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SOCIALIST REPUBLIC OF
SRI LANKA**

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SUPPLEMENT

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REGISTRATION OF DOCUMENTS (AMENDMENT)

A

BILL

to amend the Registration of Documents Ordinance (Chapter 117)

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STATEMENT OF LEGAL EFFECT

Clause 2 : This clause replaces section 32 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 enhance the scope of provisions relating to presentation of a caveat for registration and to define certain terms.

Clause 3 : This clause amends section 33 of the principal enactment and the legal effect of the section as amended is to enhance the scope of this section relating to withdrawal and cancellation of a caveat.

Clause 4 : This clause amends section 50 of the principal enactment and the legal effect of the section as amended is to make provisions for clarity.

Clause 5 : This clause amends the Second Schedule to the principal enactment and is consequential to the amendments made by the above clauses.

Registration of Documents (Amendment)

L.D.—O. 2/2021

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:-

1. This Act may be cited as the Registration of Documents (Amendment) Act, No. of 2022. Short title

5 2. Section 32 of the Registration of Documents Ordinance (Chapter 117) (hereinafter referred to as the “principal enactment”) is hereby amended as follows:- Amendment of section 32 of Chapter 117

(1) by the repeal of subsection (1) thereof and the substitution therefor of the following subsection: -

10 “(1) (a) A person (hereinafter referred to as the “caveator”) who

(i) has a right, title or interest; or

(ii) claims to have a right, title or interest,

15 to a land, an undivided land, a land parcel or a condominium parcel (hereinafter in this section referred to as the “land”) may present for registration a caveat substantially in Form VIII of the Second Schedule hereto requiring him to be served a notice of the presentation for registration of any instrument affecting such land.

20 (b) Every caveat presented for registration shall—

25 (i) be in duplicate and accompanied by an affidavit of the caveator together with a certificate issued by an Attorney-at-law

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substantiating the right, title or interest
in the land or claims to a right, title or
interest in the land of the caveator;

5 (ii) where the caveator is not the owner, be
accompanied by such number of copies
of the notice in Form X of the Second
Schedule hereto together with stamped
10 envelopes, to be served on the owners
of the land whose names and addresses
are given in the relevant volume and
folio in which such land is registered;

15 (iii) where the caveator is a holder of a Power
of Attorney (hereinafter in this section
referred to as the “attorney”), the
caveator shall submit a certified copy
of the original of the Power of Attorney
20 duly registered with the Registrar
General or the Registrar of the relevant
Land Registry or the Registrar of Title
(hereinafter in this section referred to
as the “Registrar”); and

25 (iv) contain the name, signature and the
National Identity Card number or the
passport number or the driving license
number and address of the caveator in
Sri Lanka at which notices relating to
the caveat shall be served, the date of
the caveat, the names and addresses of
30 the persons to whom the notice of the
caveat shall be sent where the caveator
is not the owner, the right, title or interest
in the land claimed by the caveator,
grounds in support of the claim and the
description of the land, including the
35 boundaries, indicating the correct
volume and folio in which such land,
is registered.

(c) For the purpose of this section-

- 5 (i) “caveator” includes a body of persons, a beneficiary under any trust affecting a land, the lawful guardian or the next friend of a minor or of a person of unsound mind or mentally deficient person, an attorney of a person, a judgement creditor, an executor or an administrator of an estate of a deceased, or a legal heir, 10 or an intended purchaser who has entered into an agreement with the owner of a land or a developer of a land;
- 15 (ii) “condominium parcel” means a condominium parcel registered under the Registration of Title Act, No.21 of 1998 in terms of section 10 of the Apartment Ownership Law, No.11 of 1973; and
- 20 (iii) “interest” includes an interest arising from an unregistered deed or instrument relating to a land which is incapable of immediate registration, a trust, an inheritance either by testate or intestate succession, instruments relating to a mortgage or an agreement to sell, co-ownership, an ownership arising from a 25 condominium parcel or the estate of a minor.”.

(2) by the insertion, immediately after subsection (1) thereof, of the following new subsections: -

- 30 “(1A) The Registrar, on being satisfied that all required documents and information referred to in paragraph (b) of subsection (1) are provided by the caveator, shall acknowledge

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the receipt of such caveat and record the prescribed particulars referred to in subsection (1) of section 27.

5 (1B) Upon the receipt of the caveat, the Registrar shall forthwith notify the persons, whose names and addresses have been furnished by the caveator under subparagraph (iv) of paragraph (b) of subsection (1) and shall make an endorsement in the Remark Column by
10 inserting the date and the names of the persons to whom and the addresses to which the notices referred to in subparagraph (ii) of paragraph (b) in subsection (1) were sent.”;

15 (3) by the repeal of subsection (3) thereof and the substitution therefor of the following subsection: -

 “(3) A caveat shall be in force for a maximum period of two years.”;

20 (4) in subsection (4) thereof, by the substitution for the words “The notice to be given to the caveator shall be in the prescribed form”, of the words and figures “Where an instrument affecting the same land described in the caveat has been subsequently presented for registration, a notice shall be given to the caveator in Form XI of the Second Schedule
25 hereto”;

(5) in subsection (5) thereof, by the substitution for the words “a competent court within thirty days” of the words “a competent court within sixty days”.

30 3. Section 33 of the principal enactment is hereby amended as follows: -

Amendment
to section 33
of the
principal
enactment

(1) in subsection (1) thereof, by the substitution for the words “seizure priority notice, caveat, or *lis pendens*”, of the words “seizure priority notice or *lis pendens*”;

- (2) by the addition immediately after subsection (1) thereof, of the following new subsection: -

- 5 “(1A) (a) A caveat may be withdrawn or cancelled,
as the case may be, at the request in
writing -
- (i) by the caveator;
- (ii) by an attorney;
- 10 (iii) upon the death of a caveator, by
an executor, administrator, or a
legal heir;
- 15 (iv) by the guardian or next friend of
a minor of a person of unsound
mind or mentally deficient person
on whose interest the caveat was
lodged, on the death or removal
of the guardian, by the successor
or by the minor upon the minor
attaining the age of majority;
- 20 (v) where there are joint caveators,
and upon the death of one or more
of them, by the surviving caveator
or caveators;
- 25 (vi) where the caveator is adjudicated
a bankrupt, by the Official
Assignee;
- 30 (vii) where the caveator is a body
corporate and is in liquidation,
and the estate or interest claimed
by the caveator has become
vested in the liquidator appointed
by court or the Official Receiver,
by the liquidator; or

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5 (viii) where an order has been issued
by a competent court on an estate
which is the subject of a caveat,
by a Fiscal officer, or any other
person receiving the rights under
such order.

(b) on receipt of the instrument for
withdrawal under paragraph (a) hereof,
the Registrar shall—

10 (i) cancel the entry of the caveat in
the register in the aforesaid
manner and setting out the date
thereof, and

15 (ii) notify the persons or body of
persons, whose right, title or
interest for registration of an
instrument was affected by such
caveat.”;

20 (3) by the insertion, immediately after subsection (2)
thereof, of the following new subsection: -

25 “(2A) Notwithstanding anything to the contrary
in any other written law, any summons,
notice, decree nisi or order in relation to
any proceeding under subsection (2) on a
caveat, shall be served to the address of
the caveator in Sri Lanka referred to in sub-
paragraph (iv) of paragraph (b) of
subsection (1) of section 32.”;

30 (4) by the addition, immediately after subsection (3)
thereof, of the following new subsection:—

35 “(4) The Registrar shall not register a caveat of
the same caveator in respect of the same
land, in respect of which registration of
caveat was cancelled under subsection
(3).”.

4. Section 50 of the principal enactment is hereby amended by the substitution for the words, “require, but such Schedule may be altered or added to by regulation”, of the words “require.”.

Amendment
to section 50
of the
principal
enactment

5 5. The Second Schedule to the principal enactment is hereby amended as follows:—

Amendment
of Second
Schedule to
the principal
enactment

(1) by the repeal of Form VIII thereof, and the substitution therefor, of the following new Form:—

[section 32(b)]

“FORM VIII

FORM OF THE CAVEAT

Take notice that, I, (full name and the address of the caveator) bearing (NIC/passport/ driving licence) no..... require to be served with notice of the presentation for registration of any instrument affecting land..... (owned by me / owned by other- specify the right/title/ or interest) referred to in the Schedule hereto.

And I further declare that I present this caveat in my behalf/ in behalf of (where the caveator is not the owner) on the following ground/s.

Title under deed no.....
Under the last will of.....
Other (specify)

And I appoint (the address in Sri Lanka) as the place at which notices relating hereto shall be sent.

.....

(Signature of the caveator/ his
Attorney-at-Law or notary/ Attorney)

Date

Signed by the above-named..... in the presence of (full name and address of the two witnesses)

1. Signature of the first witness
2. Signature of the second witness

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Schedule

(describe land as in section 13 and
previous registration, if known)”; and

- (2) by the insertion immediately after Form IX of that
Schedule, of the following new Forms: -

[section 32(1)(b)(ii)]

“FORM X

NOTICE TO AN OWNER OF A PROPERTY IN RESPECT
OF WHICH
A CAVEAT HAS BEEN LODGED

Take notice that a caveat has been lodged by of
..... in respect of the property named..... bearing
assessment no..... and registered under
folio..... of volume at this land registry.

(signature)

.....
Registrar of Lands
of.....

Date :.....

[section 32(4)]

FORM XI

NOTICE TO THE CAVEATOR OF AN INSTRUMENT
PENDING REGISTRATION

You are hereby notified that the instrument specified in the
Schedule hereto is pending registration in volume..... and
folio..... of at this Land Registry, as opposed
to caveat No..... dated..... submitted by you.

(signature)

.....
Registrar of Lands
of.....

Date :.....

| Deed No. | Nature of the deed/ instrument | Name of the Notary who attested the deed/ instrument | Description of the Land (as per the Schedule) | Parties |
|----------|--------------------------------|--|---|---------|
| | | | | |

.”.

- 6.** 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

