32 of the Registration of Documents Ordinance | Amendment | | of |
| (Chapter 117) (hereinafter referred to as the “principal | section | 32 | of |
| Chapter 117 | |
| enactment”) is hereby amended as follows:- |

(1) by the repeal of subsection (1) thereof and the substitution therefor of the following subsection: -

“(1) (*a*) A person (hereinafter referred to as the  
 “caveator”) who

(i) has a right, title or interest; or

(ii) claims to have a right, title or interest,

to a land, an undivided land, a land parcel or   
a condominium parcel (hereinafter in this   
section referred to as the “land”) may present   
for registration a caveat substantially in   
Form VIII of the Second Schedule hereto   
requiring him to be served a notice of the   
presentation for registration of any   
instrument affecting such land.

(*b*) Every caveat presented for registration shall–

(i) be in duplicate and accompanied by an   
affidavit of the caveator together with a   
certificate issued by an Attorney-at-law

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substantiating the right, title or interest   
in the land or claims to a right, title or   
interest in the land of the caveator;

(ii) be accompanied by such number of   
copies of the notice set out in Form X   
of the Second Schedule hereto together   
with stamped envelopes, to be served   
on the owners of the land whose names   
and addresses are given in the relevant   
volume and folio in which such land is   
registered, where the caveator is not the   
owner;

(iii) be accompanied by a certified copy of   
the original of the Power of Attorney   
duly registered with the Registrar   
General or the Registrar of the relevant   
Land Registry or the Registrar of Title   
(hereinafter in this section referred to   
as the “Registrar”) where the caveator   
is a holder of a Power of Attorney   
(hereinafter in this section referred to   
as the “attorney”); and

(iv) contain the name, signature and the   
National Identity Card number or the   
passport number or the driving licence   
number and address of the caveator in   
Sri Lanka at which notices relating to   
the caveat shall be served, the date of   
the caveat, the names and addresses of   
the persons to whom the notice of the   
caveat shall be sent where the caveator   
is not the owner, the right, title or interest   
in the land claimed by the caveator,   
grounds in support of the claim and the   
description of the land, including the   
boundaries, indicating the correct   
volume and folio in which such land,   
is registered.

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(*c*) For the purpose of this section-

(i) “caveator” includes a body of persons, a   
beneficiary under any trust affecting a   
land, the lawful guardian or the next   
friend of a minor or of a person of unsound   
mind or mentally deficient person, an   
attorney of a person, a judgement   
creditor, an executor or an administrator   
of an estate of a deceased, or a legal heir,   
or an intended purchaser who has entered   
into an agreement with the owner of a   
land or a developer of a land;

(ii) “condominium parcel” means a   
condominium parcel registered under the   
Registration of Title Act, No.21 of 1998   
in terms of section 10 of the Apartment   
Ownership Law, No.11 of 1973 or   
registered under this Ordinance; and

(iii) “interest” includes an interest arising from   
an unregistered deed or instrument   
relating to a land which is incapable of   
immediate registration, a trust, an   
inheritance either by testate or intestate   
succession, instruments relating to a   
mortgage or an agreement to sell, co-  
ownership, an ownership arising from a   
condominium parcel or the estate of a   
minor, or of a person of unsound mind or   
mentally deficient person.”;

(2) by the insertion, immediately after subsection (1) thereof, of the following new subsections: -

“(1A) The Registrar, on being satisfied that   
all required documents and information referred   
to in paragraph (*b*) of subsection (1) are   
provided by the caveator, shall acknowledge

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the receipt of such caveat and record the   
prescribed particulars referred to in subsection   
(1) of section 27.

(1B) Upon the acknowledgement, the   
Registrar shall forthwith notify the persons,   
whose names and addresses have been   
furnished by the caveator under subparagraph   
(iv) of paragraph (*b*) of subsection (1) and shall   
make an endorsement in the Remark Column   
by inserting the date and the names of the   
persons to whom and the addresses to which   
the notices referred to in subparagraph (ii) of   
paragraph (*b*) in subsection (1) were sent.”;

(3) by the repeal of subsection (3) thereof and the substitution therefor of the following subsection: -

“(3) A caveat shall be in force for a   
maximum period of two years.”;

(4) in subsection (4) thereof, by the substitution for the words “The notice to be given to the caveator shall be in the prescribed form”, of the words and figures“Where an instrument affecting the same land described in the caveat has been subsequently presented for registration, a notice shall be given to the caveator in Form XI of the Second Schedule hereto”;

(5) in subsection (5) thereof, by the substitution for the words “a competent court within thirty days” of the words “a competent court within sixty days”.

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| Amendment of  section 33 of the principal  enactment | **3.** | Section 33 of the principal enactment is hereby |
| amended as follows: -  (1) in subsection (1) thereof, by the substitution for the | |

words “seizure priority notice, caveat, or *lis pendens*”,   
of the words “seizure priority notice or *lis pendens*”;

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(2) by the addition immediately after subsection (1) thereof, of the following new subsection: -

“(1A) (*a*) A caveat may be withdrawn   
or cancelled, as the case may be, at the   
request in writing -

(i) by the caveator;

(ii) by an attorney;

(iii) upon the death of a caveator, by   
an executor, administrator, or a   
legal heir;

(iv) by the guardian or next friend of   
a minor of a person of unsound   
mind or mentally deficient person   
on whose interest the caveat was   
lodged, on the death or removal   
of the guardian, by the successor   
or by the minor upon the minor   
attaining the age of majority;

(v) where there are joint caveators,   
and upon the death of one or more   
of them, by the surviving caveator   
or caveators;

(vi) where the caveator is adjudicated   
a bankrupt, by the Official   
Assignee;

(vii) where the caveator is a body   
corporate and is in liquidation,   
and the estate or interest claimed   
by the caveator has become   
vested in the liquidator appointed   
by court, by the liquidator or by   
the Official Receiver; or

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(viii) where an order has been issued   
by a competent court on an estate   
which is the subject of a caveat,   
by a Fiscal officer, or any other   
person receiving the rights under   
such order.

(*b*) on receipt of the instrument for   
withdrawal under paragraph (*a*) hereof,   
the Registrar shall–

(i) cancel the entry of the caveat in   
the register in the aforesaid   
manner and setting out the date   
thereof, and

(ii) notify the persons or body of   
persons, whose right, title or   
interest for registration of an   
instrument was affected by such   
caveat.”;

(3) by the insertion, immediately after subsection (2) thereof, of the following new subsection: -

“(2A) Notwithstanding anything to the   
contrary in any other written law, any   
summons, notice, decree nisi or order in   
relation to any proceeding under subsection   
(2) on a caveat, shall be served to the address   
of the caveator in Sri Lanka referred to in   
sub-paragraph (iv) of paragraph (*b*) of   
subsection (1) of section 32.”;

(4) by the addition, immediately after subsection (3) thereof, of the following new subsection:–

“(4) The Registrar shall not register a   
caveat of the same caveator in respect of   
the same land or same iterest in the land,   
in respect of which registration of caveat   
was cancelled under subsection (3).”.

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| **4.** | Section 50 of the principal enactment is hereby | Amendment to  section 50 of the principal  enactment  Amendment of the Second  Schedule to the principal  enactment |
| amended by the substitution for the words, “require, but such Schedule may be altered or added to by regulation”, of the words “require.”. | |
| **5.** | The Second Schedule to the principal enactment is |
| hereby amended as follows:–  (1) by the repeal of Form VIII thereof, and the substitution therefor, of the following new Form:– | |

“FORM VIII   
 [section 32(*b*)]

FORM OF THE CAVEAT

Take notice that, I, ............. (full name and the address of   
the caveator) bearing (NIC/passport/ driving licence)   
no…………….. require to be served with notice of the   
presentation for registration of any instrument affecting   
land…….. (owned by me / owned by other- specify the right/   
title/ or interest) referred to in the Schedule hereto.

And I further declare that I present this caveat in my behalf/   
in behalf of …………….…….. (where the caveator is not the   
owner) on the following ground/s.

Title under deed no…………  
Under the last will of…………  
Other (specify) ………………………………………….

And I appoint (the address in Sri Lanka) as the place at   
which notices relating hereto shall be sent.

………………………..

(Signature of the caveator/his   
Attorney-at-Law or notary/attorney)

Date

Signed by the above-named………….. in the presence of (full   
name and address of the two witnesses)

1. Signature of the first witness   
2. Signature of the second witness

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Schedule

(describe land as in section 13 and   
previous registration, if known)”; and

(2) by the insertion immediately after Form IX of that Schedule, of the following new Forms: -

“FORM X

[section 32(1)(*b*)(ii)]

NOTICE TO AN OWNER OF A PROPERTY IN RESPECT   
OF WHICH   
A CAVEAT HAS BEEN LODGED

Take notice that a caveat has been lodged by ……… of  
……………… in respect of the property named……. bearing

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| assessment | no……………… | and | registered | under |

folio…………. of volume ………….. at this land registry.

(signature)

……………….

Registrar of Lands   
of……………..

Date :.......................

FORM XI

[section 32(4)]

NOTICE TO THE CAVEATOR OF AN INSTRUMENT   
PENDING REGISTRATION

You are hereby notified that the instrument specified in the   
Schedule hereto is pending registration in volume……… and   
folio……….. of ……………. at this Land Registry, as opposed   
to caveat No……… dated………….. submitted by you.

(signature)

……………….

Registrar of Lands   
of……………..

Date :.......................

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Deed No. | Nature of the deed/  instrument | Name of the Notary who attested the  deed/  instrument | Description of the Land (as per the  Schedule) | Parties | |  |  |  |  |  | | | .”.  Sinhala text to  prevail in case of inconsistency |
| **6.** | In the event of any inconsistency between the Sinhala |
| and Tamil texts of this Act, the Sinhala text shall prevail. | |

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