

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

Part II of August 23, 2019

SUPPLEMENT

(Issued on 26.08.2019)



REGISTRATION OF DOCUMENTS (AMENDMENT)

A

BILL

to amend the Registration of Documents Ordinance (Chapter 117)

*Ordered to be published by the Minister of Internal and Home Affairs and
Provincial Councils and Local Government*

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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 2019 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 2019 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 2019 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 2019 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 2019 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:—

- | | | |
|----|---|--|
| 5 | <p>1. This Act may be cited as the Registration of Documents (Amendment) Act, No. _____ of 2019 and shall come into operation on such date as the Minister may appoint by Order published in the <i>Gazette</i>.</p> | <p>Short title and date of operation.</p> |
| 10 | <p>2. Section 8 of the Registration of Documents Ordinance (Chapter 117) (hereinafter referred to as the “principal enactment”) is hereby amended in the proviso to paragraph (b) of that section, by the addition immediately after subparagraph (xi), of the following new subparagraph:—</p> <p style="padding-left: 40px;">“(xii) any agreement in relation to a transaction which is subject to the provisions of the Secured Transactions Act, No. _____ of 2019.”.</p> | <p>Amendment of section 8 of Chapter 117.</p> |
| 15 | <p>3. Chapter IV of the principal enactment (sections 16 to 24 both inclusive) is hereby repealed.</p> | <p>Repeal of Chapter IV of the principal enactment.</p> |
| 20 | <p>4. The heading of Chapter V of the principal enactment is hereby repealed and the following heading is substituted therefor:—</p> <p style="text-align: center; padding-left: 100px;">“CHAPTER V</p> | <p>Replacement of the heading of Chapter V of the principal enactment.</p> |
| | <p>PROVISIONS APPLICABLE TO INSTRUMENTS AFFECTING LAND”.</p> | |
| 25 | <p>5. Section 25 of the principal enactment is hereby amended by the substitution for the words “an instrument affecting land or a pledge, mortgage or bill of sale.”, of the words “an instrument affecting land.”.</p> | <p>Amendment of section 25 of the principal enactment.</p> |

6. Section 29 of the principal enactment is hereby amended as follows:—

Amendment
of section 29
of the
principal
enactment.

(1) in subsection (1) of that section, by the substitution 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:—

“Land
situated in
several
districts.”.

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

Amendment
of section 41
of the
principal
enactment.

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

Amendment
of the First
Schedule to
the principal
enactment.

9. (1) Where, on the date of coming into operation of this Act, an instrument creating—

Enforceability
of
instruments
registered
under
Chapter IV
of the
principal
enactment.

(a) a pledge, mortgage or bill of sale of movable property; or

(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 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 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 date of coming into operation of this Act, continue to be enforceable, but shall be required to be registered under the relevant provisions of the Secured Transactions Act, No. of 2019 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 mortgage, charge or a lease of immovable property prior to the expiration of such two years period.

(2) An instrument referred to in subsection (1) shall, on being registered under the Secured Transactions Act, No. of 2019, be deemed to have been perfected from the date on which such instrument initially became legally enforceable, and the priority which such instrument became entitled to at the time it initially became legally enforceable, shall continue to prevail.

(3) An instrument referred to in subsection (1) which is not registered under the Secured Transactions Act, No. of 2019 prior to the expiration of two years from the date of coming into operation of this Act, shall become legally unenforceable after the expiration of such period.

10. 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.

