



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

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**REGISTRATION OF DOCUMENTS (AMENDMENT)**

**A**

**BILL**

**to amend the Registration of Documents Ordinance (Chapter 117)**

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*Presented by the Minister of Justice, Prison Affairs and  
Constitutional Reforms on 29th of August, 2022*

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*Ordered by Parliament to be printed*

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**[Bill No. 139]**

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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 Short title  
(Amendment) Act, No. of 2022.

5 2. Section 32 of the Registration of Documents Ordinance Amendment  
(Chapter 117) (hereinafter referred to as the “principal of section 32  
enactment”) is hereby amended as follows:- 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  
20 requiring him to be served a notice of the  
presentation for registration of any  
instrument affecting such land.

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

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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

