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PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

REGISTRATION OF DOCUMENTS (AMENDMENT)

A

BILL

to amend the Registration of Documents Ordinance (Chapter 117)

Presented by the Minister of Finance, Economic Stabilization and National Policies on 09th of January, 2024

(Published in the Gazette on November 10, 2023)

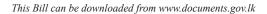
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STATEMENT OF LEGAL EFFECT

Clause 2 : This clause amends section 8 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 exclude any transaction which is subject to the provisions of the Secured Transactions Act, No. of 2023 from the application of the provisions of the principal enactment.

Clause 3 : This clause repeals Chapter IV of the principal enactment which contains provisions relating to registration of instruments creating security rights in movable property, as consequential to the enactment of the Secured Transactions Act, No. of 2023 to make provisions applicable to secured transactions in movable property.

Clause 4 : This clause replaces the heading of Chapter V of the principal enactment limiting the application of that Chapter to instruments affecting land, as consequential to the enactment of the Secured Transactions Act, No. of 2023 to make provisions applicable to secured transactions in movable property.

Clause 5: This clause amends section 25 of the principal enactment, and the legal effect of the section as amended is to limit the application of Chapter V of the principal enactment to the instruments affecting land, as consequential to the enactment of the Secured Transactions Act, No. of 2023 to make provisions applicable to secured transactions in movable property.

Clause 6: This clause amends section 29 of the principal enactment, and it is consequential to the amendment made to section 25 of the principal enactment by clause 5 of this Bill.

Clause 7: This clause amends section 41 of the principal enactment, and it is consequential to the amendment made to section 25 of the principal enactment by clause 5 of this Bill.

Clause 8: This clause amends the First Schedule to the principal enactment, and it is consequential to the amendment made by clause 3 of this Bill.

Clause 9: This clause makes provisions in regard to the period of enforceability of instruments already registered under the Registration of Documents Ordinance and the requirement of registering those instruments under the Secured Transactions Act, No. of 2023 upon coming into operation of the said Act in order for them to be further enforceable and for their priority to continue to prevail.

Registration of Documents (Amendment)

L.D.-O. 69/2017

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

- 5 (2) The provisions of this Act, other than the provisions of this section, shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (in this Act referred to as the "appointed date").
- (3) The provisions of this section shall come intooperation on the date on which the Bill becomes an Act of Parliament.

2. Section 8 of the Registration of Documents Amendment Ordinance (Chapter 117) (in this Act referred to as the of section 8 of "principal enactment") is hereby amended in the proviso to

- 15 paragraph (b) of that section, by the addition immediately after sub paragraph (xi) of that proviso, of the following new subparagraph: -
 - "(xii) any agreement in relation to a transaction which is subject to the provisions of the Secured Transactions Act, No. of 2023.".

3. Chapter IV of the principal enactment (sections 16 Repeal of Chapter IV of the principal

enactment

enactment

4. The heading of Chapter V of the principal enactment is hereby repealed and the following heading is substituted of the heading of Chapter V of the principal

PL 014330 — 480 (01/2024)

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2 Registration of Documents (Amendment)

"Chapter v

PROVISIONS APPLICABLE TO INSTRUMENTS AFFECTING LAND".

5	5. Section 25 of the principal enactment is hereby amended by the substitution for the words "an instrument affecting land or a pledge, mortgage or bill of sale.", of the words "an instrument affecting land.".	Amendment of section 25 of the principal enactment	
	6. Section 29 of the principal enactment is hereby amended as follows:-	Amendment of section 29 of the principal enactment	
	(1) in subsection (1) of that section, by the substitution	chaetment	
10	for the words "which affects land or movable		
	property", of the words "which affects land"; and		

(2) by the repeal of the marginal note to that section and the substitution therefor, of the following marginal note: -

15

by him".

"Land situated in several districts.".

7. Section 41 of the principal enactment is hereby Amendment of amended by the substitution for the words "instruments section 41 of 20 affecting land and pledges, mortgages or bills of sale registered the principal enactment

8. The First Schedule to the principal enactment is Amendment hereby amended in Part III of that Schedule, by the substitution of the First 25 in item 2 thereof, for the words and figures "any book or index Schedule to the principal kept under Chapters III, IV, V, VI, for each transaction" of the enactment words and figures "any book or index kept under Chapter III, V or VI for each transaction".

by him", of the words "instruments affecting land registered

Registration of Documents	(Amendment))
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	9. (1) Where, on the appointed date, an instrument creating-(a) a pledge, mortgage or bill of sale of movable property; or	Enforceability of instruments registered under Chapter IV of the principal enactment
5	(b) (i) an interest in a fixture of any immovable property; or	
10	 (ii) an assignment of a right to payment under a mortgage, charge or lease of any immovable property where the assignment does not convey or transfer the assignor's interest in the immovable property, 	
15	which has been registered under Chapter IV of the principal enactment, is in force, such pledge, mortgage or bill of sale of movable property or such interest in a fixture of immovable property or such assignment of a right to payment under a mortgage, charge or lease of immovable property shall, for a period of two years from the appointed date, continue	

- to be enforceable, but shall be required to be registered under the relevant provisions of the Secured Transactions of 2023 as a pledge, mortgage or bill of sale 20 Act, No. of movable property, or an interest in a fixture of immovable property or an assignment of a right to payment under a mortgage, charge or lease of immovable property prior to the expiration of such period of two years.
- (2) An instrument referred to in subsection (1) 25 shall, on being registered under the Secured Transactions of 2023, be deemed to have been perfected Act, No. from the date on which such instrument initially became legally enforceable, and the priority which such instrument
- 30 became entitled to at the time it initially became legally enforceable, shall continue to prevail.

4 Registration of Documents (Amendment)

(3) An instrument referred to in subsection (1) which is not registered under the Secured Transactions Act, No. of 2023 prior to the expiration of two years from the appointed date, shall become legally unenforceable after the expiration 5 of such period.

10. In the event of any inconsistency between the Sinhala text Sinhala and Tamil texts of this Act, the Sinhala text shall to prevail in case of prevail.

inconsistency

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