

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

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**PREVENTION OF FRAUDS (AMENDMENT)**

**A**   
**BILL**

**to amend the Prevention of Frauds Ordinance (Chapter 70)**

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 *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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**[Bill No. 142]**   
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*STATEMENT OF LEGAL EFFECT*

*Clause 2* : This clause amends section 2 of the Prevention of Frauds Ordinance (Chapter 70) (hereinafter referred to as the “principal enactment”) and the legal effect of the section is to set out new requirements for signing a deed or instrument.

*Clause 3* : This clause amends section 4 of the principal enactment and the legal effect of the section is to set out new requirements for signing a will, testament or codicil.

*Clause 4* : This clause is consequential to the amendment made by Clause 3.

*Clause 5* : This clause amends section 16 of the principal enactment and the legal effect of the section is to make provision for deeds to be executed in triplicate.

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| *Prevention of Frauds (Amendment)* | 1 |

L.D.—O. 71/2021

AN ACTTOAMENDTHE PREVENTIONOF FRAUDS ORDINANCE   
(CHAPTER 70)

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

**1.** This Act may be cited as the Prevention of Frauds Short title (Amendment) Act, No……of 2022.

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| 5 | **2.** Section 2 of the Prevention of Frauds Ordinance | Amendment |
| of section 2 |
| (Chapter 70) (hereinafter referred to as the “principal |
| of |
| enactment”) is hereby amended as follows:- |
| Chapter 70 |

(1) by the renumbering of that section as subsection (1);

(2) by the repeal of all the words from “shall be of force”10 to the end of renumbered subsection (1) of that section and the substitution therefore of the following:-

“shall be in force or avail in law unless –

(*a*) the relevant deed or instrument shall be in writing, signed by every executant or 15 authorized person of such executant and attested by a notary public before two witnesses present at the same time; and

(*b*) the left or right thumb impression of every such executant or his authorized person or 20 where both thumbs of such executant or his authorized person are missing, the impression of any other finger or the toe impression as the case may be, is affixed above or besides the signature to the 25 original, duplicate and the protocol of the relevant deed or instrument:

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Provided however, in the event the signature or the thumb impression of any such executant or his authorized person cannot be obtained due to any reason, the 5 notary public shall state such reason in the attestation, and such executant or his authorized person shall affix any other finger impression or toe impression, as the case may be.”;

10 (3) by the addition immediately after subsection (1) of that section, of the following new subsection:-

“(2) In relation to a transfer deed –

(*a*) both the transferor and the transferee shall affix their signatures and thumb 15 impressions as required by subsection (1); and

(*b*) if the transferee is a minor, the legal guardian or guardian or the person authorized by the legal guardian or 20 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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| 25 | **3.** | Section 4 of the principal enactment is hereby | Amendment |
| amended as follows:- | | of section 4 |
| of the |
| (1) by the renumbering of that section as subsection (1); | | principal |
| enactment |

(2) by the repeal of all the words from “in the manner hereinafter mentioned;” to the end of renumbered subsection (1) of that section and the substitution 30 therefor of the words “subject to the provisions specified in subsection (2) or (3) as the case may be.”;

*Prevention of Frauds (Amendment)*  3

(3) by the addition immediately after subsection (1) of that section, the following new subsections: -

“(2) The testator or his authorized person shall –

(*a*) sign; and

5 (*b*) affix his left or right thumb impression,

at the foot or end of the will, testament or codicil   
referred to in subsection (1), before a notary public   
and two witnesses who shall be present at the same   
time:

10 Provided however, in the event the thumb impression of the testator or of his authorized person cannot be obtained due to any reason, he shall affix any other finger impression or the toe impression, as the case may be.

15 (3) (*a*) If the testator is not in a position to comply with the requirements specified in paragraph (*a*) of subsection (2), he may authorize any other person to sign on behalf of him, and shall comply with the requirements specified in paragraph (*b*) 20 of subsection (2).

(*b*) If the testator is not in a position to comply with the requirements specified in paragraphs (*a*) and (*b*) of subsection (2), he may authorize any other person to sign and affix the left or right thumb 25 impression or any other finger impression or the toe impression as the case may be, of such person, on behalf of him.

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(*c*) The signature and such impression referred   
to in paragraphs (*a*) and (*b*), shall be acknowledged   
by the testator in the presence of the notary public   
and two witnesses:

5 Provided that, in the event the signature or thumb impression of any such testator or his authorized person cannot be obtained due to any reason, the notary public shall state such reason in the attestation, and such testator or his 10 authorized person shall affix any other finger impression or toe impression as the case may be.”.

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| 15 | **4.** | Section 7 of the principal enactment is hereby | Amendment |
| amended as follows: – | | to section 7 |
| of the |
| (1) by the substitution for the word “signature” of the | | principal |
| enactment |
| words “signature and the left or right thumb | |

impression or any other finger impression or the toe impression as the case may be, of the testator or in the event it is executed on behalf of the testator by his authorized person then the signature and the left 20 or right thumb impression or any other finger impression or the toe impression as the case may be, of such authorized person”;

(2) by the insertion immediately after that section of the following proviso:-

25 “Provided however that, in the event the signature or left or right thumb impression or any other finger impression as the case may be of the testator or his authorized person cannot be obtained due to any reason, the testator or his authorized person shall 30 affix his toe impression and the notary public shall state such reason in his attestation.”.

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| 5 | *Prevention of Frauds (Amendment)* | | 5 | Amendment |
| **5.** | Section 16 of the principal enactment is hereby | |
| amended as follows:- | | | to section 16 |
| of the |
| (1) by the substitution for the word “duplicate.” of the | | | principal |
| enactment |
| word “triplicate.”; and | | |
| (2) by the repeal of the marginal note thereof and the | | |

substitution therefore of the following: -

“Deeds to be executed in Triplicate”

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| **6.** | 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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| 6 | *Prevention of Frauds (Amendment)* |

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