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PART I : SECTION (I) — GENERAL
Government Notifications

L.D.B. 104/44 (v)

TRUSTS ORDINANCE (CHAPTER 87)

REGULATIONS made by the Minister of Public Administration, Home Affairs and Justice under Section 115A read with Section 6A and section 19A of the Trusts Ordinance (Chapter 87).

SUSIL PREMAJAYANTHA,
Minister of Public Administration,
Home Affairs and Justice.

Colombo,
November 26, 2018.

Regulations

1. These Regulations may be cited as the Trusts (Information Relating to Express Trusts) Regulations 2018.
2. (1) Upon creation of an express trust under Section 6 of the Trusts Ordinance in relation to any immovable or movable property, the trustee of such trust shall, for the purpose of subsection (1) of Section 19A of that Ordinance, keep records of information specified in Schedule I.
(2) The information kept under Sub-regulation (1) shall be verified and updated every three months to the greatest extent possible.
3. The Registrar General shall, for the purpose of subsection (1) of Section 6A of the Trusts Ordinance, prepared and maintain a register containing the information specified in Schedule II in respect of every express trust.
4. (1) The trustee of any immovable property or movable property in respect of an express trust shall, for the purpose of subsection (2) of Section 6A, forward the information specified in Schedule III



- (a) to the Register of Lands of the area within which the trust property is situated, along with the original of the instrument of trust, for registration ; and
 - (b) to the Registrar General, along with the counterpart original of the instrument of trust.
- (2) The trustee of any immovable or movable property in respect of an express trust that has been created prior to the date of coming into operation of these Regulations shall comply with the provisions of sub-regulation (1) within six months from the date of coming into operation of these Regulations.
- (3) Where there is any update in the information in respect of any express trust forwarded to the Registrar General and the relevant Registrar of Lands under sub-regulation (1) or (2), the trustee of such express trust shall immediately forward such updated information as specified in Schedule III, along with the prior registration details of the instrument of trust, to the Registrar General and the relevant Registrar of Lands.
- 5. (1) The Registrar General shall require every Registrar of Lands to maintain a registrar in the form specified in Schedule IV (Hereinafter referred to as the “Day Book”) to enter the information on express trusts received under Regulation 4.
- (2) The original of every instrument of trust submitted to any Registrar of Lands under Regulation 4 shall, upon registration, be returned to the trustee of the relevant express trust.
- 6. For the purpose of these regulations -
“valid document of identity” means -
 - (a) in the case of a person who is citizen of Sri Lanka
 - (i) a National Identity Card issued by the Commissioner General for the Registration of Persons ;
 - (ii) a valid passport ;
 - (iii) a valid driving licence ; or
 - (iv) in the absence of any of the documents referred to in (i), (ii) or (iii) above, a photograph certified by a Notary Public or a Justice of the Peace ; and
 - (b) in the case of a person who is not a citizen of Sri Lanka, a valid passport and a valid Visa.

(Regulation 2)

SCHEDULE I

Information relating to express trusts, to be kept, verified and updated by the trustee of any express trust.

- 01. Name of the trust :
- 02. Land registry area applicable to the trust :
- 03. Address of the trust :
- 04. Purpose of the trust :

05. Information of the author of the trust :

- (a) Full name
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :
- (d) Telephone No. :
 - (i) Fixed :
 - (ii) Mobile :
- (e) E-mail address :

06. Information of the trustee :

- (a) Full Name :
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :
- (d) Telephone No. :
 - (i) Fixed :
 - (ii) Mobile :
- (e) E-mail address

07. Information of the co-trustee/s

- (a) Full Name :
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :
- (d) Telephone No.
 - (i) Fixed :
 - (ii) Mobile :
- (e) E-mail address

08. Information of the beneficiary/beneficiaries (to the greatest extent possible)

- (a) Full Name :
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :
- (d) Telephone No.
 - (i) Fixed :
 - (ii) Mobile :
- (e) E-mail address

09. Information of any other person engaged in the execution of the trust in the capacity of an agent, a legal representative, a manager, an investment advisor or a tax advisor, an accountant or otherwise.

- (a) Full Name :
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :
- (d) Telephone No.
 - (i) Fixed :
 - (ii) Mobile :
- (e) E-mail address

10. Where the trust has been created for the benefit of a class of persons, information of every person belonging to such class of persons (to the greatest extent possible)

- (a) Full Name :
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :
- (d) Telephone No.
 - (i) Fixed :
 - (ii) Mobile :
- (e) E-mail address

11. Where the trust has been created for the benefit of a person other than a natural person, information of the natural person who is the beneficial owner of the trust :

- (a) Full Name :
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :
- (d) Telephone No.
 - (i) Fixed :
 - (ii) Mobile :
- (e) E-mail address

12. Where the trust has been created for the benefit of a legal person, information of such legal person : (The trustee shall keep copies of the certificate of registration, the certificate of incorporation and the share registrar)

- (a) Name of Business :
- (b) Business Registration Number :
- (c) Nature of business and purpose of business :
- (d) Address of the principal place of business :
- (e) Telephone Numbers of the principal place of business :
 - (i) Fixed :
 - (ii) Mobile :

- (f) E-mail address
- (g) Information of Director/s of the Business if any :
 - (i) Full Name :
 - (ii) Valid document of identity and its number :
 - (iii) Address :
 - A. Permanent :
 - B. Residential :
 - (iv) Telephone No. :
 - A. Fixed :
 - B. Mobile :
 - (v) E-mail address
- 13. Information of the instrument of trust :
 - (a) Number :
 - (b) Date :
- 14. Where the trust involves immovable property, name of the Notary attesting the instrument of trust :
- 15. (a) Where the trust property is a land, information relating to prior registration :
(a copy of the Schedule to the instrument of trust describing the trust property shall also be attached)
 - (b) Where the trust property is not a land, particulars relating to such property :
- 16. Value/consideration of the trust property :
- 17. Stamp fee and the registration fee relating to the trust :
- 18. Particulars relating to changes, if any, of the trust :
- 19. Attestation by Notary, where it is applicable :
- 20. Any other remarks :

(Regulation 3)

SCHEDULE II

Information relating to express trusts, to be recorded and kept in the register maintained by the Registrar General.

- 01. Number of the Day Book which contains information on the trust maintained by the relevant Registrar of Lands :
- 02. Name of the trust :
- 03. Land registry area applicable to the trust :
- 04. Address of the trust :
- 05. Purpose of the trust :
- 06. Information of the author of the trust :
 - (a) Full name
 - (b) Valid document of identity and its number :
 - (c) Address :
 - (i) Permanent :
 - (ii) Residential :

07. Information of the trustee :

- (a) Full Name :
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :

08. Information of the co-trustee/s

- (a) Full Name :
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :

09. Information of the beneficiary/beneficiaries

- (a) Full Name :
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :

10. Information of beneficial owner/owners :

- (a) Full Name :
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :

11. Information of the investment of trust :

- (a) Number :
- (b) Date :

12. Name of the Notary attesting the instrument of trust :

13. Particulars of the trust property :

14. Value of trust property :

15. Particulars relating to changes, if any, of the trust :

16. Any other remarks :

17. Registrar General's signature and date :

(Regulation 4)

SCHEDULE III

Information relating to express trusts, to be forwarded by the trustee of any express trust to the Registrar General.

01. Name of the trust :

02. Land registry area applicable to the trust :

03. Address of the trust :

04. Purpose of the trust :

05. Information of the author of the trust :

(a) Full name

(b) Valid document of identity and its number :

(c) Address :

(i) Permanent :

(ii) Residential :

06. Information of the trustee :

(a) Full Name :

(b) Valid document of identity and its number :

(c) Address :

(i) Permanent :

(ii) Residential :

07. Information of the co-trustee/s

(a) Full Name :

(b) Valid document of identity and its number :

(c) Address :

(i) Permanent :

(ii) Residential :

08. Information of the beneficiary/beneficiaries

(a) Full Name :

(b) Valid document of identity and its number :

(c) Address :

(i) Permanent :

(ii) Residential :

09. Information of beneficial owner/owners :

- (a) Full Name :
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :

10. Where the trust has been created for the benefit of a class of persons, information of every person belonging to such class of persons (to the greatest extent possible) :

- (a) Full Name :
- (b) Valid document of identity and its number :
- (c) Address :
 - (i) Permanent :
 - (ii) Residential :

11. Information of the instrument of trust :

- (a) Number :
- (b) Date :

12. Name of the Notary attesting the instrument of trust :

13. Particulars of the trust property :

14. Value of trust property :

15. Particulars relating to changes, if any, of the trust :

SCHEDULE IV

[illegible]