

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

Part II of November 24, 2023

SUPPLEMENT

(Issued on 29.11.2023)



NOTARIES (AMENDMENT)

A

BILL

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

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Affairs and Constitutional Reforms*

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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.

Notaries (Amendment)

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: -

1. This Act may be cited as the Notaries (Amendment) Short title
Act, No. of 2023.

5 2. Section 28 of the Notaries Ordinance (Chapter 107) Amendment
(hereinafter referred to as the “principal enactment”) is hereby of section 28
amended in subsection (1A) thereof, by the substitution for of Chapter
the words “Registrar of Lands.”, of the words and figures 107
10 “Registrar of Lands and that any sum of money, if any has
has been imposed by the Registrar General in terms of section 35,
has been paid.”.

3. Section 31 of the principal enactment is hereby amended Amendment
as follows:- of section 31

15 (1) by the substitution for rule (5) thereof, of principal
the following:- enactment

20 “Deeds to be written on undivided sheet or sheets signed by the Registrar of Lands

(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-

25 (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

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(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

5

(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”;

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

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“(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: -

25

“(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”;

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- (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 (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”;
- 10 (b) by the repeal of paragraph (d);
- (6) in rule (17) thereof-
- (a) in paragraph (b), by the substitution for subparagraph (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 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;”;
- 20
- 25 (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) there of, 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”;

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
20 “he shall annex a true copy of the registered 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 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

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

5 (b) specifically, and expressly explain to the executants the true nature of every deed or instrument before any executant signs such deed or instrument.

10 (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.

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. ”.

5. 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: -

6

Notaries (Amendment)

“ Form F

[section 31(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 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 the 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	Nature of instrument	Grantor		Grantee		Registered District	Divisional Secretary's Division	Name of the Land	Local authority in which the land is situated	Consideration
				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 instrument lawfully executed prior to the date of commencement of this Act and pending registration in accordance with the provisions of Registration of Documents Ordinance (Chapter 117).

Avoidance of doubt

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 inconsistency

