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

**Part II of November 10, 2023**

**SUPPLEMENT**

*(Issued on 10.11.2023)*



**REGISTRATION OF DOCUMENTS (AMENDMENT)**

**A**

**BILL**

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

*Ordered to be published by the Minister of Finance, Economic Stabilization and National Policies*

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**STATEMENT OF LEGAL EFFECT**

Clause 2 : This clause amends section 8 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 exclude any transaction which is subject to the provisions of the Secured Transactions Act, No. of 2023 from the application of the provisions of the principal enactment.

Clause 3: This clause repeals Chapter IV of the principal enactment which contains provisions relating to registration of instruments creating security rights in movable property, as consequential to the enactment of the Secured Transactions Act, No. of 2023 to make provisions applicable to secured transactions in movable property.

Clause 4: This clause replaces the heading of Chapter V of the principal enactment limiting the application of that Chapter to instruments affecting land, as consequential to the enactment of the Secured Transactions Act, No. of 2023 to make provisions applicable to secured transactions in movable property.

Clause 5: This clause amends section 25 of the principal enactment, and the legal effect of the section as amended is to limit the application of Chapter V of the principal enactment to the instruments affecting land, as consequential to the enactment of the Secured Transactions Act, No. of 2023 to make provisions applicable to secured transactions in movable property.

Clause 6: This clause amends section 29 of the principal enactment, and it is consequential to the amendment made to section 25 of the principal enactment by clause 5 of this Bill.

Clause 7: This clause amends section 41 of the principal enactment, and it is consequential to the amendment made to section 25 of the principal enactment by clause 5 of this Bill.

Clause 8: This clause amends the First Schedule to the principal enactment, and it is consequential to the amendment made by clause 3 of this Bill.

Clause 9: This clause makes provisions in regard to the period of enforceability of instruments already registered under the Registration of Documents Ordinance and the requirement of registering those instruments under the Secured Transactions Act, No. of 2023 upon coming into operation of the said Act in order for them to be further enforceable and for their priority to continue to prevail.

Registration of Documents (Amendment)   
L.D.-O. 69/2017   
 An act to amend the registration of documents ordinance (chapter 117)   
BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

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| --- | --- | --- |
| 5 | **1**. (1) This Act may be cited as the Registration of | Short title |
| Documents (Amendment) Act, No. 2023. | and date of |
| operation |
| (2) The provisions of this Act, other than the |
| provisions of this section, shall come into operation on such |

date as the Minister may appoint by Order published in the *Gazette* (in this Act referred to as the “appointed date”).

(3) The provisions of this section shall come into

|  |  |  |
| --- | --- | --- |
| 10 | operation on the date on which the Bill becomes an Act of | Amendment |
| Parliament. |
| **2**. Section 8 of the Registration of Documents |
| 15 | Ordinance (Chapter 117) (in this Act referred to as the | of section 8 of |
| Chapter 117 |
| “principal enactment”) is hereby amended in the proviso to |
| paragraph (b) of that section, by the addition immediately |
| after sub paragraph (xi) of that proviso, of the following new |

subparagraph: -  
 “(xii) any agreement in relation to a transaction which is subject to the provisions of the Secured

|  |  |  |
| --- | --- | --- |
| 20 | Transactions Act, No. of 2023.”. | Repeal of |
| **3**. Chapter IV of the principal enactment (sections 16 |
| to 24 both inclusive) is hereby repealed. | Chapter IV of |
| the principal |

enactment

|  |  |  |
| --- | --- | --- |
| 25 | **4**. The heading of Chapter V of the principal enactment | Replacement |
| is hereby repealed and the following heading is substituted | of the heading |
| of Chapter |
| therefor: - |
| V of the |

principal

|  |  |
| --- | --- |
| PL 014103 — 475 (10/2023) | enactment |

2 Registration of Documents (Amendment)

“Chapter v   
Provisions applicable to instruments affecting land’’.

|  |  |  |
| --- | --- | --- |
| 5 | **5**. Section 25 of the principal enactment is hereby | Amendment of |
| amended by the substitution for the words “an instrument | section 25 of |
| the principal |
| affecting land or a pledge, mortgage or bill of sale.”, of the |
| enactment |
| 10 | words “an instrument affecting land.”. | Amendment of |
| **6**. Section 29 of the principal enactment is hereby |
| amended as follows:- | section 29 of |
| the principal |
| (1) in subsection (1) of that section, by the substitution | enactment |
| for the words “which affects land or movable |

property”, of the words “which affects land”; and

(2) by the repeal of the marginal note to that section   
and the substitution therefor, of the following   
marginal note: -

15 “Land situated  
 in several   
 districts.”.

|  |  |  |
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| 20 | **7**. Section 41 of the principal enactment is hereby | Amendment of |
| amended by the substitution for the words “instruments | section 41 of |
| affecting land and pledges, mortgages or bills of sale registered | the principal |
| enactment |
| by him”, of the words “instruments affecting land registered |

by him”.

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| 25 | **8**. The First Schedule to the principal enactment is | Amendment |
| hereby amended in Part III of that Schedule, by the substitution | of the First |
| Schedule to |
| in item 2 thereof, for the words and figures “any book or index |
| the principal |
| kept under Chapters III, IV, V, VI, for each transaction” of the | enactment |

words and figures “any book or index kept under Chapter III, V or VI for each transaction”.

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| Registration of Documents (Amendment) | 3 | Enforceability of instruments registered  under Chapter IV of the  principal |
| **9**. (1) Where, on the appointed date, an instrument creating-  (a) a pledge, mortgage or bill of sale of movable property; or | |

enactment

|  |  |
| --- | --- |
| 5 | (b) (i) an interest in a fixture of any immovable property; or |

(ii) an assignment of a right to payment under a   
mortgage, charge or lease of any immovable   
property where the assignment does not

|  |  |
| --- | --- |
| 10 | convey or transfer the assignor’s interest in the immovable property, |

which has been registered under Chapter IV of the principal enactment, is in force, such pledge, mortgage or bill of sale of movable property or such interest in a fixture of immovable

|  |  |
| --- | --- |
| 15 | property or such assignment of a right to payment under a mortgage, charge or lease of immovable property shall, |

for a period of two years from the appointed date, continue to be enforceable, but shall be required to be registered under the relevant provisions of the Secured Transactions

|  |  |
| --- | --- |
| 20 | Act, No. of 2023 as a pledge, mortgage or bill of sale of movable property, or an interest in a fixture of immovable |

property or an assignment of a right to payment under a mortgage, charge or lease of immovable property prior to the expiration of such period of two years.

|  |  |
| --- | --- |
| 25 | (2) An instrument referred to in subsection (1) shall, on being registered under the Secured Transactions |

Act, No. of 2023, be deemed to have been perfected from the date on which such instrument initially became legally enforceable, and the priority which such instrument 30 became entitled to at the time it initially became legally enforceable, shall continue to prevail.

4 Registration of Documents (Amendment)

(3) An instrument referred to in subsection (1) which is not registered under the Secured Transactions Act, No. of 2023 prior to the expiration of two years from the appointed date, shall become legally unenforceable after the expiration

|  |  |  |
| --- | --- | --- |
| 5 | of such period. | Sinhala text |
| **10**. In the event of any inconsistency between the |
| Sinhala and Tamil texts of this Act, the Sinhala text shall | to prevail |
| prevail. | in case of |
| inconsistency |

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