



PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

REGISTRATION OF TITLE ACT, No. 21 OF 1998

[Certified on 29th April, 1998]

Printed on the Order of Government

**Published as a Supplement to Part II of the Gazette of the Democratic Socialist
Republic of Sri Lanka of April 30, 1998**

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO I

Price : Rs. 18.00

Postage : Rs. 3.75

Registration of Title Act, No. 21 of 1998

[Certified on 29th April, 1998]

L.D.—O. 62/94.

AN ACT TO MAKE PROVISION FOR THE INVESTIGATION AND REGISTRATION OF TITLE TO A LAND PARCEL ; FOR THE REGULATION OF TRANSACTIONS RELATING TO A LAND PARCEL SO REGISTERED; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it therefore enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Registration of Title Act, No. 21 of 1998 and shall apply to such Province, Administrative District or Administrative Division as the Minister may from time to time, by Order published in the Gazette, specify as an area to which this Act shall apply.

Short title and date of operation.

PRELIMINARY

2. There shall be appointed a Commissioner of Title Settlement who shall be responsible for the due performance of the duties and functions assigned to him under this Act and such number of Deputies and Assistants as may be necessary.

Commissioner of Title Settlement.

3. (1) There shall be appointed a Registrar-General of Title appointed for the purposes of this Act.

Registrar-General of Title and Title Registries.

(2) The Registrar General of Title shall maintain Title Registries in each district wherein such registers as shall be prescribed by regulations for the purpose of registration of title to lands situated within any area specified in an Order made under section 1 of this Act, and falling within such districts shall be maintained.

(3) There shall be appointed a Registrar of Title to each such Title Registry to function under the direction of the Registrar-General of Title.

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| Unit of record. | 4. The unit of record in a Title Register maintained under section 3 shall be a land parcel shown on the cadastral map. |
| Method of registration. | 5. Registration shall be effected by entering in the Title Register, the prescribed particulars relating to Title to such land parcel. |
| All officers to be public servants. | 6. All officers appointed for the purposes of this Act shall be deemed to be public servants within the meaning of the Penal Code. |
| Conciliation Boards. | <p>7. (1) There may be appointed by the Commissioner of Title Settlement, a Conciliation Board for each Grama Niladhari Division in any area specified in an Order under section 1 of this Act.</p> <p>(2) Each such Conciliation Board shall consist of—</p> <p style="margin-left: 40px;">(a) not less than three and not more than seven members selected from amongst the land holders resident within such Grama Niladhari Division; and</p> <p style="margin-left: 40px;">(b) the Grama Niladhari of each such Division.</p> <p>(3) Each such Board shall elect a Chairman and a Secretary from among themselves.</p> |
| Reference to Conciliation Boards. | 8. The Commissioner of Title Settlement may refer any dispute pertaining to any land parcel for settlement by the Conciliation Board appointed for the area in which such land is situate. |
| Powers duties of Conciliation Boards. | 9. A Conciliation Board shall, on reference made to it under section 8, assist any person having an interest in land situated in the area for which such Board is appointed, to resolve any dispute pertaining thereto. |

REGISTRATION OF TITLE

INITIAL COMPILATION

10. The registration of title to every land parcel under this Act shall be in accordance with the cadastral map prepared for that purpose.

Registration of title to land parcel to be in accordance with Cadastral Map.

11. On the publication of an Order under section 1 of this Act, the Commissioner of Title Settlement shall request the Surveyor-General to prepare cadastral maps for the areas specified in such Order and upon such request the Surveyor-General shall cause such cadastral maps to be prepared and certified copies of the same to be issued to the Commissioner of Title Settlement.

Preparation of cadastral maps.

12. The Commissioner of Title Settlement shall, on receipt of such certified copies of cadastral maps publish a Notice in the Gazette, calling for any claimants to the land parcel specified in such Notice to submit their claims to him within a prescribed period from the date of publication of such Notice.

Publication of Notice.

13. The Commissioner of Title Settlement shall cause an investigation to be conducted in order to determine the genuineness or otherwise of claims made in response to a Notice under section 12.

Investigation.

14. On the conclusion of the investigation in terms of section 13, the Commissioner of Title Settlement shall publish in the Gazette, his determination thereon as follows :—

Order of Declaration.

(a) where the Commissioner of Title Settlement is of the view that a claimant to a land parcel has a title of Absolute Ownership, he shall declare such claimant eligible to be registered with a First Class Title of Absolute Ownership ;

(b) where the Commissioner of Title Settlement is of the view that a claimant does not qualify for a First Class Title of Absolute Ownership but the claimant is in *bona-fide* possession of the land parcel, he may declare the claimant eligible to be registered with a Second Class Title of Ownership with the right, at the end of a period of uninterrupted and unchallenged possession of ten years from the date of registration in such capacity, to have such Second Class Title converted to a registration with a First Class Title of Absolute Ownership ;

- (c) where the Commissioner of Title Settlement is of the view that the claimant has established a claim to a part of the land parcel claimed he shall declare the claimant eligible to be registered with a First Class Title of Absolute Ownership or a Second Class Title of Ownership, as the case may be, to a divided portion of such parcel ;
- (d) where the Commissioner of Title Settlement is of the view that it is not possible to recognise one or more of such claims without reducing the extent of a divided portion of a land parcel below the prescribed economic unit, he shall declare all such claimants who have a valid claim to such parcel, eligible for registration as co-owners of such parcel with a title of co-ownership to the extent of the individual claimant's co-ownership.

Appointment of
Manager, powers
and duties.

15. (1) On registration of a title of co-ownership under paragraph (d) of section 14, the Commissioner of Title Settlement may appoint one among the co-owners as Manager of such co-owned land parcel with the consent of the majority of such co-owners.

(2) Such Manager shall have the authority, powers and obligations of a trustee under the Trusts Ordinance (Chapter 87).

(3) The duties of the Manager shall include the following :—

- (a) to maintain the said land parcel in a state conducive for optimum production,
- (b) to disburse the profits accrued from such land parcel among the beneficiaries according to their shares of co-ownership after setting off any expenses and the fees due to him for such management.

(4) The power of the Manager shall include the power to mortgage such land parcel with the consent of the co-owners to raise funds for the development of the land parcel.

16. (1) The co-owners shall have the rights of beneficiaries under the Trusts Ordinance (Chapter 87). Rights of co-owners.

(2) The rights of the beneficiaries shall include the right to receive profits from the said land parcel.

17. The beneficiaries may apply to the Commissioner of Title Settlement to appoint another co-owner as the Manager of the co-owned land parcel, on the following grounds :— Beneficiaries may request appointment of new Manager.

(a) mismanagement or *mala-fides* on the part of the Manager, or

(b) that the land parcel is not being put to optimum use.

18. The Commissioner of Title Settlement shall appoint a new Manager from among such co-owners to manage the said land parcel with the consent of the majority of the co-owners— Power of Commissioner of Title Settlement to appoint new Manager.

(a) on being satisfied that the Manager is guilty of mismanagement or *mala-fides* ;

(b) on being satisfied that the land parcel is not being put to optimum use ;

(c) on the death of the Manager ; or

(d) where the Commissioner of Title Settlement is of opinion that it is in the best interests of the co-owners to do so.

19. Where the land sought to be registered is State land, the Commissioner of Title Settlement shall prepare a Schedule of Title for the registration of a First Class Title of Absolute Ownership in the State to such land, together with details of any dispositions, reservations or liens, as the case may be. Registration of State land.

20. Where the Commissioner of Title Settlement is of the view that a claimant has established his claim to the ownership or to an interest in the land parcel which is to be registered under the provisions of this Act, he shall declare such claimant eligible for registration as the owner of that land parcel or of such interest and shall register such interest in the Title Register for the duration of the subsistence of that interest : Registration of interest in land parcel.

Provided that, where the Commissioner of Title Settlement is of the view that a person declared eligible for registration as an owner under this Act, is subject to or governed by any special or personal law, he shall declare such person subject to such special or personal law, and cause a note of such fact to be made, in the Title Register.

Reference of claims
to District Court

21. If, during the course of investigations, the Commissioner of Title Settlement forms the opinion that, due to the disputed nature of the claims, it would be more appropriate for the investigations to be carried out by the District Court, the Commissioner of Title Settlement may refer such claims for investigation and determination to the District Court having jurisdiction over the area where the land is situate.

Claimant aggrieved
may make an appeal
to District Court.

22. Any claimant aggrieved by any Declaration of the Commissioner of Title Settlement under section 14 may prefer an appeal against such declaration within the prescribed period to the District Court having jurisdiction over the area where the land parcel is situate.

Additional surveys.

23. (1) Where the Commissioner of Title Settlement is of the opinion that any additional surveys are necessary for the cadastral map to reflect his subsequent findings, he shall request the Surveyor-General to conduct such additional surveys and effect the necessary definition of boundaries.

(2) The Surveyor-General shall effect the necessary definition of boundaries and conduct such surveys as are required by the Commissioner of Title Settlement and forward a revised cadastral map to the Commissioner of Title Settlement.

Order of Court.

24. Where a reference has been made under section 21 or an appeal preferred under section 22 to a District Court the District Court, may, after due inquiry make one or more of the following orders—

- (a) order of Declaration of Title in accordance with section 14, in favour of a claimant to the whole land parcel claimed or to a divided portion of such land parcel, provided such divided portion does not fall below the prescribed minimum extent ;

- (b) order for the sale, among the claimants of the whole land parcel or a divided portion of the land parcel, provided such divided portion does not fall below the prescribed minimum extent ;
- (c) Order costs of action as the Court deems appropriate payable by each or any of the claimants.

25. (1) On a reference or appeal made to a District Court under the provisions of this Act, such Court shall issue a Commission to the Surveyor-General to conduct such additional surveys and for the amendment of cadastral maps as are necessary to give effect to the order of such Court.

(2) The Surveyor-General shall carry out such Commission and make his return to the Commission and transmit to the District Court a detailed report pertaining to the action taken by him together with a bill of costs.

(3) The District Court shall, on receipt of such return to Commission, order the payment by the claimants of the survey fees as indicated in the bill of costs forwarded by the Surveyor-General.

(4) The District Court where it has ordered a sale shall issue a commission for such sale to a Licensed Auctioneer. Such auctioneer shall proceed to conduct the sale in such manner as prescribed and make his return to commission.

(5) On receipt of such return to commission, the District Court shall make order for the deposit by the person who has tendered the highest bid of purchase money and the auctioneer's fees in Court.

(6) On the deposit of the survey fees, purchase money and auctioneer's fees, the District Court shall—

(a) order—

- (i) the payment of survey fees to the Surveyor-General ;

- (ii) disbursement of the purchase money among the claimants concerned in accordance with their claims; and
 - (iii) the payment of auctioneer's fees to the Licensed Auctioneer concerned ;
- (b) enter decree determining title to the parcels of land adjudicated upon ; and
- (c) despatch a copy of such decree to the Commissioner of Title Settlement.

Schedule of Title to be despatched to Registrar of Title on conclusion of investigations.

26. On the conclusion of the investigations referred to in sections 13 and 21 or the Court proceedings as specified in section 22 the Commissioner of Title Settlement shall prepare Schedules of Title and despatch such Schedules to the appropriate Registrar of Title, with copy thereof to the Surveyor-General for the revision of his records.

Contents of Schedule to be entered in Register

27. (1) On receipt of the Schedules of Title referred to in section 26, the Registrar of Title shall cause the contents of such schedules to be entered in the Registers of Title maintained by him under the provisions of this Act.

(2) Such entries shall be the initial entries pertaining to the registration of title to land parcels under the provisions of this Act.

Transactions relating to land parcel registered under the Act, not to be entered under Registration of Documents Ordinance.

28. From the date of opening of Title registers under this Act, no entries shall be made in respect of transactions relating to land parcels registered under this Act in the Land Registers maintained under the Registration of Documents Ordinance (Chapter 117) but such Register shall bear a cross reference to the Title Registers relating to such land parcels and maintained under the provisions of this Act.

Person aggrieved by registration may apply to District Court.

29. (1) Any person aggrieved by the registration of title of a person with a Second Class Title of Ownership to any land parcel may, within a period of ten years from the date of such registration, file action for the amendment of the register, in the District Court having jurisdiction over the area in which such land parcel is situate.

(2) Notice of such action shall be registered in the Encumbrances Section of the Title Register, and shall remain registered until the close of such action.

(3) Notice of such action shall also be conveyed by the Registrar of Title to the person whose Second Class Title of Ownership was so registered and to the Commissioner of Title Settlement and the Surveyor-General.

30. (1) The District Court after due inquiry shall make order as the justice of the case may require.

Where District Court orders amendment of Register.

(2) (a) Where the District Court orders the amendment of the Title Register in respect of a land parcel registered with a Second Class Title of Ownership, such Order shall be conveyed to the Registrar of Title who shall cause such amendment of the register to be effected.

(b) Such Order of the Court shall also be conveyed to the Commissioner of Title Settlement and the Surveyor-General.

31. (1) A person registered with a Second Class Title of Ownership or a person claiming title through him shall at the end of a period of ten years from such registration, and if there has been no action under section 29 against such registration during the intervening period, be eligible for the conversion of his registration to one of First Class Title of Absolute Ownership.

Conversion of Title to one of First Class Title of Absolute Ownership.

(2) At the end of the period referred to in subsection (1), the Commissioner of Title Settlement shall prepare a Schedule of Title in terms of the provisions of this Act, certifying such person as being eligible for registration with a First Class Title of Absolute Ownership and shall despatch such Schedule of Title to the appropriate Registrar of Title and to the Surveyor-General.

(3) The Registrar of Title shall, on receipt of a Schedule of Title under subsection (2), cause such person to be registered with a First Class Title of Absolute Ownership to the land referred to in such Schedule of Title, and shall inform the Commissioner of Title Settlement and the Surveyor-General accordingly.

Effect of registration.

32. (1) The registration of a person with a First Class Title of Absolute Ownership to a land parcel, shall vest in that person absolute ownership of such land parcel together with all rights and privileges belonging or appurtenant thereto, subject to any subsisting interests as registered in the Encumbrances Section of the Title Register.

(2) The registration of a person under the provisions of this Act as a person having ownership or an interest in a land parcel or a charge or encumbrance on or over such land parcel, or as a Manager or beneficiary shall vest in that person the rights so registered together with all rights and privileges belonging or appurtenant thereto, whether express or implied and subject to any express agreements relating thereto.

Entries in Title Register to be conclusive evidence of the rights conferred therein.

33. (1) Entries in the Title Register maintained under the provisions of this Act, shall be conclusive evidence of the existence of the ownership or interest specified in such entries and shall not be questioned in a Court of law except as provided for in this Act.

(2) The interests of a person whose name appears in the Title Register may be assailed only as provided for in this Act, and shall be held by such person together with all rights and privileges belonging or appurtenant thereto free from all interests and claims other than those appearing in the Title Register.

INSPECTION OF REGISTER AND ISSUE OF CERTIFIED COPIES

Inspection of Register and cadastral map

34. (1) Any person may, on application made in the prescribed form and on payment of the prescribed fee inspect during office hours, any title register and any cadastral map maintained under the provisions of this Act.

(2) Any person shall, on application made to the relevant Registrar of Title and on payment of the prescribed fee, be entitled to receive an extract of such Title Register certified by such Registrar of Title.

(3) Any person on application made to the relevant Superintendent of Surveys, shall on payment of the prescribed fee be entitled to receive a copy of an extract of a cadastral map used for registration of title, certified on behalf of the Surveyor-General.

35. (1) Every document purporting to be certified by a Registrar of Title shall in all proceedings be presumed to have been so certified and shall be accepted as *prima facie* evidence of the matter to which it relates without any further proof of such matter.

Certification by Registrar to be *prima facie* evidence.

(2) Every copy of an extract of cadastral map purporting to be certified by or on behalf of the Surveyor-General, shall in all proceedings, be presumed to have been so certified and shall be accepted as *prima facie* evidence of the matter to which it relates.

(3) Every entry or note in or on any register, and cadastral map used for registration of title shall, subject to the provisions of this Act, be received in all proceedings as conclusive evidence of the matter or transaction which it records.

SUB-DIVISION AND AMALGAMATION

36. (1) Any owner or owners of any land parcel or land parcels whose title to which has been registered under this Act, may amalgamate or sub-divide his or their land parcel by registering a plan of redivision or amalgamation or sub-division relating to such land parcels in accordance with the provisions of this Act.

Sub-division or amalgamation of units.

(2) An application for amalgamation or sub-division shall be made to the Registrar of Title with copy to the relevant Superintendent of Surveys and shall contain a declaration in the prescribed form made by the applicant which shall contain—

- (a) the particulars of every encumbrance, *lis pendens*, seizure, order or decree affecting the land parcel or land parcels if any ;

- (b) a reference to the Title Register and a reference to the cadastral map registered in respect of such land parcel or land parcels ;
- (c) a survey plan prepared by a duly authorized Surveyor in accordance with any regulation governing the conduct of such surveys and the preparation of such cadastral map showing the amalgamation or sub-division of such land parcel or land parcels bearing a reference to the cadastral map showing such area ;

(3) Where the Superintendent of Surveys is satisfied that the plan conforms to the cadastral map and any regulation governing such surveys and cadastral map, he shall notify the person who tendered such plan accordingly, and shall certify such plan on behalf of the Surveyor-General and shall cause necessary amendments to be made showing such sub-division or amalgamation on the cadastral map and forward a copy of the section of the cadastral map reflecting such amendment to the Registrar of Title of the District in which such land is situate.

(4) The original of the plan tendered, field notes and request of the owners shall be filed of record in the Office of the Superintendant of Surveys.

(5) (a) On receipt of a certified section of a cadastral Map from the Superintendent of Surveys the Registrar of Title shall, if he is satisfied that such application for subdivision or amalgamation conforms to the provisions of this Act and the regulations made thereunder, register such land parcel or land parcels in the Title Register with accurate cross-references to the former Title records relating to such land.

(b) The application and documents received shall be filed by the Registrar of Title in the relevant parcels file.

(6) Upon the registration of a plan of amalgamation, or sub-division—

- (a) the land parcel or land parcels depicted therein shall be deemed to be amalgamated or sub-divided as defined therein ;

- (b) such land parcel or land parcels shall be subject to the burden and shall have the benefit, of any servitudes affecting such land parcel or land parcels in the original cadastral map relating to such land parcel or land parcels as are included in the plan of amalgamation or sub-division.

37. (1) Any person, having a Title of Ownership or other interest in a land parcel registered under this Act, may on payment of the prescribed fee, obtain a Certificate of Title in respect of such Ownership or interest, from the appropriate Registrar of Title. Certificate of Title.

(2) Subject to the provisions of this Act, such Certificate of Title shall form conclusive evidence of the title to such interest.

TRANSACTIONS RELATING TO REGISTERED LAND

38. No person acquiring an interest in any land parcel registered under the provisions of this Act shall be entitled to such title or interest unless such title or interest is registered under the provisions of this Act. Interest in land parcel not acquired unless registered.

39. No land parcel, title to which has been registered under this Act, or any interest therein shall be transferred or dealt with except in accordance with the provisions of this Act, and every disposition otherwise effected shall be void. Transactions relating to a land parcel to be made in accordance with Act.

40. (1) An instrument for conveying interest in a land parcel may be presented for title registration under this Act to the Registrar of Title by— Who may present instrument for registration.

- (a) any person claiming any interest or benefit thereunder ;
- (b) any person having any interest in or charge on any land affected thereby ; or
- (c) any person attesting such instrument.

(2) An instrument may be presented for registration through post or under cover if it is accompanied by the appropriate fee, if any.

Day book.

41. (1) Each Registrar of Title shall keep a book to be called the "day book" in which shall be entered the prescribed particulars of every instrument presented for registration with the day and hour and if required by the person presenting the instrument, the minute of presentation, and for the purpose of priority the time of presentation shall be taken as the time of registration.

(2) An instrument presented for registration through the post or under cover shall be deemed to have been presented for registration at the time the packet containing the instrument is opened.

Prior Title.

42. (1) Title to a land parcel or any interest pertaining to a land parcel appearing in the Register shall have priority according to the order in which the instruments pertaining to such title or interest were presented for registration irrespective of the dates of the instruments and the date of the entry in the Register.

Form of instruments relating to a land parcel.

43. (1) Every instrument conveying title or any interest in a land parcel presented for registration under this Act shall be effected in the form prescribed for that purpose.

(2) Instruments prepared under the provisions of subsection (1) shall be signed by the parties to the transaction and two witnesses and attested by a Notary Public, and in the case of State land, by a Notary Public or by any public officer authorised to do so, by or under any law.

Duties of Attestor.

44. A Notary Public attesting an instrument in terms of this Act shall—

- (a) satisfy himself regarding the identity of whosoever of the parties to the transaction and the witnesses, as are not known to him, by reference to their official identity cards or such other means as may reliably reveal their identity ;

- (b) satisfy himself about the capacity of the persons who are parties to the instrument by reference to the records in the Title Registry or by reference to an extract from the relevant Title Register ;
- (c) satisfy himself about the identity of the land and the state of the title dealt with in such instrument by reference to the Certificate of Title issued by the Registrar of Title and to the records in the Title Registry.

45. (1) (a) Any instrument attested in terms of section 44 together with the Certificate of Title pertaining to the title of the vendor shall be forwarded by the Attestor within seven working days of such attestation to the Registrar of Title within whose area of jurisdiction the land parcel dealt with in such instrument is situate.

Attestor to forward instruments attested within seven days.

(b) Failure to forward the attested instrument within the stipulated period shall be an offence punishable with the prescribed penalty.

(2) The Registrar of Title shall record the receipt of such instrument in the books maintained by him under the provisions of this Act and satisfy himself of the following :—

- (a) that the instrument has been drawn in accordance with the provisions of this Act ;
- (b) that the land parcel has been identified and described accurately and conforms with the description of such land parcel in the Registers in the Title Registry ;
- (c) that the person conveying such title or interest had the capacity to execute such instrument according to the information available in the Registers in the Title Registry ;
- (d) that the title or interest conveyed or dealt with, has been unambiguously identified and conforms to that recorded in the Registers in the Title Registry.

(3) If the Registrar of Title is of the opinion that all requirements for registration under this Act are complied with, he shall register such title or interest in the prescribed manner, file the instrument creating or transferring such title or interest and the Certificate of Title submitted by the vendor in the relevant parcels file and issue a Certificate of Title to the person who tendered the instrument :

Provided that where such instrument pertains to a lease or a mortgage, the old Certificate of Title too shall be returned to such person with an endorsement made on it by the Registrar of Title making reference to such lease or mortgage. The Registrar of Title shall inform the Surveyor-General of all new entries immediately upon completion of the registration.

The Registrar of Title not to register instrument conveying title in future.

46. The Registrar of Title shall not register any instrument which purports to convey any title or interest to a land parcel on the happening of any event, or the fulfilment of any condition at any future time :

Provided however, that a conveyance of title subject to life interest shall be acceptable for registration.

Part of land parcel not to be transferred unless new registers are opened.

47. No part of a land parcel registered with a First Class Title of Absolute Ownership or a Second Class Title of Ownership under the provisions of this Act shall be transferred or otherwise dealt with unless the registered owner has first sub-divided such land parcel and the land parcel so sub-divided has been registered under the provisions of this Act.

Instrument conferring co-ownership invalid

48. Except in accordance with the provisions of this Act, an instrument pertaining to the ownership of a land parcel registered under this Act, made in favour of two or more persons in common shall be void and shall not be registered under this Act.

Instrument to take effect on registration.

49. An instrument pertaining to land executed in accordance with the provisions of this Act shall take effect on registration of such instrument under the provisions of this Act.

STRATA TITLES

50. (1) Subject to the provisions of this Act and of the Apartment Ownership Law, No. 11 of 1973, the owner of any land parcel registered under this Act upon which a building comprising more than one storey has been constructed, may, upon payment of the prescribed fee make application in the prescribed form to the Registrar-General of Title for the registration of horizontal sub-division of buildings (hereinafter referred to as "condominium parcels") in accordance with a cadastral map called a condominium plan which shall accompany such application.

Registration of horizontal sub-divisions of buildings.

(2) The reference number of the land parcel on which the building is constructed and the number of the condominium parcel as depicted on the cadastral map shall together be a sufficient reference to a condominium parcel.

(3) The Registrar of Title shall refer such applications together with the condominium plan and the cadastral map to the Superintendent of Surveys for certification.

51. On the Superintendent of Surveys being satisfied that the condominium plan conforms to the provisions of the Apartment Ownership Law, No. 11 of 1973 and this Act, he shall certify such plan on behalf of the Surveyor-General, and—

Filing of condominium plan by Superintendent of Surveys.

(a) file the original of the condominium plan after making a suitable reference on the cadastral map used for registration of title ; and

(b) forward the duplicate of the condominium plan and the application of the owner to the appropriate Registrar of Title.

52. If the Registrar of Title is satisfied that the application conforms to the provisions of the Apartment Ownership Law, No. 11 of 1973 and this Act, he shall—

Mode of registration of condominium parcels.

(a) file the duplicate of the condominium plan in the Parcels File ;

- (b) open a new title register in the Register in respect of each condominium parcel shown on the Condominium Plan and make suitable cross-references to such register in the register in which the land parcel is registered ;
- (c) record in the Property Section in the register pertaining to the land parcel that the land comprised therein consists only of common property ;
- (d) record in the Encumbrances Section that registers in respect of condominium parcels have been opened ;
- (e) inform the applicant that such condominium parcels have been registered and notify him of the relevant numbers of the relevant registers ; and
- (f) issue a Certificate of Title after recovery of the prescribed fees.

RETENTION OF INSTRUMENTS

Retention and
destruction of
instruments.

53. (1) Any instrument accepted by the Registrar of Title shall be retained in the Title Registry for as long as it supports a current entry in the register and for ten years thereafter.

(2) Where an entry in the register pertaining to title or an interest in a land parcel has been superseded or has ceased to have effect, the Registrar of Title shall make a note to that effect in the Register against such entry.

(3) On the expiry of ten years after an entry in the register pertaining to title or an interest in a land parcel has been superseded or has ceased to have effect, the Registrar of Title shall destroy in the prescribed manner any instrument which supported the entry and make an entry to that effect in the Register.

- (b) open a new title register in the Register in respect of each condominium parcel shown on the Condominium Plan and make suitable cross references to such register in the register in which the land parcel is registered ;
- (c) record in the Property Section in the register pertaining to the land parcel that the land comprised therein consists only of common property ;
- (d) record in the Encumbrances Section that registers in respect of condominium parcels have been opened ;
- (e) inform the applicant that such condominium parcels have been registered and notify him of the reference numbers of the relevant registers ; and
- (f) issue a Certificate of Title after recovery of the prescribed fees.

RETENTION OF INSTRUMENTS

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(3) On the expiry of ten years after an entry in the register pertaining to title or an interest in a land parcel has been superseded or has ceased to have effect, the Registrar of Title shall destroy in the prescribed manner any instrument which supported the entry and make an entry to that effect in the Register.

TRANSMISSION OF TITLE

54. (1) Where a registered owner dies testate, grant of probate of the will and any instrument executed in terms of the will shall be forwarded to the Registrar of Title in accordance with the provisions of this Act.

Registration of wills, and instruments executed in terms thereof.

(2) Any provision of a will that makes a person owner of an undivided share or of a divided share smaller in extent than the prescribed minimum extent of a land parcel that may be registered under this Act shall have no legal effect.

(3) A Court in which an application is filed or proved in respect of a provision of a will referred to in sub-section (2) shall order a sale of such land parcel among the contending claimants.

(4) The provisions of sections 29 and 30 shall be applicable to Court proceedings in case of testate succession.

55. (1) If a registered owner dies intestate, any party interested may inform the Commissioner of Title Settlement of the death of such registered owner.

Registered owner dying intestate.

(2) The Commissioner of Title Settlement shall on being so notified, publish a notice in the prescribed manner calling for claimants to the land parcel registered in favour of such deceased person.

(3) The provisions of sections 13, 14, 20, 21, 22, 23, 24, 25, 26 and 27 shall apply on the Commissioner of Title Settlement calling for claimants in instances of intestate succession.

56. (1) Where any person has become the owner or has acquired an interest in any land parcel registered under this Act by virtue of any order or certificate of sale made or issued under any law, the Registrar of Title shall, on the application of such person supported by such evidence as he may require, register such person as the owner of such land parcel or of any interest therein.

Registration of Ownership.

(2) Where any person becomes entitled to function in the capacity of an owner by virtue of any court order the Registrar of Title shall, upon application made in that behalf with supporting documentation which shall be to his satisfaction, register such person in such capacity.

GENERAL.

Prescription.

57. The Prescription Ordinance (Chapter 68) shall not apply to lands or interests in land registered under this Act with a First Class Title of Absolute Ownership or a Second Class Title of Ownership.

Rectification and
indemnity.

58. The Registrar of Title may rectify the Registers and other records maintained under this Act in the following instances:—

(1) On an order from the Registrar-General of Title where—

(a) errors or omissions not materially affecting the interests of any proprietor, have been detected;

(b) upon a re-survey as certified by the Surveyor-General, particulars contained in the register require amendment, on the Registrar-General of Title giving notice to all shown by such Register to have an interest in or likely to be affected by such amendment and calling for written representations thereon.

(c) upon proof of change of name of the registered owner under the provisions of the Births and Deaths Registration Act.

(2) On an order of Court to rectify such Register made under section 59.

Where Court orders
rectification.

59. Subject to section 60, a Court may order rectification of the Register where it is satisfied that any registration has been obtained by fraud:

Provided however, that a Court shall not order the rectification of a register so as to affect the title of a registered owner who is in possession and who has acquired the land parcel or interest therein for valuable consideration, unless such owner was a party to such fraud.

60. (1) Any person suffering loss or damage or who has been prejudiced by reason of—

Person suffering loss or damage to be indemnified.

(a) any rectification of the Register in pursuance of an order of Court under this Act; or

(b) not rectifying the Register in consequence of an order of Court made under section 59,

shall on an order of Court be entitled to be indemnified by the Government out of the Insurance Fund.

(2) No sums shall be paid by way of indemnity under this Act, to any person who has himself caused, or substantially contributed to any fraud referred to in section 59 or who derives his title from a person who has caused or substantially contributed to such fraud.

(3) Where any sum is awarded by way of indemnity on account of the loss of title to, or interest in any land it shall not exceed in any case where—

(a) the register is rectified, the market value of the land parcel or the interest in such land parcel immediately before the rectification ;

(b) the register is not rectified, the market value of the land parcel or the interest in such land parcel at the time when the entry relating to such interest was made in the Register.

(4) Where any sum is awarded by way of indemnity, the Registrar-General of Title may on application to Court by way of summary procedure, recover the amount so awarded from any person who has caused or substantially contributed to the loss by his fraud or negligence.

61. No claim to indemnity shall arise on account of any surplus or deficiency in the area or measurement of land certified by the Surveyor-General.

No indemnity payable on surplus or deficiency

Insurance Fund.

62. (1) There shall be an Insurance Fund which shall be managed by the Registrar-General of Title under the supervision of the Central Bank.

(2) There shall be credited to the Insurance Fund such fees recovered under this Act as may be prescribed by the Minister.

(3) There shall be paid out of the Fund all payments of indemnity under section 58.

Partition Act not to apply.

63. The Partition Act shall not apply to land parcels registered under this Act with a First Class Title of Absolute Ownership, or Second Class Title of Ownership.

Offences.

64. (1) Any person who knowingly misleads or deceives the Surveyor-General, the Commissioner of Title Settlement or the Registrar-General of Title or their Assistants or representatives in the performance of their functions under this Act shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate, to imprisonment of either description for a term not exceeding one year or to a fine not exceeding Rupees Five Thousand or to both such imprisonment and such fine.

Offences relating to registers.

65. (1) Any person who—

- (a) fraudulently issues or makes or fraudulently procures the issue or making of any extract or other document, or effects any registration, or any erasure or alteration in any register or other document maintained under this Act or any extract thereof; or
- (b) fraudulently removes from a registry any register maintained under this Act or any part of any register or any instrument filed in such registry; or
- (c) fraudulently causes any defacement, obliteration, mutilation or unauthorised entry or alteration to be made on or in any such register or instrument filed of record,

shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate, to imprisonment of either description for a term not exceeding three years or to a fine not exceeding Rupees Fifteen Thousand or to both such imprisonment and fine.

66. Fees specified in regulations made under this Act shall be payable for the matters to which they relate. Fees.

67. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act and for any matter which is required by this Act to be prescribed, and the procedure and practice to be observed in carrying out the provisions of this Act. Regulations.

(2) Without prejudice to the generality of the foregoing provisions, the Minister may make regulations for—

- (a) the procedure for the appointment and functioning of Conciliation Boards ;
- (b) the conduct of investigation into claims ;
- (c) the procedures for land consolidation and reapportionment ;
- (d) the extent of minimum economic units ;
- (e) the maintenance of records under this Act ;
- (f) the administration and management of the Insurance Fund ;
- (g) the forms required for the purposes of this Act ;
- (h) the fees payable under the Act.

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation from the date of such publication.

(4) Every regulation made by the Minister shall as soon as convenient after publication in the Gazette be brought before the Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of its disapproval but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the Gazette.

Miscellaneous.

68. (1) Any State institution or local authority may make use of and have access to the registers maintained under the provisions of this Act to be used for planning, administration and other activities of such Institution or local authority.

(2) Any State institution or local authority may request the Registrar-General of Title to include in the Registers maintained under this Act, particulars of payments due to it on lands registered therein and the Registrar-General of Title shall accordingly take steps to record such information in the Title Register in the manner prescribed.

(3) Any State institution or local authority may request the Registrar-General of Title to include in the Registers maintained under this Act, particulars pertaining to the natural properties of the land, any development done on the land and any servitude ; on receipt of such request the Registrar-General of Title shall cause such information to be recorded in the Title Register in the prescribed manner.

Land Consolidation.

69. (1) The Minister may by notice published in the Gazette declare any area as an area coming within the operation of land consolidation and re-apportionment procedures.

(2) Where a notice has been published under subsection (1), the Commissioner of Title Settlement shall take steps for the introduction of procedures for land consolidation and re-apportionment in the areas referred to in such notice in terms of regulations made under this Act.

Notice declaring areas in which the principle of minimum economic unit will apply.

70. (1) The Minister may by Notice published in the Gazette declare any area for which Registers of Title have been compiled, as an area in which the principle of minimum economic units of land parcels shall apply.

(2) Where a notice has been published under sub-section (1) above, the Commissioner of Title Settlement shall take steps for the introduction of procedures in conformity with regulations made under this Act.

71. Computer and micro filming facilities may be used for the maintenance of any registers and records under this Act.

Use of computer and micro filming facilities.

72. No suit or prosecution shall lie against any officer or employee of the Departments of the Commissioner of the Title Settlement, the Surveyor-General or the Registrar-General of Title for any act which in good faith is done or purported to be done by him in the exercise of his powers or the performance of his duties under this Act.

Protections or action.

73. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other written law, and where there is any conflict or any inconsistency between the provisions of this Act and any other law, the provisions of this Act shall prevail over such other law.

Conflict with other laws.

74. 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 inconsistency.

75. In this Act unless the context otherwise requires—

Interpretation.

"instrument" means a document having the effect of conveying title to and interest in any land parcel in the prescribed form.

"interest in land parcel" means an interest less than full ownership of the land parcel and includes any servitudes or encumbrance over such land parcel;

"land" includes land covered with water, and any benefit arising out of any land, all things attached to the earth or permanently fastened thereto ;

"licensed auctioneer" means an auctioneer licensed under the Auctioneers and Brokers Ordinance (Chapter 109) ;

"Minister" means the Minister to whom the subject of lands has been assigned ;

"owner" means—

(a) in relation to a land parcel the person named in the Title Register as the owner thereof, and ;

(b) in relation to an interest in a land parcel, the person named in the register as the person in whose favour the interest is registered ;

"Land parcel" means an area of land separately delineated on the cadastral map ;

"Registrar-General of Title" includes any Deputy or Assistant ;

"Registrar of Title" means any person appointed as Registrar of Title under this Act ;

"registered land" means a land parcel the title to which is registered under this Act ;

"servitude" means a right enjoyed by a person over a land parcel owned by another person ;

"Surveyor-General" means the officer appointed as Surveyor-General of Sri Lanka or any other officer appointed in writing to act on his behalf for the purposes of this Act to the extent specified in such letter of appointment ;

"Superintendent of Surveys" means any person performing the functions of a Superintendent of Surveys in the Survey Department ;

"Title Register" means the Title Register under the provisions of this Act.

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