

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

*————————*

**POWERS OF ATTORNEY (AMENDMENT)**

**A**   
**BILL**

**to amend the Powers of Attorney Ordinance (Chapter 122)**

*————————*  
 *Presented by the Minister of Justice, Prison Affairs and*  *Constitutional Reforms on 29th of August, 2022*  (Published in the Gazette on July 18, 2022) *Ordered by Parliament to be printed*  
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*STATEMENT OF LEGAL EFFECT*

*Clause 2:* This clause amends section 2 of the Powers of Attorney Ordinance (Chapter 122) (hereinafter referred to as the “principal enactment”) and the legal effect of the section is to expand the meanings of the definitions of the expressions “power of attorney” and “Registrar General”.

*Clause 3:* This clause replaces section 3 of the principal enactment and the legal effect of the section is to make registration compulsory for all power of attorney irrespective of the place of execution.

*Clause 4:* This clause inserts new sections 3A, 3B, 3C and 3D in the principal enactment and the legal effect of the section is to –

(*a*) set out a new procedure for registering a power of attorney relating to a transaction which falls within the scope of the Prevention of Frauds Ordi-nance;

(*b*) require the notary public to verify the validity of a power of attorney prior to the attestation of a deed or instrument;

(*c*) specify the validity period of a power of attorney;

(*d*) restrict the execution of an irrevocable power of attorney.

*Clause 5:* This clause repeals and replaces the section 4 of the principal enactment and the legal effect of the section is to simplify the procedure for cancellation or revocation of a power of attorney.

*Clause 6:* This clause is consequential to the amendment made by Clause 7.

*Clause 7:* This clause is consequential to the amendment made by Clause 3.

*Clause 8:* This clause is consequential to the amendment made by Clause 3.

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

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: -

**1.** This Act may be cited as the Powers of Attorney Short title (Amendment) Act, No. of 2022.

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| --- | --- | --- | --- |
| 5 | **2.** Section 2 of the Powers of Attorney Ordinance (Chapter | | Amendment |
| of section 2 |
| 122) (hereinafter referred to as the “principal enactment”) is | |
| of Chapter |
| hereby amended – | |
| 122 |
| (1) | by the repeal of the definition of the expression |

“power of attorney” and the substitution therefor 10 of the following definition: -

“ “power of attorney” means any written power or authority other than that given to an attorney at law, given by one person to another to perform any work, do any act, or 15 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

|  |  |  |
| --- | --- | --- |
| 20 | (*b*) | 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 25 or a person who is authorized to attest such power of attorney according to the law of that country;

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| --- | --- | --- |
| 2 | (2) | *Powers of Attorney (Amendment)* |
| by the repeal of the definition of the expression |

“Registrar General” and the substitution therefor   
of the following definition: -

““Registrar General” includes the Registrar 5 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 10   
 Registrar General of Title, the Senior Deputy Registrar General, Deputy Registrar General or the Assistant Registrar General.”.

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

principal

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | “Registration | 3. (1) (*a*) Every power of attorney | enactment |
| of Power of |
| executed in Sri Lanka or any other country |
| Attorney |
| shall be registered with the Registrar General. |

(*b*) Every power of attorney holder (hereinafter referred to as the “attorney”) shall 20 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 –

25 (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.

*Powers of Attorney (Amendment)*  3

(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 5 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 10 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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 15 | Schedule II hereto.”. | | | Insertion of |
| **4.** The following new sections are hereby inserted | | |
| 20 | immediately after section 3 of the principal enactment and | | | new sections |
| 3A, 3B, 3C |
| shall have effect as sections 3A, 3B, 3C and 3D, of that | | |
| and 3D, in |
| enactment: - | | | 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 | |
| 25 | 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

|  |  |
| --- | --- |
| 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;

|  |  |  |
| --- | --- | --- |
| 5 | (*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;

|  |  |  |
| --- | --- | --- |
| 10 | (*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;

|  |  |  |
| --- | --- | --- |
| 15 | (*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 20 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 25 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

30 toe impression, in the presence of the notary public and the witnesses;

*Powers of Attorney (Amendment)*  5

(*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

5 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 -

|  |  |  |
| --- | --- | --- |
| 10 | (*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 15 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 20 identified, and a description of the whole land where the condominium parcel cannot be identified in the case of a condominium property;

|  |  |  |
| --- | --- | --- |
| 25 | (*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

30 with prior registration;

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(*e*) be accompanied by a copy of the bio page of the passport of the grantor certified by such grantor and a copy of the bio page of the 5 passport, National Identity Card or driving license of the attorney of such power of attorney certified by a notary public.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | Notary to | 3B. (1) Every notary public who attests a | |
| verify | deed or instrument in terms of the Notaries | |
| whether the |
| Ordinance in respect of a transaction referred | |
| power of |
| 15 | attorney has | to in section 3A of this Act, shall – | |
| been revoked |
| (*a*) | examine the relevant volumes and |
| or cancelled |
| and to retain |
| folios in the Registrar General’s | |
| copies of |
| certain | department; | |
| documents |
| (*b*) | be satisfied that the power of |

attorney has not been revoked or   
cancelled and shall state such fact   
in his attestation; and

|  |  |  |
| --- | --- | --- |
| 20 | (*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 25 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 30 Registrar General’s department in order to determine whether such power of attorney has been revoked or cancelled.

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| --- | --- | --- | --- |
| 5 | Period of | *Powers of Attorney (Amendment)* | 7 |
| 3C. A power of attorney other than a power | |
| validation of | of attorney executed by a state institution shall | |
| a power of |
| be valid, only for a period of five years from | |
| attorney |
| 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.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 10 | Irrevocable power of | | 3D. A person other than a state institution shall not execute an irrevocable power of | Replacement |
| attorney | attorney.”. | |
| **5.** Section 4 of the principal enactment is hereby repealed | | |
| 15 | and the following section is substituted therefor: - | | | of section 4 |
| of the |
| “Procedure | 4. (1) Where the grantor of any power of | | principal |
| enactment |
| 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 | |
| 20 | 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

|  |  |
| --- | --- |
| 25 | 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

|  |  |
| --- | --- |
| 30 | 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 5 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 10 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

|  |  |
| --- | --- |
| 15 | 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.”.

|  |  |  |
| --- | --- | --- |
| 20 | **6.** Section 5 of the principal enactment is hereby amended | Amendment |
| by the substitution for the words “prescribed in the | of section 5 |
| Schedule.” of the words “prescribed in Schedule II.” . | of the |
| principal |

enactment

|  |  |
| --- | --- |
| **7.** The Schedule of the principal enactment is hereby repealed and the following Schedules are substituted therefor: - | Replacement of Schedule in the  principal |

enactment

[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/make oath and state as follows:

|  |  |  |
| --- | --- | --- |
| (1) | *Powers of Attorney (Amendment)* | 9 |
| 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

[section 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 |  |

10 *Powers of Attorney (Amendment)*

[section 4(2)]

SCHEDULE III

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

Take notice under the Power 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 :-”.

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

(*a*) every power of attorney executed prior to the date of

|  |  |
| --- | --- |
| 5 | 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

10 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 5 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

|  |  |
| --- | --- |
| 10 | 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.

|  |  |
| --- | --- |
| 15 | (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.

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **9.** | In the event of any inconsistency between the Sinhala | Sinhala text |
| and Tamil texts of this Act, the Sinhala text shall prevail. | | to prevail in |
| the case of |

inconsistency

|  |  |
| --- | --- |
| 12 | *Powers of Attorney (Amendment)* |

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