

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

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**REGISTRATION OF DOCUMENTS (AMENDMENT)**

**A**

**BILL**

**to amend the Registration of Documents Ordinance (Chapter 117)**

*————————*

*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. 139]**

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*STATEMENT OF LEGAL EFFECT*

*Clause 2* : This clause replaces section 32 of the Registration of Documents Ordinance (Chapter 117) (hereinafter referred to as the “principal enactment”) and the legal effect of the section as amended is to enhance the scope of provisions relating to presentation of a caveat for registration and to define certain terms.

*Clause 3* : This clause amends section 33 of the principal enactment and the legal effect of the section as amended is to enhance the scope of this section relating to withdrawal and cancellation of a caveat.

*Clause 4* : This clause amends section 50 of the principal enactment and the legal effect of the section as amended is to make provisions for clarity.

*Clause 5* : This clause amends the Second Schedule to the principal enactment and is consequential to the amendments made by the above clauses.

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

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. of 2022.

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| --- | --- | --- | --- |
| 5 | **2.** Section 32 of the Registration of Documents Ordinance | Amendment | |
| (Chapter 117) (hereinafter referred to as the “principal | of section 32 | |
| of | Chapter |
| enactment”) is hereby amended as follows:- |
| 117 | |

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

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| 10 | “(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

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| 15 | 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 20 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 25 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) where the caveator is not the owner, be

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| 5 | accompanied by such number of copies of the notice 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

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| 10 | are given in the relevant volume and folio in which such land is registered; |

(iii) where the caveator is a holder of a Power   
of Attorney (hereinafter in this section   
referred to as the “attorney”), the

|  |  |
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| 15 | caveator shall submit 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

|  |  |
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| 20 | (hereinafter in this section referred to as the “Registrar”); and |

(iv) contain the name, signature and the   
National Identity Card number or the   
passport number or the driving license

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| 25 | 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

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| 30 | 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

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| 35 | 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 5 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,

|  |  |
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| 10 | 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 15 Registration of Title Act, No.21 of 1998 in terms of section 10 of the Apartment Ownership Law, No.11 of 1973; and

(iii) “interest” includes an interest arising from an unregistered deed or instrument 20 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-

|  |  |
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| 25 | ownership, an ownership arising from a condominium parcel or the estate of a |

minor.”.

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

30 “(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.

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| 5 | (1B) Upon the receipt of the caveat, 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

|  |  |
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| 10 | 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

15 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

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| 20 | 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 25 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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| 30 | **3.** | Section 33 of the principal enactment is hereby | Amendment |
| amended as follows: - | | to section 33 |
| of the |
| (1) in subsection (1) thereof, by the substitution for the | | principal |
| enactment |
| 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 5 writing -

(i) by the caveator;

(ii) by an attorney;

(iii) upon the death of a caveator, by an executor, administrator, or a 10 legal heir;

(iv) by the guardian or next friend of   
a minor of a person of unsound   
mind or mentally deficient person

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| 15 | 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,

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| 20 | and upon the death of one or more of them, by the surviving caveator |

or caveators;

(vi) where the caveator is adjudicated

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| 25 | 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

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| 30 | vested in the liquidator appointed by court or the Official Receiver, |

by the liquidator; or

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| 5 | 6 | *Registration of Documents (Amendment)* |
| (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–

|  |  |
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| 10  15  20  25  30 | (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, in respect of which registration of   
caveat was cancelled under subsection

35 (3).”.

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| 5 | *Registration of Documents (Amendment)* | | 7 | Amendment |
| **4.** | Section 50 of the principal enactment is hereby | |
| amended by the substitution for the words, “require, but such | | | to section 50 |
| Schedule may be altered or added to by regulation”, of the | | | of the |
| principal |
| words “require.”. | | |
| enactment |
| **5.** | The Second Schedule to the principal enactment is | | Amendment |
| hereby amended as follows:– | | | of Second |
| Schedule to |
| (1) by the repeal of Form VIII thereof, and the substitution | | | the principal |
| enactment |
| therefor, of the following new Form:– | | |

[section 32(*b*)]

“FORM VIII

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: -

[section 32(1)(*b*)(ii)]  
 “FORM X   
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 :.......................

[section 32(4)]   
 FORM XI   
 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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| *Registration of Documents (Amendment)* | | 9 | .”.  Sinhala text  toprevail in  case of |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | 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 | |  |  |  |  |  | | | |
| **6.** | In the event of any inconsistency between the Sinhala | |
| and Tamil texts of this Act, the Sinhala text shall prevail. | | |

inconsistency

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| 10 | *Registration of Documents (Amendment)* |

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