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 *Notaries (Amendment)*   
**THE GAZETTE OF THE DEMOCRATIC**  **SOCIALIST REPUBLIC OF**   
 **SRI LANKA**

**Part II of November 24, 2023**

**SUPPLEMENT**

*(Issued on 29.11.2023)*



**NOTARIES (AMENDMENT)**

**A**

**BILL**

**to amend the Notaries Ordinance**   
**(Chapter 107)**

*Ordered to be published by the Minister of Justice, Prison Affairs and Constitutional Reforms*

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*Notaries (Amendment)*   
**Statement of Legal Effect**

***Clause 2***: This clause amends subsection (1A) of section 28 of the Notaries Ordinance (Chapter 107) (hereinafter referred to as the“principal enactment”) and the legal effect of the section as amended is to cast a duty on the notary to state in the affidavit for renewal of licence, that he has paid the sum of money due to the Registrar-General.

***Clause 3***: This clause amends section 31 of the principal enactment and the legal effect of the section as amended is to further enhance the scope of this section.

***Clause 4***: This clause inserts a new section 38A to the principal enactment and the legal effect of the new section is to require a notary to ascertain the true legal nature of the transaction and to explain the same to the executants.

***Clause 5***: This clause amends the Second Schedule to the principal enactment and the legal effect of the section as amended is to introduce

a new format for submission of monthly list of deeds by notaries.

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| **L.D.-O. 7/2023** | *Notaries (Amendment)* | 3 |

**AN ACT TO AMEND THE NOTARIES ORDINANCE (CHAPTER 107)**

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

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| --- | --- | --- | --- | --- |
| 5 | 1. This Act may be cited as the Notaries (Amendment) Act, No. of 2023. | | | Short title |
| 2. Section 28 of the Notaries Ordinance (Chapter 107) (hereinafter referred to as the “principal enactment”) is hereby amended in subsection (1A) thereof, by the substitution for the words “Registrar of Lands.”, of the words and figures“Registrar of Lands and that any sum of money, if any has been imposed by the Registrar General in terms of section 35, has been paid.”. | | | Amendment |
| of section 28 |
| 10 | of Chapter |
| 107 |
| 15 | 3. Section 31 of the principal enactment is hereby amended as follows:- | | | Amendment |
| of section 31 |
| of the |
| (1) by the substitution for rule (5) thereof, of the following:- | | |
| principal |
| enactment |
| 20 | “Deeds to be  written on  undivided  sheet or  sheets signed  by the  Registrar of  Lands | (5) He shall not authenticate or attest any deed or instrument which is written on more than one entire or undivided parchment paper or blue sheet, unless- | |
| 25 | (a) | each of the sheets or papers used has been previously produced before the Registrar of Lands for the district in which the notary resides, and has been marked or signed or initialled by such registrar in order to prevent the sheets being used for any other |
| 30 |
| purpose; or | | |

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| 5 | 2 | *Notaries (Amendment)* | |
| (b) | the parties executing the |
| same and the notary shall | |
| sign every sheet or piece | |
| in which any part of the | |
| deed or instrument is | |
| written; and | |
| (c) | the pages are numbered.”; |

(2) in rule (7A) thereof -

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| 10 | (a) | in paragraph (a), by the substitution for the |
| words “any deed or instrument relating to a |
| transfer, a gift or an exchange” of the words |
| 15 | (b) | “every deed or instrument”; |
| by the substitution for paragraph (b), of the |
| following:- |
| “(b) The stamps or the original receipt |
| received from the relevant bank as proof |
| 20 | (c) | of such payment shall be affixed to the |
| duplicate of the deed or instrument by |
| the notary;”; |
| by the addition, immediately after paragraph |
| (c), of the following new paragraph: - |
| 25 | (d) | “(d) Where stamps are affixed to the |
| duplicate of the deed or instrument, a true |
| copy of the duplicate, to which such |
| stamps are affixed shall be annexed to the |
| original, when the original is presented for |
| registration.”; and |
| by the substitution for the marginal note, of |
| the following: - |

“Stamping of deeds or instruments”;

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|  |  | 5 | | | | | |  |
| 5 | (3) | *Notaries (Amendment)* | | | | | | 3 |
| in rule (9) thereof, by the substitution for the words “and in the latter case, he shall”, of the words, “he shall”; | | | | | |
| (4) | by the repeal of rule (10) thereof; | | | | | |
| (5) | in rule (15A) thereof - | | | | | |
| 10 | (6) | (a) | in paragraph (b), by the substitution for the words “board of directors or an authorized person of a corporate body” of the words “board of directors or an authorized person of a corporate body”; | | | | |
| (b) | by the repeal of paragraph (d); | | | | |
| in rule (17) thereof- | | | | | |
| 15 | (7) | (a) | in paragraph (b), by the substitution for sub-paragraph (iii), of the following: - | | | | |
| “(iii) | | in the case of a deed of transfer or a deed of gift, or deed of exchange or a will, he shall affix to the protocol of such instrument passport size photographs of the signatories, other than the witnesses, to which the notary has affixed his seal and shall keep copies of national identity card, passport or driving licence of such | | | |
| 20 |
| 25 |
| signatories | | | attached | to | the |
| protocol;”; | | | | | |
| (b) | in paragraph (c) of that rule, by the | | | | |
| substitution for the words “full name” of | | | | | |
| the words “name with initials”; | | | | | |
| in rule (20) there of, by the substitution for | | | | | |
| paragraph (g) of the following: - | | | | | |

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| 4 | 6 | | | Insertion of new section 38A in the  principal  enactment |
| *Notaries (Amendment)* | | |
| 5 | “(g) | | specifically the erasures, alterations, and |
| interpolations which have been made in | | |
| such deed or instrument, and whether they | | |
| were made before the same was read over | | |
| as aforesaid, and the erasures, alterations, | | |
| 10 | and interpolations, if any, made in the | | |
| signatures thereto, in its serial number, and | | |
| in the writing on the stamp affixed thereto; | | |
| and”; | | |
| (8) | in rule (26) thereof, by the substitution for the | |
| words “ in the Form F” in sub-paragraph (i) of | | |
| 15 | paragraph (a) of that rule, of the words and | | |
| figures, “in the Form F 1”; and | | |
| (9) | in rule (30) thereof, by the substitution for the | |
| words, “he shall annex a certified copy of the | | |
| power of attorney obtained from the Registrar | | |
| 20 | General to the original, and true copies to the | | |
| duplicate and the protocol thereof.”, of the words | | |
| “he shall annex a true copy of the registered | | |
| power of attorney to the original, duplicate and | | |
| the protocol thereof.” | | |
| 25 | 4. The following new section is hereby inserted | | |
| immediately after section 38 of the principal enactment and | | |
| shall have effect as section 38A:- | | |
| “Notary to explain the | 38A .(1) It shall be the duty of every notary- | |
| true nature | | |
| of the | | |
| transaction | | |

(a) to endeavour to ascertain the   
true legal nature of the   
transaction between the parties

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| *Notaries (Amendment)* | 7  5 |

and execute the deed or   
instrument for the true   
transaction; and

(b) specifically, and expressly

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| --- | --- |
| 5 | explain to the executants the true nature of every deed or |

instrument before any executant   
signs such deed or instrument.

(2) He shall not directly or indirectly 10 authenticate or attest any deed of transfer in respect of a transaction, which is in fact a mortgage,a conditional transfer, or any other similar instrument or deed.

15 (3) Any notary who shall knowingly and willfully execute a deed or instrument in violation of subsection (1) or (2) above shall be guilty of an offence, and be liable to a fine not exceeding

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| 20 | five hundred thousand rupees. ”. | | Amendment |
| 5. The Second Schedule to the principal enactment is | |
| hereby amended as follows: - | | of the Second |
| Schedule to |
| (1) | by the repeal of Form F thereof, and the | the principal |
| enactment |

substitution therefor, of the following: -

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| 8  6 | *Notaries (Amendment)* | |
| **“ Form F** | [section31(24)] |

**Register of the deeds**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Deed No. | Date of  Attestation | Nature of  Instrument | Name of  Parties | | District of  Registration | Name of  land affected  by deed, first land only, if  more than one | Consideration | Stamps  o n  duplicate |
| Grantor | Grantee |
|  |  |  |  |  |  |  |  |  |

|  |  |
| --- | --- |
| (2) | by the insertion immediately after Form F thereof, |

the following new form: -

[section 31 (26)]

**“ Form F 1**

**Monthly list of the deeds**

List of deeds attested during the month of….. year……..

Name of the notary:   
NIC No. of the notary   
No:

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Deed No. | Date of  Attestation | Nature of  instrument | Grantor | | Grantee | | Registered District | Divisional Secretary’s Division | Name of the Land | Local  authority  in which  the land is situated | Consideration |  | Stamps  Duplica  Provinc  Counci |
| Name  and  address | NIC No. | Name  and  address | NIC No. |

|  |  |
| --- | --- |
| 6. For the avoidance of doubt, it is hereby declared that the provisions of this Act shall not affect any deed or instrument lawfully executed prior to the date of commencement of this Act and pending registration in accordance with the provisions of Registration of Documents Ordinance (Chapter 117).  7. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | Avoidance  of doubt  Sinhala text  to prevail in  case of  inconsis- tency |

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| on the  ate | |
|  |  |
| cial  l | Inland  Revenue |

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| *Notaries (Amendment)* | 7 |

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