

# **REGISTRATION OF DOCUMENTS**

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE  
REGISTRATION OF DOCUMENTS.

Ordinance Nos,

23 of 1927

19 of 1928

22 of 1930

14 of 1936

34 of 1939

13 of 1947

Law Nos, 4  
of 1974

14 of 1974

19 of 1976

Act Nos,

6 of 1949

16 of 1951

22 of 1958

11 of 1963

27 of 1969

50 of 1982

5 of 1990

48 of 2011

21 of 2013

32 of 2022

18 of 2024

## **CHAPTER I PRELIMINARY**

Short title.

1. This Ordinance may be cited as the Registration of Documents

Ordinance.

- Land registries.
- 2.(1) There shall continue to be in Colombo a land register office for the purposes of this Ordinance and the Land Registration Ordinances, No. 5 of 1877 and No. 4 of 1889, with branch offices at such places as the Minister may from time to time direct, and the land register office and branch offices established under the land Registration Ordinance, 1891, or any enactment repealed by that Ordinance shall be deemed to be duly established under this Ordinance.
- (2) The business of the land register office and branch offices shall be conducted by a Registrar-General of Lands (in this Ordinance called the 'Registrar-General'), a Deputy Registrar-General of Lands and such number of Assistant Registrars-General (in this Ordinance called 'Assistant Registrars-General') and Registrars of Lands (in this Ordinance called 'Registrars') as the Minister may from time to time consider necessary. Acting appointments may be made as may be necessary in the event of the Registrar-General or the Deputy Registrar-General of Lands or any Assistant Registrar-General or Registrar being ill or incapable of acting or temporarily absent from duty.
- (3) All appointments under this section shall be made, and may at any time be revoked, in accordance with the law for the time being in force relating to the appointment of public officers: Provided that in the case of death, illness, incapacity, absence from duty, or other emergency, the Registrar-General may appoint any person to act as a Registrar for not more than thirty days at any one time and may at any time revoke such appointment.
- (4) All appointments under this section shall be notified in the Gazette.
- (5) All appointments made under the Land Registration Ordinance, 1891, shall be deemed to have been made under this Ordinance.
- (6) The Registrar-General may, if he thinks fit, exercise all or any of the powers possessed by a Registrar.

(7) Subject to the directions of the Registrar-General, any matter or thing which by this Ordinance or any regulation may or is to be done by the Registrar-General may also be done by a Deputy Registrar-General or any Assistant Registrar-General. (\* Omitted from this edition. Repealed by Ordinance No. 23 of 1927. t See Law No. 23 of 1978.) (\*Repealed by Ordinance No. 23 of 1927. the Order published in Gazette No. 8,796 of 26th September, 1941. under section 2 (1) of the Government Gazette (Publication) Ordinance, exempting notification in the Gazette. \*\* See Law No. 23 of 1978.)

Definitions of  
Land.  
[2, 4 of 1974]

3. In this Ordinance, unless the context otherwise requires, 'land' includes things attached to the earth or permanently fastened to anything attached to the earth and any estate or interest in land, and a mortgage of or charge on land. (Section 2A is repealed by Law No. 4 of 1974)

## **CHAPTER II**

### **REGISTRATION OF DUPLICATES OF DEEDS, &c.**

Duplicates to be  
transmitted to  
Registrar.

4.(1) Every District Judge, Judge of a Primary Court, or Justice of the Peace shall, on or before the fifteenth day of each month, deliver or transmit to the Registrar of the district wherein he resides the duplicates of all deeds or other instruments executed before him during the previous month under the provisions of the Deeds and Documents (Execution before Public Officers) Ordinance, together with two copies of a list of such duplicates, and, if the land affected by any such deed or instrument is situated in a district other than that in which he resides, he shall also on or before the day aforesaid transmit or deliver an attested copy of the deed or instrument to the Registrar of the last-mentioned district.

(2) Every public officer by or before whom any document affecting land is executed shall, if subsection (1) of this section does not apply thereto, on or before the fifteenth day of the following month deliver or transmit a duplicate or an attested or certified copy thereof to the Registrar of

each district in which the land affected thereby is situated together with two copies of a list of all duplicates or copies so delivered by him.

Registrar to bind all duplicates.

5.(1) Every Registrar shall from time to time cause all duplicates and copies transmitted or delivered to him under the preceding section or any other written law, or by any notary under the provisions of the Notaries Ordinance, to be bound in convenient volumes distinguished by the name of the court to which the judge is attached, or by the name of the Justice or notary who attested the deed or instrument, or, in the case of duplicates or copies transmitted or delivered under subsection (2) by the official designation of the public officer by or before whom the deed or instrument was executed, and shall keep and preserve the same in his office.

(2) All duplicates and copies transmitted or delivered to a Registrar or bound in volumes under the corresponding provision in the Land Registration Ordinance, 1891,\* or any enactment repealed by that Ordinance shall be deemed to have been so transmitted, delivered, or bound under this Chapter.

### **CHAPTER III REGISTRATION OF INSTRUMENTS AFFECTING LAND**

Meaning of "instrument"

6. In this Chapter, unless the context otherwise requires, 'instrument' means an instrument affecting land.

Unregistered instruments void against subsequent registered instruments.

7.(1) An instrument executed or made on or after the 1st day of January, 1864, whether before or after the commencement of this Ordinance shall, unless it is duly registered under this Chapter, or, if the land has come within the operation of the Land Registration Ordinance, 1877f, in the books mentioned in section 26 of that Ordinance, be void as against all parties claiming an adverse interest thereto on valuable consideration by virtue of any subsequent instrument which is duly registered under this Chapter, or, if the land has come within the operation of the Land Registration Ordinance, 1877,f in the books mentioned in section 26 of that Ordinance.

(2) But fraud or collusion in obtaining such subsequent instrument or in securing the prior registration thereof shall defeat the priority of the person claiming thereunder.

(3) An instrument duly registered before the commencement of this Ordinance, under the Land Registration Ordinance, 1891,\* or any enactment repealed by that Ordinance, shall be deemed to have been duly registered under this Chapter.

(4) Registration of an instrument under this Chapter shall not cure any defect in the instrument or confer upon it any effect or validity which it would not otherwise have except the priority conferred on it by this section. (\* Repealed by Ordinance No. 23 of 1927. † Omitted from this edition.)

Meaning of  
affecting lands.  
[2, 18 of 2024]

8. For the purpose of this Ordinance, the following instruments shall be deemed to affect land, namely:

(a) if executed or made before the commencement of this Ordinance, every deed or other instrument of sale, purchase, transfer, assignment, or mortgage of any land, or of promise, bargain contract, or agreement for effecting any such object, or for establishing or transferring any security, interest, or incumbrance affecting any land (other than a lease at will, or for any period not exceeding one month); or of contract or agreement for the future sale or purchase or transfer of any land; and every deed or act of release, surrender, or annulment of or affecting any such deed or other instrument, and every will disposing of any land, and every grant of administration, affecting any land; and every judgment or order of court affecting land;

(b) if executed or made after the commencement of this Ordinance, all instruments, including wills, decrees and orders of any court or authority, and awards, which purport or operate to create, confer, declare, limit, assign, transfer, charge, incumber, release, or extinguish any right, title, or interest, whether vested or contingent, past, present, or future, to, in or over land, or which create or record or are evidence of any contract for effecting any such object, and also a notice of seizure issued under section 237 of the Civil Procedure Code:

Provided that paragraph (b) of this section shall not apply to:

(i) any decree or order of court where the action in which the decree or order is made has been duly registered as a *lis pendens*;

(ii) a writ of execution issued under section 225 of the Civil Procedure Code;

(iii) any letters of administration to the estate of an intestate;

(iv) a decree or order adjudging a person to be insolvent or bankrupt;

(v) a decree, order, or other instrument appointing or recording, certifying, or confirming the appointment or election of an assignee or trustee in insolvency or bankruptcy;

(vi) any document relating to shares in a registered company notwithstanding that the assets of the company consist in whole or in part of land;

(vii) a mortgage or debenture by a registered company, so long as its only effect, as respects the land affected thereby, is to create a floating charge thereon in such form that the company can, until the security is enforced, dispose of the land in the ordinary course of its business free from the mortgage or debenture;

(viii) any debenture issue by any such company the only effect of which, as respects the land affected thereby, is to entitle the holder to the benefit of the security afforded by a duly registered instrument;

(ix) any endorsement upon or transfer of any debenture specified in (vii) or (viii);

(x) any receipt for payment of money due under a mortgage or charge;

(xi) any instrument if the only interest in land created or dealt with thereby is a tenancy at will or for a period not exceeding one month or determinable by the landlord by not more than one month's notice;

(xii) any agreement in relation to a transaction which is subject to the provisions of the Secured Transactions Act, No. 17 of 2024.

Registration of notice of seizure.

9.(1) A notice under section 237 of the Civil Procedure Code, of a seizure of land effected after the commencement of this Ordinance is an instrument affecting the land seized and may be registered under this Ordinance.

(2) A notice of a seizure effected before the commencement of this Ordinance may also be registered under this Ordinance.

(3) Registration of a notice of seizure shall remain in force for six months only from the date of registration but may be re-registered as often as may be necessary.

(4) Registration of a notice of a seizure in the book kept under section 237 of the Civil Procedure Code, shall remain in force for six months only from the commencement of this Ordinance. But the notice may be re-registered under this Ordinance. No re-registration shall be effected under section 237.

Will when defeated by conveyance by heir.

10.(1) A will shall not, as against a disposition by any heir of the testator of land affected by the will, be deemed to be void or lose any priority or effect by reason only that at the date of the disposition by the heir the will was not registered under this Chapter.

(2) This section applies whether the testator died before or after the commencement of this Ordinance, but does not apply-

(a) where the disposition by the heir was executed before the commencement of this Ordinance; or

(b) where, at the time of the disposition by the heir, being not less than one year after the death of the testator, letters of administration to the estate of the testator have been granted on the footing that he died intestate.

Registration of lis pendens.  
[2, 13 of 1947]

11.(1) No Us pendens affecting or relating to land instituted on or after the 9th day of November, 1917, shall bind a purchaser, unless and until the Us pendens is duly registered under this Chapter.

(2) But a lis pendens duly registered before the commencement of this Ordinance under the provisions of Ordinance No. 29 of 1917,\* shall be deemed to have been duly registered under this Chapter.

(3) In this section, 'purchaser' means any person (including a mortgagee or lessee) who, for valuable consideration, takes any interest in or charge on land.

(4) For the purpose of registering a lis pendens a document in the prescribed form shall be presented for registration, and such document shall be registered in the same manner as other instruments affecting land, but shall be retained by the Registrar.

(5) A lis pendens may be registered at any time after the plaint has been accepted by the court in accordance with the provisions of the Civil Procedure Code.

(6) For the purpose of the application of the doctrine of Us pendens, an action duly registered as Us pendens shall be deemed to be pending from the time of registration notwithstanding that the summons has not been served on the defendant.

(7) Where a Us pendens has been duly registered on a date before the 1st day of May, 1947, such registration shall continue in force until such time as it is cancelled under section 33 of this Ordinance. (\* Repealed by Ordinance No. 23 of 1927.)

Books for registration of instruments affecting land.

12.(1) Every Registrar shall prepare and keep the prescribed books for the registration of instruments, allotting to each book (which may be in as many volumes as necessary) a defined division of his province or district.

(2) The books for the registration of instruments established under the Land Registration Ordinance, 1891,\* or any enactment repealed by that Ordinance shall continue to be used, and shall be deemed to be kept under this Chapter. (\* Repealed by Ordinance No. 23 of 1927.)

Mode of description of lands in instruments. [2, 21 of 2013]  
[2, 48 of 2011]  
[2, 50 of 1982]

13.(1) Every instrument (other than a will) presented for registration shall embody therein or in a Schedule annexed thereto, an accurate and clear description of the land or immovable property affected thereby, its boundaries, extent and situation specifying the District, Pattu, Korale, Divisional Secretary's Division, local authority division and the Grama Niladari Division and the village, of the District in which the land is situated and in case the land or immovable property affected by this



instrument is situated in within any municipality, town or developed area, declared under section 2 of the Municipal Councils Ordinance (Chapter 252), section 2 of the Urban Councils Ordinance (Chapter 255) and section 2 of the Pradeshiya Sabha Act, No. 15 of 1987 respectively, the assessment number and the name, if any, of the street, in which such land or immovable property is situated.

(2) If the land consists of a divided portion of a land or allotment, such portion shall be clearly and accurately defined by its particular boundaries and extent.

(3) If the land consists of an undivided share in a land, the proportion which the share bears to the entire land shall be stated, and a description of the entire land shall be given as required by subsection (1).

(4) A person desiring to register a will shall give to the Registrar a written description of the land affected thereby which shall comply with the provisions of subsections (1) to (3) of this section.

(5) Every Registrar shall refuse to register an instrument, other than a will, which does not state the particulars required by the foregoing provisions of this section.

(5A) Any person aggrieved by the decision of the Registrar under subsection (5) may, within thirty days of such decision being communicated to him, appeal to the Registrar-General who may vary or reverse such decision if it is shown to his satisfaction-

(a) that the description is sufficient to enable the land to be identified with reasonable certainty; or

(b) that it was impracticable to insert the required particulars in the instrument.

(5B) Any person aggrieved by a decision of the Registrar-General under subsection (5A) may, within thirty days from the date of such decision being communicated to him, institute in any District Court having jurisdiction a suit against the Registrar-General praying for the variation or reversal of such decision.

(6) Where the description of the land affected by an instrument executed or made after the commencement of this Ordinance is not contained in a schedule to the instrument, a fee of ten rupees or such other amount as may be prescribed by the Minister, shall be payable for the registration in addition to any other fee which may be payable: Provided that nothing in this subsection shall be construed so as to

apply or affect any grant or lease of State land made or executed after the commencement of this Ordinance.

(7) There shall be typewritten or written in ink at the head of every instrument (except a will) presented for registration a reference to the volume and folio in which some earlier instrument relating to the same land is registered if such reference is known to the notary who prepared the instrument, or, if the instrument was not prepared by a notary, if such reference is known to the person presenting the instrument for registration.

Instruments to be registered in proper folio.  
[2, 14 of 1974]

14.(1) Every instrument presented for registration shall be registered in the book allotted to the division in which the land affected by the instrument is situated and in the folio in which the first registered instrument affecting the same land is registered, or in another folio (whether of the same volume or of another volume) bearing a separate number, opened in continuation thereof, cross reference being entered in the prescribed manner so as to connect the said folios:

Provided that-

(a) an instrument may, if the Registrar thinks fit, be entered in a new folio, cross references being entered in the prescribed manner so as to connect the registration with any previous registration affecting the same land or any part thereof;

(b) where no instrument affecting the same land has been previously registered, the instrument shall be registered in a new folio to be allotted by the Registrar; and

(c) where a new division of a Registrar is created wholly or partly out of a division (hereinafter referred to as the 'old division') of another Registrar, then, in regard to lands which before the date of creation of the new division were wholly or partly within the old division which on and after that date constitutes the new division or, as the case may be, within such part of the old division as on and after that date constitute a part of the new division,-

(i) such of the folios of the book (hereinafter referred to as the 'old book') allotted under section 12 to the old division as contain registrations of instruments affecting any of those lands shall be deemed to form part of the book (hereinafter referred to as the 'new book') allotted under that section to the new division; and

(ii) a registration of an instrument affecting any such land made in the

new book and registrations of instruments affecting that land made in the old book shall be connected by cross references made in the prescribed manner in the new book and the old book.

(2) An instrument, whether registered before or after the commencement of this Ordinance, shall not be deemed to be duly registered under this Chapter unless it is registered in accordance with the foregoing provisions of this section.

(3) Every order made after the commencement of this Ordinance under section 4 of Ordinance No. 1 of 1897\* entitled 'An Ordinance relating to claims to Forest, Chena, Waste, and Unoccupied Lands' and embodying therein an agreement between the Divisional Secretary of the Divisional Secretary's Division or the special officer appointed under section 28 of that Ordinance and the claimant shall be registered in a new folio to be allotted by the Registrar, and an instrument affecting land dealt with by the agreement and registered after registration of the order shall not be deemed to be duly registered under this Chapter unless it is registered in or in continuation of the folio in which the order is registered.

(\* Repealed by Ordinance No. 20 of 1931. See section 4 of the Transfer of Powers (Divisional Secretaries) Act, No. 58 of 1992.)

Method of registration. 15.Registration of an instrument shall be effected by entering the prescribed particulars in the proper folio.

Repealed by [3, 18 of 2024] 16.Repealed by [3, 18 of 2024]

## **CHAPTER V**

### **PROVISIONS APPLICABLE TO INSTRUMENTS AFFECTING LAND**

Meaning of "instrument". 25.In this Chapter, unless the context otherwise requires, 'instrument' means an instrument affecting land.  
[5, 18 of 2024]

Who may present instrument for registration. 26.(1) An instrument may be presented for registration by  
(a) any person executing the instrument;  
(b) any person claiming any interest or benefit thereunder;

(c) any person having any interest in or charge on any property affected thereby; or

(d) the agent of any such person or a attorney-at-law or notary acting on behalf of any such person.

(2) Either the original or a duly attested or certified copy of the instrument may be presented for registration: Provided that, in the case of a will, the probate or letters of administration with a copy of the will annexed shall be presented for registration.

(3) An instrument may be presented for registration through the post or under cover if it is accompanied by the appropriate fee, if any.

Day book.

27.(1) Each Registrar shall keep a book to be called the 'day book', in which shall be entered the prescribed particulars of every instrument presented for registration with the day and hour and, if required by the person presenting the instrument, the minute of presentation, and for the purpose of priority the time of presentation shall be taken as the time of registration.

(2) An instrument presented for registration through the post or under cover shall be deemed to have been presented for registration at the time when the packet containing the instrument is opened.

Return of instruments.

28.(1) After registration, the Registrar shall endorse the instrument in the prescribed manner and return it on demand to the person who presented it for registration or his agent.

(2) If the return of an instrument is not claimed within six months from the time of registration or, in the case of an instrument registered before the commencement of this Ordinance, within six months from such commencement, then

(a) the Registrar shall send the instrument by unregistered letter addressed to the person who presented it for registration at his last known place of abode or business; or

(b) if his address is unknown, the Registrar shall retain the instrument for a further period of six months, and if the instrument is still unclaimed, the Registrar-General may order it to be destroyed.

(3) When an instrument is destroyed, the Registrar shall make a note to that effect in the prescribed form in the day book at the place where the particulars of the instrument were entered on its presentation for registration.

Land situated in several districts.  
[6, 18 of 2024]

29.(1) An instrument which affects land situated in more districts than one may be presented for registration to the Registrar of each such district, or to the Registrar-General.

(2) The Registrar-General shall, if the instrument is presented to him, instruct each Registrar concerned as to the entry to be made in the register by him.

(3) For the purpose of determining the time of registration, the receipt by a Registrar of the instructions of the Registrar-General shall be deemed to be the receipt of the instrument for registration.

(4) When the instrument has been registered by all the Registrars concerned, the Registrar-General shall endorse the instrument in the prescribed manner and return it on demand to the person who presented it for registration and section 28 shall apply to the instrument.

Priority notices.

30.(1) Any person (in this section called a 'transferee') acquiring or proposing to acquire for valuable consideration from any other person (in this section called the 'transferor') any interest or benefit in any land may before the execution of the instrument by the transferor with his written consent, or after the execution of the instrument by the transferor without such consent, present for registration a notice (in this Ordinance called a 'priority notice') of his intention to register the instrument.

(2) If, at any time while a priority notice remains in force, any instrument is registered whereby the transferee or a person deriving title under him acquires for valuable consideration from the transferor or a person deriving title under him any interest or benefit in the land described in the priority notice, such instrument shall, for the purposes of this Ordinance, be deemed to have been registered at the time of registration of the priority notice.

(3) No instrument executed by the transferor while priority notice registered with his written consent remains in force and affecting any land described in the priority notice shall, except with the written consent of the transferee, be registered while the priority notice remains in force.

(4) The Registrar shall, on receiving a priority notice, register it in the same manner as other instruments, but shall retain the notice.

(5) A priority notice shall remain in force for six weeks from the date of registration of the notice, but may at any time before the end of such six weeks, before the execution of the instrument by the transferor with his written consent, or after the execution of the instrument by the transferor without such consent, be renewed by the transferee or a person deriving title under him for a further period of six weeks, and if so renewed shall remain in force for a further period of six weeks computed from the end of the first period of six weeks.

(6) If an instrument is not registered pursuant to a priority notice while the notice remains in force, the priority notice shall be deemed to have lapsed and shall have no effect under the provisions of this Ordinance.

(7) This section shall apply to a decree, order, or will affecting land in like manner as it applies to any other instrument, except that a priority notice as to a decree, or order may not, except with the leave of the court, be lodged before delivery in court of the judgment, and a priority notice as to a will may not be lodged until after the death of the testator.

Seizure property notices.

31.(1) When a writ of execution is issued, the judgment creditor may, so long as the judgment remains unsatisfied, present for registration a notice (in this Ordinance called a 'seizure priority notice') to the effect that the land described therein is liable to seizure under the writ of execution.

(2) If, at any time while the seizure priority notice remains in force, notice of seizure of any land described in the seizure priority notice is registered, notice of the seizure shall, for the purposes of this Ordinance and of section 238 of the Civil Procedure Code, be deemed to have been registered at the time of registration of the seizure priority notice or at the time when the seizure was actually effected, whichever date shall be the later, and shall have effect accordingly.

(3) The Registrar shall, on receiving a seizure priority notice, register it in the same manner as other instruments, but shall retain the notice.

(4) A seizure priority notice shall remain in force for six weeks from the date of registration of the notice, but may, at any time before the end of such six weeks, be renewed for a further period of six weeks, and if so renewed shall remain in force for a further period of six weeks computed from the end of the first period of six weeks.

(5) If notice of a seizure under the writ of execution is not registered

while the seizure priority notice remains in force, the seizure priority notice shall be deemed to have lapsed and shall have no effect under the provisions of this Ordinance.

Caveats.

[2, 32 of 2022]

**32.**

(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,

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.

(b) Every caveat presented for registration shall -

(i) be in duplicate and accompanied by an affidavit of the caveator together with a certificate issued by an Attorney-at-law substantiating the right, title or interest in the land or claims to a right, title or interest in the land of the caveator;

(ii) be accompanied by such number of copies of the notice set out in Form X of the Second Schedule hereto together with stamped 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, where the caveator is not the owner;

(iii) be accompanied by a certified copy of the original of the Power of Attorney 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') where the caveator is a holder of a Power of Attorney (hereinafter in this section referred to as the 'attorney'); and

(iv) contain the name, signature and the National Identity Card number or the passport number or the driving licence 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 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 boundaries, indicating the correct volume and folio in which such land, is registered.

(c) For the purpose of this section -

(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, or an intended purchaser who has entered into an agreement with the owner of a land or a developer of a land;

(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 or registered under this Ordinance; and

(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 condominium parcel or the estate of a minor, or of a person of unsound mind or mentally deficient person.

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

(1B) Upon the acknowledgement, 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 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.

(2) The Registrar shall on receiving a caveat register it in the same manner as other instruments, but shall retain the caveat.

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

(4) 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 hereto and



shall be sent by registered letter to the address mentioned in the caveat.

(5) If, while a caveat is in force, an instrument affecting the land described in the caveat is presented for registration, and in an action commenced by the caveator in a competent court within sixty days from posting of the notice required by subsection (4) it is proved to the satisfaction of the court that the instrument presented for registration is or was at the time of registration void or voidable by the caveator or fraudulent as against him or in derogation of his lawful rights the court may order the instrument to be rectified or cancelled as may be necessary to preserve the rights of the caveator, and may order the necessary correction to be made in the register.

(6) Nothing in this section shall affect any other power which may be possessed by any court of ordering any instrument to be rectified or cancelled.

Cancellation of  
priority notices,  
seizure notices,  
seizure priority  
notices, caveats,  
and lis pendens.  
[3, 32 of 2022]

**33.**(1) Registration of a priority notice, seizure notice, seizure priority notice or lis pendens may be cancelled at the request in writing of the person by whom or on whose behalf it was presented for registration.

(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;

(iii) upon the death of a caveator, by an executor, administrator, or a legal heir;

(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;

(v) where there are joint caveators, and upon the death of one or more of them, by the surviving caveator or caveators;

(vi) where the caveator is adjudicated a bankrupt, by the Official Assignee;

(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, by the liquidator or by the Official Receiver; or

(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-

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

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

(2) A District Court may, on the application of any person interested in any property affected by registration of a priority notice, seizure notice, seizure priority notice, caveat, or Us pendens, if it is satisfied that the registration was or has become unnecessary, order that the registration be cancelled. An application under this subsection may be made in a suit or summarily under Chapter XXIV of the Civil Procedure Code.

(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.

(3) A cancellation under this section shall be registered by the Registrar in the prescribed manner.

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

Damages for unreasonable priority notice, seizure priority notice, caveat, or lis pendens.

**34.** Any person injured by reason of the registration or renewal of a priority notice, seizure priority notice, caveat, or Us pendens without reasonable cause, or by unreasonable failure to request cancellation of registration of a priority notice, seizure priority notice, caveat, or Us pendens may recover compensation from the person who applied for such registration or renewal. A claim for such compensation may be joined with an application for the cancellation of the notice, caveat, or Us pendens or may be made by suit.

Correction of

**35.** (1) Where it is shown to the satisfaction of the Registrar-General that

errors.  
[3, 50 of 1982]

any error or omission has been made in registering any instrument, whether before or after the commencement of this Ordinance, the Registrar-General shall issue notice in writing in the prescribed form

- (a) in the case of a deed to the parties thereto; or
- (b) in the case of a will to the executor or administrator, as the case may be; or
- (c) in the case of any other instrument to the person who presented it for registration,

and order such error or omission to be corrected and the correction shall then be made by the Registrar concerned in the prescribed manner, but shall not affect any priority accrued before the correction is made:

Provided that the Registrar-General may with like effect make such an order for the correction of any error or omission made in registering any such instrument if it is proved to his satisfaction by any person interested that by reason of the death or legal incapacity of any person or party to whom notice is required to be issued as aforesaid or for any other sufficient cause whatsoever, such notice cannot be issued.

- (2) When the error and correction are not in the same folio, they shall be connected by cross references in the prescribed manner.
- (3) A person aggrieved by the refusal of the Registrar-General to make an order under this section may, within thirty days from the date of such refusal being communicated to him, institute in the District Court a suit praying for the variation or reversal of the decision of the Registrar-General.

Grounds for  
refusing to register  
an instrument.

- 36.**(1) A Registrar may, if he thinks fit, refuse to register an instrument-
- (a) where he has reason to suspect that the person presenting the instrument for registration is not a person who is authorized by this Ordinance to present it for registration, until such person proves his right to present it for registration;
  - (b) if it does not comply with the provisions of this Ordinance or any written law affecting the form or mode of execution of such instrument.
- (2) A Registrar shall refuse to register an instrument-
- (a) if it is liable to stamp duty, unless it is duly stamped;
  - (b) until any fee payable for registration has been paid.

Reasons for refusal **37.** Every Registrar finally refusing to register an instrument shall make an order of refusal and record his reasons for such order in the prescribed book, and shall endorse the words 'registration refused' on the instrument, and on application made by the person who presented the instrument shall without payment or unnecessary delay give him a copy of the reasons so recorded.

Appeals against refusal. **38.**(1) Any person aggrieved by an order of a Registrar refusing to register an instrument may, within thirty days from the date of the order being communicated to him, appeal to the Registrar-General, who may vary or reverse the order.

(2) Any person aggrieved by the decision of the Registrar-General under this section may, within thirty days from the date of such decision being communicated to him, institute in the District Court a suit against the Registrar-General praying for the variation or reversal of the decision of the Registrar-General.

Power for District Court to cancel registration. **39.** Where it is shown to the satisfaction of a District Court that any instrument registered under Chapters IE or IV is a forgery, or has been registered without due authority or in contravention of any provision of this Ordinance, or where any instrument registered as aforesaid is rectified or set aside by a competent court, the District Court may order the registration of the instrument to be cancelled or to be rectified in such manner as the circumstances may require, and may order the original instrument to be brought into court and the endorsement of registration thereon to be cancelled or altered.

## CHAPTER VI SUPPLEMENTARY

Copies of damaged or illegible volumes or part thereof. **40.** If any volume or any part of any volume of duplicates or copies in the custody of a Registrar under Chapter II or any volume or any part of any volume of any book kept by a Registrar under this Ordinance shall at any time be damaged or be in danger of becoming illegible, the Registrar-General may, if he thinks fit, direct a copy of the volume or part so damaged or in danger of becoming illegible to be made, verified, and certified in such manner as he may direct, and thereupon such copy shall be substituted for, and shall for all the purposes of this

[5, 22 of 1958]

Ordinance (including this section) and every other written law be deemed to be, the volume or part so damaged or in danger of becoming illegible.

Indexes.  
[7, 18 of 2024]  
[8, 13 of 1947]

41. Each Registrar shall keep such indexes of instruments affecting land registered by him as may from time to time be prescribed.

Searches and  
copies.

42. Subject to the prescribed regulations, all duplicates and copies and all books and indexes kept under this Ordinance may be searched and examined by any person claiming to be interested therein or by his attorney-at-law or agent duly authorized thereto in writing, and certified copies of or extracts from any such duplicate, copy, or book may be obtained if required.

Evidence

43.(1) A copy or extract purporting to be certified under the hand of a Registrar to be a true copy of or extract from any duplicate or copy preserved under this Ordinance or of or from any book kept pursuant to this Ordinance shall be admissible in evidence without proof of the signature or appointment of the Registrar, and shall be prima facie evidence of the contents of such duplicate, copy, or book for all purposes and in all proceedings, civil or criminal, but subject to all just and lawful exceptions.

(2) An endorsement by the Registrar in the prescribed form on a duplicate of an application for registration of a *Us pendens*, or on a duplicate of a priority notice or seizure priority notice or an application for renewal of such a notice, or on a duplicate of a caveat shall be admissible in evidence without proof of the signature or appointment of the Registrar, and shall be prima facie evidence of registration of the *Us pendens*, priority notice, or seizure priority notice or caveat or of the renewal of the priority notice or seizure priority notice for all purposes and in all proceedings, civil or criminal, but subject to all just and lawful exceptions.

Destruction of  
priority notices.  
&c, alter expiry of  
registration.

44. The document required to be retained by the Registrar when a priority notice, seizure priority notice, caveat, or *Us pendens* is registered may, unless its preservation is ordered by any court, be destroyed by him at any time after the expiry of two years from the termination of the period during which the registration is in force.

Indemnity of

45. No Registrar shall be liable in damages by reason of anything in good

Registrars.	faith done or refused in his official capacity.
Costs in suits against Registrar-General.	<b>46.</b> No order for the payment of costs by the Registrar-General shall be made in any suit authorized by this Ordinance to be brought against him.
Defect in appointment of Registrars or procedure.	<b>47.</b> Nothing done in good faith pursuant to this Ordinance or the Land Registration Ordinance, 1891,* or any enactment repealed by that Ordinance by any Registrar shall be deemed invalid by reason only of a defect in his appointment or in procedure. (*Repealed by Ordinance No. 23 of 1927)
Fees. [4, 21 of 2013]	<b>48.</b> The fees specified in the First Schedule as may be prescribed by the Minister, from time to time, shall be payable for the matters to which they relate.
Power to make regulations.	<b>49.</b> (1) The Minister may make regulations, to be published in the Gazette, as to any matter which by this Ordinance may or is to be prescribed and generally for regulating the forms to be used and the procedure and practice to be observed in carrying this Ordinance into effect.  (2) All such regulations shall, as soon as conveniently may be, be laid before Parliament and may, at any of the next following three meetings, be rescinded by resolution of Parliament but without prejudice to anything already done thereunder, and if not so rescinded shall be deemed to be valid.
Forms. [4, 32 of 2022]	<b>50.</b> The forms contained in the Second Schedule shall be used with such variations as circumstances may require.