

*Land Registration.***No. 14 of 1891.****An Ordinance relating to the Registration of Titles to Land and of all Deeds affecting Land in this Colony.**

**W**HEREAS it is expedient to consolidate and amend the laws relating to the registration of titles to land and of all deeds affecting land in this colony : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

**1** This Ordinance may be cited for all purposes as "The Land Registration Ordinance, 1891."

Short title.

**2** There shall be repealed as from the commencement of this Ordinance the Ordinances specified in the first schedule to this Ordinance to the extent in the third column of that schedule mentioned.

Repeal.

Provided that—

Proviso I.

- (a) Any office or branch office established under section 2 of "The Land Registration Ordinance, 1863," shall be deemed to have been duly established under this Ordinance ; and
- (b) The Registrar-General of Lands, the registrars of lands, and the clerks and other officers appointed under sections 3 and 5 of "The Land Registration Ordinance, 1863," shall continue and be deemed to have been duly appointed under this Ordinance ; and
- (c) Any enactment referring to any Ordinance or enactment hereby repealed shall be construed to refer to this Ordinance or to the corresponding enactment in this Ordinance.

Provided also that this repeal shall not affect—

Proviso II.

- (d) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed ; or
- (e) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; or
- (f) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or
- (g) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this Ordinance had not passed.

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I.—*Registration Department, Officers, and Rules.*

Registration office.

**3** There shall be established in Colombo a land register office for Ceylon, and branch offices at such other places as to the Governor shall appear necessary.

Registrar-General and registrars of lands.

**4** The Governor shall appoint a fit and proper person to execute the duties and powers hereinafter mentioned, who shall be called "The Registrar-General of Lands;" and also one or more persons for each province or district of the island, as he may deem necessary, to assist the said registrar in the execution of the said duties and powers, and who shall be called "Registrars of Lands." And all duties and powers hereinafter required to be exercised by any registrar shall and may be exercised by the Registrar-General.

Oath of office.

**5** Every such Registrar-General and registrar shall, before proceeding to execute any of the duties and powers aforesaid, take and subscribe before some justice of the peace an oath in the form A in the second schedule hereunto annexed, which oath, so taken and subscribed, shall be enrolled in the Supreme Court.

Clerks and other officers.

**6** The Governor may from time to time appoint such clerks and other ministerial officers as to him may appear necessary, to assist the Registrar-General and registrars in the execution of the duties and powers aforesaid.

Salaries.

**7** The Governor may from time to time, with the advice and consent of the Executive Council, direct to be paid out of the Colonial Treasury to such Registrar-General, registrars, clerks, and officers as aforesaid, such salaries or remuneration as to him shall appear reasonable.

Rules of office.

**8** The Governor may from time to time, with the advice and consent of the Executive Council, frame and establish rules and regulations regarding the manner in which the plans and books rendered necessary by this Ordinance are to be made and kept, and the manner in which all deeds and other papers filed or preserved in the said office are to be arranged; also the manner in which the accounts of the said office are to be kept, and generally to provide in every respect for the due working of this Ordinance.

II.—*Preliminary Survey.*

Surveyor-General shall prepare surveys and plans.

**9** The Surveyor-General shall, with the sanction of the Governor, from time to time survey or cause to be surveyed, in such convenient divisions as shall serve the purposes of this Ordinance, the several villages and districts of the island; and shall prepare or cause to be prepared plans thereof, marking thereon the various allotments belonging to or claimed by private individuals and those belonging to or claimed by the Crown, so far as the same can be ascertained. And for the purposes of such survey, or for the amendment of any survey already made, it shall be lawful for the Surveyor-General, or any officer authorized by him in writing,

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to enter upon all lands situated within such villages or districts as aforesaid, and to require all persons having the custody or possession of any deeds or documents relating thereto to produce the same. And if any such person shall, without reasonable cause, refuse or neglect to produce the same within ten days after the same shall have been demanded, or if any person, when required, shall, without reasonable cause, refuse or neglect to give full information touching the custody or possession thereof, every such person shall be liable to a fine not exceeding fifty rupees.

**10** The Surveyor-General shall be bound to give at least one month's previous notice, by such means as will secure the greatest publicity thereto, in the division intended to be surveyed, of his intention to survey the same, and of the day on which he intends to commence such survey.

One month's previous notice of survey.

**11** In case the Surveyor-General has already, at the date of the passing of this Ordinance, surveyed any division, and prepared a plan thereof, it shall not be deemed necessary to make a new survey of the same; but every such plan may be accepted and acted upon (with such amendments, if any, as to the said Surveyor-General shall seem necessary), as if the same had been prepared in pursuance of this Ordinance.

Surveys and plans already prepared may be acted upon.

**12** As soon as the survey and plan of any division shall have been completed, the Surveyor-General shall report the same to the Governor, and shall at the same time deliver or transmit the said plan to the registrar.

Plans to be delivered to registrar.

*III.—Duplicates of Deeds and Instruments.*

**13** Every district judge, commissioner, or justice of the peace before whom any deed or other instrument shall be executed under the provisions of the Ordinance No. 17 of 1852, shall deliver or transmit the same to the registrar of the district wherein such judge, commissioner, or justice resides, and in case the land is situate in a district other than that in which such judge, commissioner, or justice resides, he shall likewise transmit or deliver a copy of such deed to the registrar of the last-mentioned district.

Duplicates to be transmitted to registrar.

**14** Every such registrar shall from time to time cause all duplicates transmitted or delivered to him under the preceding section, or by any notary under the provisions of the Ordinance No. 2 of 1877, to be bound in convenient volumes, distinguished by the name of the judge, commissioner, justice, or notary who has attested the same, and shall keep and preserve the same in his office, and shall also prepare and keep proper indexes thereof for general reference.

Registrar to bind and index all duplicates.

And all such duplicates and indexes shall at all reasonable hours, upon a written application in that behalf, be open to the inspection and perusal of all parties claiming to be interested therein, or to their proctors or agents duly authorized thereto in writing, with liberty to demand and receive copies thereof or extracts therefrom.

Inspection thereof.

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IV.—*Registration.*

Registrars to  
prepare books  
for registration.

**15** (1) Every such registrar shall prepare and keep such books as shall be required by the rules and regulations for the registration therein of any deed which may be brought to him for registration as hereinafter provided ; allotting to each book some defined division of the province or district, so that every deed relating to lands situate therein may be registered therein in such manner as to facilitate reference to all existing alienations or incumbrances affecting the same lands. And every such book shall be kept in duplicate, and one copy thereof shall be kept in the land register office in Colombo, and the other in the branch office of the said province or district ; and the same shall at all reasonable hours, upon a written application in that behalf, be open to the inspection and perusal of all parties claiming to be interested therein, or to their proctors or agents duly authorized thereto in writing, with liberty to demand and receive copies thereof or extracts therefrom.

Inspection  
thereof.

(2) The volumes and books kept under section 36 and section 37 of the Ordinance No. 8 of 1863 shall be deemed to be parts of the volumes and books kept under this Ordinance.

All deeds, &c.,  
affecting land  
to be registered.

**16** Every deed or other instrument of sale, purchase, transfer, assignment, or mortgage of any land or other immovable property, or of promise, bargain, contract, or agreement for effecting any such object, or for establishing or transferring any security, interest, or incumbrance affecting such land or property (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 such land or property ; and every deed or act of release, surrender, or annulment of or affecting any such deed or other instrument, and the probate of any will ; and every grant of administration affecting any such land or property ; and every judgment or order of court affecting any such land or other property ; shall be registered in the branch office of the district in which such land or property is situate ; that is to say, in the books mentioned in the preceding section, unless or until the division has come within the operation of "The Land Registration Ordinance, 1877," and if the division has come or hereafter comes within the operation of the said Ordinance, in the books mentioned in the 26th section of the said Ordinance.

**17** Every deed, judgment, order, or other instrument as aforesaid, unless so registered, shall be deemed void as against all parties claiming an adverse interest thereto on valuable consideration, by virtue of any subsequent deed, judgment, order, or other instrument, which shall have been duly registered as aforesaid. Provided, however, that fraud or collusion in obtaining such last-mentioned deed, judgment, order, or other instrument, or in securing such prior registration, shall defeat the priority of the person claiming thereunder ; and that nothing herein contained shall be

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deemed to give any greater effect or different construction to any deed, judgment, order, or other instrument registered in pursuance hereof, save the priority hereby conferred on it.

**18** (1) It shall be lawful for the party gaining an interest or benefit under any deed, judgment, order, or other instrument required to be registered under section 16, personally or by his agent to produce the same, or a duplicate or authenticated copy thereof, to the registrar of the district in which the land or property thereby affected is situate; and such registrar shall forthwith, upon delivery to him of the proper stamp for registration, register the same on the appointed page of the book assigned for the division, village, or district wherein the land thereby affected is situate, and shall transmit a note of such registration to the office of the Registrar-General of Lands to be filed of record.

Production of deed, &c., and registration thereof.

(2) Every such registrar shall be entitled, if he see fit so to do, to require any person desiring such registration to show by affidavit or otherwise, as he may direct, that such deed, judgment, order, or other instrument was duly made, granted, executed, or pronounced. And where he may have reason to apprehend that a fraud is about to be committed on any party, he shall be entitled, and is hereby required, to give notice to such party of the intended registration, in order to prevent the same being affected to his prejudice.

Registrar may call for proof, and give notice to third parties.

(3) No deed, judgment, order, or other instrument shall be registered, unless the same has been stamped with a stamp denoting that the duty payable thereon has been duly paid as hereinafter provided.

Deeds, &c., to be stamped before registration.

(4) The duty payable for the registration of the several instruments mentioned and described in the third schedule hereunto annexed shall be the amount set down in figures against the same respectively, together with the additional duty, if any, payable under section 20.

Stamp duties.

**19** The registrar shall immediately after such registration make and sign an endorsement thereof on the document produced as aforesaid, and deliver the same to the party effecting the registration, or his agent or representative, and the endorsement shall be as near as practicable in the form B in the fourth schedule hereunto annexed.

Registration to be endorsed on document.

**20** In all cases of transfer by sale, gift, or otherwise, or of mortgage affecting more than one land, the additional stamp duty mentioned in the fifth schedule hereunto annexed shall be levied for the registration of each land other than the first land.

Where several lands are included in one deed, stamp duty to be levied in respect of each land.

Provided that in cases wherein different allotments are treated and described as one property, and from their situation as respects each other can be included in one survey, the stamp duty shall be leviable as on one land only.

Proviso.

**21** (1) When several lands are affected by the same deed, and those lands lie in more districts than one, it shall be lawful for the party gaining an interest or benefit thereunder

Where several lands included in the same deed are

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in more than one district.

to apply to the Registrar-General of Lands in Colombo, or to the registrar of each of the districts in which the lands are situate, to have the deed registered.

(2) If the Registrar-General is applied to, the duty for the registration of such deed in any one of such districts shall be the duty fixed by the third schedule hereunto annexed, together with the duty, if any, payable under section 20, with an increase of ten rupees for the additional registration in the other districts in which the lands are situate. The Registrar-General, upon such application being made to him as aforesaid, shall forthwith cause to be despatched to the registrar of each of such districts the particulars required for the registration of the deed so far as concerns that district, and on receipt from the registrars of such districts of information that the registration has been effected in their districts respectively, the Registrar-General shall make and sign an endorsement on such deed of the registration in the said districts.

(3) If the said deed is tendered for registration by the party gaining an interest or benefit thereunder to the registrar of each district in which the lands are respectively situate, the first registrar to whom the deed is tendered shall levy the duty fixed by the third schedule hereunto annexed, together with the duty, if any, payable under section 20 for the registration of such deed, and it shall be registered free of any further duty in the registry office of every other district in which the lands affected thereby are respectively situate.

Applications for registration of probates, &c.

**22** When a party applies to have a probate or letters of administration registered, he shall produce to the registrar an authenticated copy of the inventory or list of appraisement filed in the case in which application for probate or administration was made, and shall further give such description of the land as the registrar shall require for the purposes of registration.

Deeds, &c., should describe lands accurately.

**23** Every deed, judgment, order, or other instrument, or duplicate or authenticated copy thereof, produced for registration, shall contain embodied therein, or in a schedule annexed thereto, an accurate description of the property which is affected thereby, its boundaries, extent, and situation with respect to the village, pattu, kóralé, or other division of the district. If such property consists of a portion only of one land or allotment, such portion shall be clearly and accurately defined by its particular boundaries and extent. And if such property consists of an undivided share in a land, it shall be so stated, and a particular description given as aforesaid of the entire land in which such share or interest is held, together with the extent of such share or interest.

Volume and folio of previous registry to be quoted.

**24** When any property which shall have been once registered shall be subsequently sold, encumbered, or otherwise affected or dealt with, the deed or instrument purporting to transfer or otherwise deal with or affect such property

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shall state the volume and folio of the register in which such property has been previously registered, as the same shall appear in the register already made of such property.

**25** It shall be competent to any party to lodge with the registrar a caveat to prevent the registration of any transfer or security affecting any land or other property as aforesaid; and such caveat shall entitle such party to notice of any application for registration as regards such land or property, unless where the caveat limits the time of its operation, in which case it shall cease to have any force or value upon the lapse of such time. But no such caveat shall be sufficient to prevent the registration applied for, unless it be followed up within thirty days after service of the notice of application by an action before some competent court and notice thereof to the registrar; in which case the registrar shall suspend the registration until the final adjudication of such action.

Caveat in certain cases.

**26** On the death of any registered owner or other interested party, all lands belonging to him, or in which he may have an interest, shall remain in his name until probate or administration of his estate shall have been granted, whereupon, and upon a written application in that behalf, the name of the executor or administrator shall be registered in the books until a partition, transfer, or alienation of the lands shall have been effected, whereupon, and upon like application, such partition, transfer, or alienation shall be registered as hereinbefore provided.

On death of owner, the executor or administrator shall be registered.

**27** On the partition of any land registered as one allotment, the registrar shall, upon a written application in that behalf, register the new allotments on separate and fresh pages of the book, with such references as may be necessary to identify them with the original registration.

On partition, a fresh registration shall be effected.

**28** The secretary of every district court throughout the island shall, at the end of every month, transmit to the registrar of the province or district in which such court is situate, a list of all persons appointed executors, administrators, guardians, or curators, showing the numbers of the cases in which such appointments have been made. And such registrar shall also from time to time prepare alphabetical lists of the persons so appointed, and keep and preserve the same in his office, and also transmit a copy thereof to the land register office in Colombo. And all such lists shall at all reasonable hours, upon a written application in that behalf, be open to the inspection and perusal of all persons.

List of executors, &c.

**29** The government agent of every province of the island shall, at the end of every month, transmit to the registrar or registrars in his province a list of all persons who shall have become debtors to the Crown, or sureties to such debtors. And every such registrar shall from time to time prepare alphabetical lists of such debtors and sureties, and keep and preserve in his office, and also transmit a

List of Government debtors, &c.

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copy thereof to the land register office in Colombo. And all such lists shall, upon a written application in that behalf, be similarly open to inspection and perusal of all persons.

Penalty on persons obstructing.

**30** Any person who shall wilfully resist, obstruct, or hinder, or who shall incite or assist others to resist, obstruct, or hinder any person acting in pursuance of the authority given by this Ordinance, shall be guilty of an offence, and be liable on conviction to a fine not exceeding fifty rupees.

Penalty on abuse of authority.

**31** Any person who shall, under pretence of performing any act under the authority of this Ordinance, use any unnecessary violence, or give any vexatious annoyance, shall be guilty of an offence, and be liable on conviction to a fine not exceeding fifty rupees.

On refusal or neglect of registrars, district court may, on a rule nisi, make an order.

**32** In case any registrar shall refuse or wilfully neglect or delay to perform any duty imposed upon him by this Ordinance, it shall be competent for the district court of the district wherein the land thereby affected is situate, upon affidavit or other proof thereof, to issue a rule on such registrar, calling on him to show cause why such duty shall not be performed; and after cause shown, or upon default thereof, to make such order as the said court may deem right; which order shall have the effect of, and be put in execution in the same manner as, a judgment pronounced by such court.

Penalty for fraudulent registration.

**33** Any person guilty of fraudulently registering any land or interest not belonging to him, and with intent to defraud or injure the owner thereof, or the person rightly interested therein, or any other person, shall be guilty of an offence, and be liable on conviction to imprisonment of either description for a term which may extend to three years.

List of fines imposed under this Ordinance.

**34** Every magistrate and judge before whom any complaints or causes arising in respect of this Ordinance shall be tried, shall at the end of every month transmit to the Registrar-General a list or account of all fines imposed and recovered by such magistrate or judge.

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**SCHEDULE I.**

**Ordinances repealed**

(See Section 2.)

Number and Year.	Subject or Title.	Extent of Repeal.
8 of 1863 ...	" An Ordinance to provide for the Registration of Titles to Land and of all Deeds affecting Land in this Colony "	The whole
3 of 1865 ...	" An Ordinance to amend the Ordinance No. 8 of 1863 " ...	The whole
12 of 1889 ...	" An Ordinance to amend the Law relating to the Registration of Titles to, and of Deeds affecting, Land in this Colony ...	The whole



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## SCHEDULE II.

## A.—Oath of Office.

(See Section 5.)

I, *A. B.*, do sincerely promise and swear that I will faithfully and diligently execute, to the utmost of my abilities, the duties of Registrar-General of Lands (or Registrar of Lands for the *Western Province*, or for the District of *Colombo*, as the case may be).

So help me GOD,  
*A. B.*

Sworn on the \_\_\_\_\_ day of \_\_\_\_\_, 18 —.

Before me,  
*C. D.*,  
Justice of the Peace.

## SCHEDULE III.

(See Section 18.)

Every instrument of sale, purchase, transfer, assignment, or mortgage of any immovable property, or of promise, bargain, contract, or agreement for effecting any such object, or for transferring any security, interest, or incumbrance affecting such property (other than a lease), or of contract or agreement for the future sale or purchase or transfer of any such property—

(a) Where the consideration of the instrument is wholly in money, or where the sum recoverable upon the instrument is definite, and where such consideration or sum recoverable does not exceed Rs. 100	Rs. c.	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250		2	0
Rs. 250 and does not exceed Rs. 500		3	0
Rs. 500 do. Rs. 1,000		4	0
Rs. 1,000 do. Rs. 2,500		5	0
Rs. 2,500 do. Rs. 5,000		7	50
Rs. 5,000 do. Rs. 10,000		10	0
And for every further Rs. 10,000 or part of Rs. 10,000		10	0
(b) Where the consideration of the instrument is <i>not wholly</i> in money, an addition of		10	0
(c) Where the money consideration of the instrument is <i>not stated</i> , but the <i>value</i> of the property is stated—			
Where such value does not exceed Rs. 100		1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250		2	0
Rs. 250 and does not exceed Rs. 500		3	0
Rs. 500 do. Rs. 1,000		4	0
Rs. 1,000 do. Rs. 2,500		5	0
Rs. 2,500 do. Rs. 5,000		7	50
Rs. 5,000 do. Rs. 10,000		10	0
And for every further Rs. 10,000 or part of Rs. 10,000		10	0
(d) Where neither the money consideration of the instrument nor the value of the property is stated		20	0
(e) Where the total amount of money ultimately recoverable upon the instrument is indefinite, a duty of...		25	0

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	Rs.	c.
(f) Where the consideration of the instrument, or where the sum recoverable upon the instrument, is a definite and certain sum of money already lent, advanced, or due, or to be lent and advanced on the execution of the instrument, together with an indefinite sum to be thereafter lent, advanced, or paid, or which may become due upon an account current, the same duty and conditions as to calculation of duty on the definite and certain sum of money already lent, advanced, or due, or to be lent and advanced on the execution of the instrument, as where the sum recoverable on the instrument is definite, together with an additional duty of ...	25	0
2. Every lease, transfer, or assignment thereof—		
(a) Where the consideration is wholly in money and does not exceed Rs. 100 ...	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250	2	0
Rs. 250 and does not exceed Rs. 500	3	0
Rs. 500 do. Rs. 1,000	4	0
Rs. 1,000 do. Rs. 2,500	5	0
Rs. 2,500 do. Rs. 5,000	7	50
Rs. 5,000 do. Rs. 10,000	10	0
And for every further Rs. 10,000 or part of Rs. 10,000	10	0
<i>Provided that the duty shall not exceed that on a lease for five years.</i>		
(b) Every lease, transfer, or assignment thereof, where the consideration is partly in produce, and the value of such produce is not stated in the instrument, a duty of Rs. 2.50 in addition to the duty upon the stated pecuniary consideration.		
(c) Every lease, transfer, or assignment thereof, where the consideration consists wholly of produce, a duty of ...	1	0
3. Every instrument of release, surrender, or annulment, and every receipt or discharge—		
Where the amount for which such instrument or receipt or discharge is given does not exceed Rs. 5,000 ...	1	0
Where it is indefinite or it exceeds Rs. 5,000 ...	2	50
4. Every instrument of partition, and every judgment or decree of court decreeing such partition, where the value of every land partitioned and divided does not appear on the face of the instrument or judgment or decree: for each land so partitioned and divided a duty of ...		
Where the value of every land appears on the face of the instrument or judgment or decree, and the total value does not exceed Rs. 100 ...	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250	2	0
Rs. 250 do. Rs. 500	3	0
Rs. 500 do. Rs. 1,000	4	0
Rs. 1,000 do. Rs. 2,500	5	0
Rs. 2,500 do. Rs. 5,000	7	50
Rs. 5,000 do. Rs. 10,000	10	0
And for every further Rs. 10,000 or part of Rs. 10,000	10	0

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	Rs.	c.
5. Caveat for every land affected thereby ...	...	10 0
6. Every instrument of <i>any kind whatsoever</i> not charged in this schedule nor expressly exempted from registration duty ...	...	10 0
7. Every application, copy, or extract ...	...	1 0
8. Every judgment or order of court affecting immovable property, and every probate of a will or letters of administration ...	...	5 0

SCHEDULE IV.

(See Section 19.)

B.

Registered A \*  $\frac{5\dagger}{130\dagger}$

Kandy, January 7, 1884.

John Smith,  
Registrar.

\* Division of District.  
† Volume of Divisional Register.  
‡ Folio of Volume.

SCHEDULE V.

(See Section 20.)

	Rs.	c.
Each additional land in every instrument of transfer by sale, gift, or otherwise, or of mortgage affecting more than one land, where the aggregate value of all the lands or the sum recoverable upon the instrument does not exceed Rs. 100 ...	...	0 25
Where it exceeds Rs. 100 and does not exceed Rs. 250 ...	...	0 50
Where it exceeds Rs. 250 ...	...	1 0

13th December, 1891.