

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

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**NOTARIES (AMENDMENT)**

**A**

**BILL**

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

*——————*

*Presented by the Minister ofJustice, Prison Affairs*

*and Constitutional Reformson 07th of December, 2023*

(Published in the Gazette on November 29, 2023)

*Ordered by Parliament to be printed*

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**[Bill No. 221]**

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA   
TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

**Price : Rs. 18.00**  **Postage : Rs. 150.00**

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**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)* | 1 |

**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: -

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

purpose; or

2

2 *Notaries (Amendment)*

(b) the parties executing the   
 same and the notary shall   
 sign every sheet or piece   
 in which any part of the

|  |  |  |
| --- | --- | --- |
| 5 | (c) | deed or instrument is |
| written; and |
| the pages are numbered.”; |

(2) in rule (7A) thereof -

|  |  |  |
| --- | --- | --- |
| 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 |

“every deed or instrument”;

(b) by the substitution for paragraph (b), of the   
 following:-

15 “(b) The stamps or the original receipt received from the relevant bank as proof of such payment shall be affixed to the duplicate of the deed or instrument by the notary;”;

|  |  |  |
| --- | --- | --- |
| 20 | (c) | by the addition, immediately after paragraph |
| (c), of the following new paragraph: - |

“(d) Where stamps are affixed to the duplicate of the deed or instrument, a true copy of the duplicate, to which such 25 stamps are affixed shall be annexed to the original, when the original is presented for registration.”; and

(d) by the substitution for the marginal note, of   
 the following: -

“Stamping of deeds or instruments”;

|  |  |  |
| --- | --- | --- |
|  | 3 |  |
| (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”;

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | (4) | by the repeal of rule (10) thereof; | |
| (5) | in rule (15A) thereof - | |
| (a) | in paragraph (b), by the substitution for |

the words “board of directors or an   
authorized person of a corporate body” of

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | (6) | the words “board of directors or an | |
| authorized person of a corporate body”; | |
| (b) | by the repeal of paragraph (d); |
| in rule (17) thereof- | |
| (a) | in paragraph (b), by the substitution for sub- |

paragraph (iii), of the following: -

|  |  |  |
| --- | --- | --- |
| 15 | “(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

|  |  |
| --- | --- |
| 20 | 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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 25 | (b) | signatories | attached | to | the |
| protocol;”; | | | |
| in paragraph (c) of that rule, by the | | | |

substitution for the words “full name” of   
the words “name with initials”;

(7) in rule (20) there of, by the substitution for   
 paragraph (g) of the following: -

4

|  |  |  |
| --- | --- | --- |
| 4 | “(g) | *Notaries (Amendment)* |
| 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 5 as aforesaid, and the erasures, alterations, and interpolations, if any, made in the signatures thereto, in its serial number, and in the writing on the stamp affixed thereto; and”;

|  |  |  |
| --- | --- | --- |
| 10 | (8) | in rule (26) thereof, by the substitution for the |

words “ in the Form F” in sub-paragraph (i) of   
paragraph (a) of that rule, of the words and   
figures, “in the Form F 1”; and

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

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 20 power of attorney to the original, duplicate and the protocol thereof.”

|  |  |
| --- | --- |
| 4. The following new section is hereby inserted immediately after section 38 of the principal enactment and shall have effect as section 38A:- | Insertion of new section 38A in the  principal |

enactment

|  |  |  |
| --- | --- | --- |
| 25 | “Notary to | 38A .(1) It shall be the duty of every notary- |
| explain the |

true nature   
of the   
transaction

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

|  |  |
| --- | --- |
| *Notaries (Amendment)* | 5  5 |

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

(b) specifically, and expressly

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

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

substitution therefor, of the following: -

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

**Register of the deeds**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 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: -

5 [section 31 (26)]

**“ Form F 1**

**Monthly list of the deeds**

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

Name of the notary:   
10 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 | Avoidance  of doubt |

instrument lawfully executed prior to the date of

|  |  |
| --- | --- |
| 15 | 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. | Sinhala text  to prevail in  case of |

inconsis-  
tency

2—PL 014259—230 (12/2023)

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

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| --- | --- |
|  | 7 |
| *Notaries (Amendment)* | 7 |

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