



NOTARIES (AMENDMENT) LAW,

No. 20 OF 1976

OF

THE NATIONAL STATE ASSEMBLY

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Notaries (Amendment) Law, No. 20 of 1976

L. D.—O. 19/74.

A LAW TO AMEND THE NOTARIES ORDINANCE.

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Notaries (Amendment) Law, No. 20 of 1976.

Short title.

2. In the Notaries Ordinance, hereinafter referred to as the “principal enactment”, there shall be substituted—

Substitution of new expressions in the Notaries Ordinance.

(a) for the expression “district”, other than where such expression is used with reference to an administrative district or a district of a Registrar of Lands, the expression “zone”;

(b) for the expression “District Court”, the expression “High Court”;

(c) for the expression “District Judge”, the expression “High Court Judge”;

(d) for the expression “division”, the expression “zone”;

(e) for the expression “judicial division”, the expression “judicial zone”;

(f) for the expression “judicial district”, the expression “judicial zone”;

(g) for the expression “a proctor”, the expression “an attorney-at-law”, for the expression “proctor”, the expression “attorney-at-law”, and for the expression “proctors”, the expression “attorneys-at-law”; and

(h) for the expression “secretary”, the expression “Registrar”.

3. Section 3 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 3 of the principal enactment.

“Attorneys-at-law of the Supreme Court qualified for admission as notaries.

3. Every attorney-at-law of the Supreme Court who has passed the prescribed examination in conveyancing either before or after his admission as such attorney-at-law or has been admitted without examination in virtue of a legal qualification in the United Kingdom or elsewhere, requiring a pass

in conveyancing shall be entitled, on application, to a warrant authorizing him to practise as a notary in the language in which he has passed the examination in conveyancing within the judicial zone in which he resides.”

Insertion of new section 4A in the principal enactment.

4. The following new section is hereby inserted immediately after section 4, and shall have effect as section 4A, of the principal enactment:—

“ Notaries practising in judicial division deemed to practise in judicial zone.

4A. Every warrant issued to a notary under the provisions of section 3 or section 4, authorizing him to practise as a notary in any judicial division in which he resides, shall be deemed to authorize him to practise as a notary in the judicial zone in which he resides.”

Amendment of section 11 of the principal enactment.

5. Section 11 of the principal enactment is hereby repealed and the following new section substituted therefor:—

“ Minister's power to change the zone within which a notary is authorized to practise.

11. The Minister may on application made in that behalf grant to a notary, having a warrant authorizing him to practise within a judicial zone, a fresh warrant authorizing him to practise within another judicial zone.”

Replacement of section 18 of the principal enactment.

6. Section 18 of the principal enactment is hereby repealed and the following new section substituted therefor:—

“ List of notaries to be posted in the courts.

18. (1) A list of all persons authorized to act as notaries within any zone shall be kept at all times posted in some conspicuous place at the High Court of the zone for general information.

(2) The Registrar of the court shall from time to time, as occasion may require, correct the said list by striking therefrom the names of any notaries who have died or been struck off the roll of notaries, or have left the said zone, or ceased to practise as notaries therein.

(3) The Registrar shall on the thirtieth day of June and the thirty-first day of December in each year forward to the Registrar-General a copy of

such list corrected up to date, and to each of the several District Courts and Magistrates' Courts within the zone a corrected list of notaries entitled to practise within the jurisdiction of such District Courts and Magistrates' Courts respectively.

(4) Each District Judge and Magistrate shall cause the list so received by him to be affixed to some conspicuous place on the wall of his court."

7. Section 19 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 19 of the principal enactment.

" Suspension of notary from office.

19. (1) Where a notary has been indicted before a District Court or a High Court, the Minister may, on the application of the Attorney General, suspend him from the office of notary pending his trial. If the notary shall be acquitted, or shall not be brought to trial within six months after his suspension, the same shall cease to be in force and shall be deemed to be removed.

(2) Where a notary, who is an attorney-at-law, has been suspended from his office as attorney-at-law, he shall during the period of the suspension be disqualified from discharging the duties of a notary."

8. Section 23 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 23 of the principal enactment.

" Certificate of cancellation or suspension of warrant to be transmitted to and posted in the local courts.

23. (1) Whenever a notary's warrant has been cancelled or a notary has been suspended from office, notice thereof shall be given in the *Gazette*, and a certificate that such warrant has been cancelled or notary suspended shall be transmitted, by the Secretary to the Ministry, to the Registrar-General and to the High Court Judge and several District Judges and Magistrates within whose jurisdiction such notary shall have been authorized to act.

(2) The High Court Judge of the court in which the name of such notary is enrolled shall in the case of the cancellation of the notary's warrant cause his name to be immediately struck off the roll of notaries, and in the case of the notary's suspension from office, shall note the fact in the roll opposite his name.

(3) A copy of such certificate, with a translation in the Tamil and English languages subjoined thereto, shall be kept posted in some conspicuous place at every such High Court, District Court and Magistrate's Court for such period as the court may direct."

Amendment
of section 25
of the
principal
enactment.

9. Section 25 of the principal enactment is hereby amended by the repeal of subsection (2) thereof, and the substitution therefor of the following new subsection:—

" Notice of
revocation

(2) Notice of such order shall be given in the *Gazette*, and a copy thereof shall be transmitted, by the Secretary to the Ministry, to the High Court Judge having jurisdiction over the area specified in the fresh warrant issued under subsection (1) of this section, and to the several District Judges and Magistrates having jurisdiction within the said area and to the Registrar-General."

Amendment
of section 31
of the
principal
enactment.

10. Section 31 of the principal enactment is hereby amended as follows:—

(1) by the repeal of rule (29) thereof and the substitution therefor of the following new rule:—

" Transmission
to the
Registrar
of Lands of
deeds
affecting
lands
situated
outside
district in
which
notary
resides.

(29) If a deed or instrument other than a will or codicil affects a land situated in a district other than that in which the notary before whom it is signed, and by whom it is attested, shall reside, such notary, or in case such deed or instrument is attested by two or more notaries, then the notary upon whom is cast the duty of transmitting to the Registrar of Lands the duplicate of such deed or instrument, shall on or

before the fifteenth day of the month next following that in which the same was executed (besides transmitting the duplicate in manner aforesaid) deliver or transmit to the Registrar of Lands of the district in which such land shall be situated a copy thereof certified by him as correct, together with a list in duplicate in the form F in the Second Schedule, signed by him, of all such deeds or instruments as relate to lands in such last-mentioned district. ” ; and

(2) in rule (30) thereof, by the substitution for paragraph (b) of the following new paragraph :—

“ Records to be kept at notary's office.

(b) He shall keep his records at his office or if he has more than one office, at such office as may be approved of by the Registrar-General and shall at all reasonable times permit the Registrar-General, the Government Agent of the administrative district, High Court Judge, District Judge or Magistrate of the zone, within which such notary resides to inspect such records at such office. ”.

11. Section 40 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor, of the following new subsection :—

Amendment of section 40 of the principal enactment.

“ (2) A correct copy of the Third Schedule in the Sinhala, Tamil and English languages of the fees chargeable by notaries shall be at all times posted in some conspicuous place at every High Court, District Court and Magistrate's Court, Land Registry, Kachcheri, and by every notary in each of his offices. ”.

12. Section 41 of the principal enactment is hereby amended by the repeal of subsection (3) thereof, and the substitution therefor, of the following new subsection :—

Amendment of section 41 of the principal enactment.

“(3) Where a notary who is an attorney-at-law of the Supreme Court has engaged for the purposes of his business an assistant who is also a notary and such assistant practises as a notary under such an engagement for the purposes of the business of the said notary who is an attorney-at-law, and the terms of such engagement have been notified by the parties to the Registrar-General, upon such assistant dying or leaving the service of his principal, the Registrar-General may (subject to the terms of the engagement) empower the said principal to retain the documents specified in paragraph (a) of subsection (1), and all such documents shall thereupon, for the purposes of this Ordinance, be deemed to be documents executed or acknowledged before such principal, or possessed by him in right of his office. But a list of the said documents shall be furnished to the Registrar-General by the principal who shall be responsible for their safe custody and for their delivery to the Registrar-General.”.

Retrospective
effect of
amendments
made in the
principal
enactment
by this
Law.

13. The amendments made in the principal enactment by this Law shall be deemed for all purposes to have come into force on January 1, 1974.