



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

PREVENTION OF FRAUDS (AMENDMENT)

A

BILL

to amend the Prevention of Frauds Ordinance (Chapter 70)

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

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STATEMENT OF LEGAL EFFECT

Clause 2 : This clause amends section 2 of the Prevention of Frauds Ordinance (Chapter 70) (hereinafter referred to as the “principal enactment”) and the legal effect of the section is to set out new requirements for signing a deed or instrument.

Clause 3 : This clause amends section 4 of the principal enactment and the legal effect of the section is to set out new requirements for signing a will, testament or codicil.

Clause 4 : This clause is consequential to the amendment made by Clause 3.

Clause 5 : This clause amends section 16 of the principal enactment and the legal effect of the section is to make provision for deeds to be executed in triplicate.

Prevention of Frauds (Amendment)

L.D.—O. 71/2021

AN ACT TO AMEND THE PREVENTION OF FRAUDS ORDINANCE
(CHAPTER 70)

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows:-

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

5 2. Section 2 of the Prevention of Frauds Ordinance Amendment
(Chapter 70) (hereinafter referred to as the “principal of section 2
enactment”) is hereby amended as follows:- of
Chapter 70

(1) by the renumbering of that section as subsection (1);

10 (2) by the repeal of all the words from “shall be of force”
to the end of renumbered subsection (1) of that section
and the substitution therefore of the following:-

“shall be in force or avail in law unless –

15 (a) the relevant deed or instrument shall be in
writing, signed by every executant or
authorized person of such executant and
attested by a notary public before two
witnesses present at the same time; and

20 (b) the left or right thumb impression of every
such executant or his authorized person or
where both thumbs of such executant or his
authorized person are missing, the
impression of any other finger or the toe
impression as the case may be, is affixed
above or besides the signature to the
25 original, duplicate and the protocol of the
relevant deed or instrument:

2 *Prevention of Frauds (Amendment)*

5 Provided however, in the event the signature or the thumb impression of any such executant or his authorized person cannot be obtained due to any reason, the notary public shall state such reason in the attestation, and such executant or his authorized person shall affix any other finger impression or toe impression, as the case may be.”;

10 (3) by the addition immediately after subsection (1) of that section, of the following new subsection:-

 “(2) In relation to a transfer deed –

15 (a) both the transferor and the transferee shall affix their signatures and thumb impressions as required by subsection (1); and

20 (b) if the transferee is a minor, the legal guardian or guardian or the person authorized by the legal guardian or guardian as the case may be, shall be a competent person to act on behalf of the transferee for the purpose of this section.”.

25 3. Section 4 of the principal enactment is hereby amended as follows:- Amendment of section 4 of the principal enactment

 (1) by the renumbering of that section as subsection (1);

 (2) by the repeal of all the words from “in the manner hereinafter mentioned;” to the end of renumbered subsection (1) of that section and the substitution therefor of the words “subject to the provisions specified in subsection (2) or (3) as the case may be.”;

30

- (3) by the addition immediately after subsection (1) of that section, the following new subsections: -

“(2) The testator or his authorized person shall –

(a) sign; and

5 (b) affix his left or right thumb impression,

at the foot or end of the will, testament or codicil referred to in subsection (1), before a notary public and two witnesses who shall be present at the same time:

10 Provided however, in the event the thumb impression of the testator or of his authorized person cannot be obtained due to any reason, he shall affix any other finger impression or the toe impression, as the case may be.

15 (3) (a) If the testator is not in a position to comply with the requirements specified in paragraph (a) of subsection (2), he may authorize any other person to sign on behalf of him, and shall comply with the requirements specified in paragraph (b)
20 of subsection (2).

 (b) If the testator is not in a position to comply with the requirements specified in paragraphs (a) and (b) of subsection (2), he may authorize any
25 other person to sign and affix the left or right thumb impression or any other finger impression or the toe impression as the case may be, of such person, on behalf of him.

(c) The signature and such impression referred to in paragraphs (a) and (b), shall be acknowledged by the testator in the presence of the notary public and two witnesses:

5 Provided that, in the event the signature or thumb impression of any such testator or his authorized person cannot be obtained due to any reason, the notary public shall state such reason in the attestation, and such testator or his
10 authorized person shall affix any other finger impression or toe impression as the case may be.”.

4. Section 7 of the principal enactment is hereby amended as follows: –

Amendment
to section 7
of the
principal
enactment

(1) by the substitution for the word “signature” of the
15 words “signature and the left or right thumb impression or any other finger impression or the toe impression as the case may be, of the testator or in the event it is executed on behalf of the testator by his authorized person then the signature and the left
20 or right thumb impression or any other finger impression or the toe impression as the case may be, of such authorized person”;

(2) by the insertion immediately after that section of the following proviso:-

25 “Provided however that, in the event the signature or left or right thumb impression or any other finger impression as the case may be of the testator or his authorized person cannot be obtained due to any reason, the testator or his authorized person shall
30 affix his toe impression and the notary public shall state such reason in his attestation.”.

5. Section 16 of the principal enactment is hereby amended as follows:-

Amendment
to section 16
of the
principal
enactment

(1) by the substitution for the word “duplicate.” of the word “triplicate.”; and

5 (2) by the repeal of the marginal note thereof and the substitution therefore of the following: -

“Deeds to be executed in Triplicate”

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
the case of
inconsistency

