



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

**NOTARIES (AMENDMENT)
ACT, No. 6 OF 2024**

[Certified on 31st of January, 2024]

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Notaries (Amendment) Act, No. 6 of 2024

[Certified on 31st of January, 2024]

L.D.-O. 7/2023

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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| <p>1. This Act may be cited as the Notaries (Amendment) Act, No. 6 of 2024.</p> | <p>Short title</p> |
| <p>2. Section 28 of the Notaries Ordinance (Chapter 107) (hereinafter referred to as the “principal enactment”) is hereby amended as follows:-</p> <p>(1) by the repeal of subsection (1) thereof, and the substitution therefor, of the following:-</p> <p style="padding-left: 40px;">“(1) For the purpose of obtaining such certificate a declaration in writing, signed by such notary, containing the following particulars:-</p> <p style="padding-left: 80px;">(a) his name and place or places of residence;</p> <p style="padding-left: 80px;">(b) the exact situation of his office or of each of his offices;</p> <p style="padding-left: 80px;">(c) the judicial zone in which he is authorized to practice,</p> <p style="padding-left: 40px;">shall be delivered to such Registrar.”;</p> <p>(2) 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.”.</p> | <p>Amendment of section 28 of Chapter 107</p> |
| <p>3. Section 31 of the principal enactment is hereby amended as follows:-</p> <p>(1) by the substitution for rule (5) thereof, of the following:-</p> <p style="padding-left: 40px;">“Deeds to be written on undivided sheet or sheets signed by the Registrar of Lands</p> | <p>Amendment of section 31 of the principal enactment</p> <p style="padding-left: 40px;">(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-</p> |

- (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 purpose; or
- (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 -

- (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:-
 - “(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.”;
- (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 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) 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 -
 - (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);
- (6) in rule (17) thereof-
 - (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 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”;
- (7) in rule (20) thereof, by the substitution for paragraph (g), of the following: -

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- “(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, 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 subparagraph (i) of paragraph (a) of that rule, of the words and figures, “in the Form F 1”; and
- (9) in rule (29) thereof, by the substitution for the words “in the Form F”, of the words and figures, “in the Form F 1”; and
- (10) 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 power of attorney to the original, duplicate and the protocol thereof.”

Insertion of new section 38A in the principal enactment

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 true nature of the transaction

38A .(1) It shall be the duty of every notary-

- (a) to endeavour to ascertain the true legal nature of the transaction between the parties and execute the deed or instrument for the true transaction; and

(b) specifically, and expressly 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 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.

(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 five hundred thousand rupees. ”.

5. Section 43 of the principal enactment is hereby amended by the repeal of the definition of the expression “executant”. ”.

Amendment of the section 43 of the principal enactment

6. The Second Schedule to the principal enactment is hereby amended as follows: -

Amendment of the Second Schedule to the principal enactment

(1) by the repeal of Form F thereof, and the substitution therefor, of the following: -

*Notaries (Amendment) Act, No. 6 of 2024***“ Form F**

[section 31 (24)]

Register of 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 on 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 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	Name of the instrument	Grantor		Registered District	Divisional Secretary's Division in which the land is situated	Name of the land	Local authority in which the land is situated	Consideration	Stamp duty	
				Name and address	NIC No.						Cen tral Gov ern ment	Prov incial Cou ncil

”.

Avoidance of
doubt

7. 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 the Registration of Documents Ordinance (Chapter 117).

8. 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

