

add. P.V. Kgal
19.1.28

[Extract from the "Ceylon Government Gazette" No. 7,624 January 6, 1928.]

Z 127/26

"THE REGISTRATION OF DOCUMENTS ORDINANCE, No. 23 OF 1927."
REGULATIONS made by His Excellency the Governor in Executive Council, in pursuance of the powers vested in him under section 48 of "The Registration of Documents Ordinance, No. 23 of 1927."

Colonial Secretary's Office,
Colombo, January 4 1928.

By His Excellency's command,
A. G. M. FLETCHER,
Colonial Secretary.

REGULATIONS REFERRED TO.

1. These regulations may be cited as "The Registration of Documents Regulations," and shall come into operation on January 1, 1928.

Preliminary.

2. In these regulations, unless the context otherwise requires—

Interpretation.

(a) "Bill of Sale" has the same meaning as in the Ordinance.

(b) "Instrument" means an instrument affecting land or a Bill of Sale.

(c) "Instrument affecting land" has the same meaning as in the Ordinance.

(d) "Ordinance" means the Registration of Documents Ordinance, No. 23 of 1927.

(e) "Registration district" means a territorial district within the jurisdiction of a registrar.

(f) "Registration division" means a division or area of a registration district to which a separate Land Register is assigned.

(g) "Registration entry" includes any entry in a Register made under the Ordinance for the purpose of registering a document.

Forms.

3. The forms contained in the Appendix to these regulations (hereinafter referred to as "Form A," "Form B," &c.) shall be used as directed by these regulations in all cases to which they are applicable, and the Registrar-General may from time to time modify any or all of such forms to meet the requirements of any particular case or cases.

4. Every land register office shall be open for public business daily from 9.30 A.M. to 4 P.M., except on Sundays and Public holidays: provided that on Saturdays the hours shall be from 9.30 A.M. to 1.30 P.M.

Hours of business.

5. All documents presented for registration shall be received by the registrar, or, with the sanction of the Registrar-General, by a clerk to be designated "the day book clerk."

6. (1) Every instrument presented for registration shall be legibly written in ink or printed or typewritten on durable paper.

Receipt of documents for registration.

Presentation and registration of documents.

This applies not only to Day Book but to all business with Public, such as Searches, etc.

h. 525 (app. 19.1.28)

Kentia

D.O. 26, 30, 31, 43

(2) Subject to the proviso to regulation 32, every person who presents an instrument for registration shall, before presenting the same affix thereto by means of adhesive uncanceled stamps the necessary registration fee.

D.O. 17

(3) The registrar or the day book clerk shall, on receipt of the instrument, if he is satisfied that the instrument is registrable and has been sufficiently stamped for purposes of registration, effectively cancel the stamps affixed thereto, and enter the instrument in the day book.

D.O. 42 (1)(2)(3)

(4) If the registrar, on receipt of an instrument for registration, is in doubt as to whether it is registrable or has been sufficiently stamped for purposes of registration, he shall enter the instrument in the day book and refer to the Registrar-General for instructions.

If the Registrar-General decides that the instrument should be registered on compliance with certain conditions, a note of the decision shall be entered in the remarks column of the day book, and also the date on which such conditions have been complied with.

If the Registrar-General decides that the instrument is insufficiently stamped, the date of payment of the deficiency as well as the date of the certificate of the Commissioner of Stamps shall also be entered in the remarks column.

D.O. 43 (1)

(5) As soon as may be after the instrument is entered in the day book, registration of the instrument shall be effected by the registrar in the appropriate register in the manner required by these regulations, provided that, if any doubt exists as to whether the instrument is registrable or sufficiently stamped, the instrument shall not be registered until the procedure indicated in paragraph (4) of this regulation has been completed. + Take (A)

Day book, Form A.

D.O. 23

7. (1) The day book shall be kept in Form A, and entries therein shall be numbered consecutively and made strictly in the order of receipt of the instruments, a separate entry being assigned to each instrument.

(2) Separate day books shall be maintained for instruments affecting land, and for bills of sale.

Instruments affecting the same land or relating to the same property.

D.O. 25

8. Where two or more instruments affecting the same land or relating to the same property are presented for registration at the same time, they shall be entered in the day book one immediately below the other together with a note that they were delivered for registration at the same time, and the hour and minute of presentation shall also be recorded in the appropriate column of the day book.

Addresses.

D.O. 11

9. Every person who presents an instrument for registration shall furnish the registrar with a postal address within the Island, and any notice sent to the applicant at the said address shall be deemed to have been duly given to him.

Receipt for documents, notices to remove, removal, and destruction.

D.O. 21 (1)

10. (1) The registrar or the day book clerk shall deliver to the person presenting an instrument for registration a receipt therefor, and shall before delivery endorse thereon the date on which the instrument will, so far as can be foreseen, be registered, and such person shall on or after the said date apply to remove the instrument and, if the instrument has been registered, remove it.

Provided that, if it is impracticable to register the instrument on or before the date endorsed on the receipt, the registrar may cancel the said date on the receipt when it is produced to him and from time to time insert a later date for the removal of the instrument, and in such case the person who presented the instrument for registration shall remove the instrument on or after the later date.

(2) The registrar may also at any time send a notice to any person presenting an instrument for registration at the postal address in the Island furnished by such person informing him of the date on which any instrument presented by him for registration will, so far as can be foreseen, be registered, and in such case the provisions of paragraph (1) of this regulation shall apply as if the notice were a receipt given under that paragraph.

(3) When an instrument is destroyed under section 28 of the Ordinance, the words "Destroyed on (date)" shall be written across the last two columns of the entry in the day book, and the registrar shall append his initials thereto.

11. The following provisions shall apply in the case of documents presented for registration through the post or under cover:—

(1) Letters, parcels, or packages containing such documents shall be opened by the registrar daily at hours fixed by the Registrar-General for that purpose, and a notice specifying the hours so fixed for any particular registrar's office shall be posted in a conspicuous place therein.

(16) (10)

(2) Every person presenting any such documents shall send therewith sufficient stamps for the return of the documents to him by registered post, together with a memorandum giving the following particulars:—

1. Name and postal address in the Island of person presenting the document.
2. Particulars of documents sent for registration, thus:
Deed No. — of (date) attested by (name of notary).
3. Amount of registration fee, if any, affixed in stamps, or sent by Post Office order.
4. Presenter's interest in documents presented.
5. Value of stamps sent for return of documents by registered post.
6. Signature of presenter.

Provided that, if insufficient stamps are sent to return the documents by registered post, the registrar may return the documents after registration by unregistered post.

12. Each registrar shall keep in his office a series of books in Form B to be called the Land Registers, for the registration of instruments affecting land situated within his registration district. Each registration district shall, with the approval of the Registrar-General, be divided into defined divisions of

D. O. 21 (2)

See Reg. Cir. no. 27
is destroyed 28.6.28.
undelivered
D. O. 57

Documents presented through the post or under cover.

K'gale

10 am. 4-15 p.m.
on Saturdays

10 am, 1 p.m. 3 p.m.
on other days

Reg. Cir. 4
28.1.28

Land Registers.
Form B.

D. O. 54

(A) 2651

"Before the transmission of the document to the Registrar General, an entry thereof shall also be made in the proper folio of the appropriate Register but leaving blank the Column 4 and upwards. An explanatory note shall be made in the Remarks Column of the entry that the registration of the deed is suspended pending instructions from the Registrar-General and on receipt of such instructions the entry shall be perfected in the manner prescribed in Regulation 6(4). If the Registrar-General decides that the deed should be refused registration, such refusal should be recorded in red ink across the entry in the blank Columns and signed and dated. The refusal should also be recorded in the Register kept under Regulation 24."

(Vide para 4 of Reg's Cir No. 4 of (P. 1. 1920))

S.O. 93(2)

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convenient size, to be called registration divisions, and there shall be assigned to each such division a separate register or set of registers to be designated by a separate letter of the alphabet.

Manner of registering instruments affecting land.

D.O. 57 (1)

D.O. 60

13. (1) Registration of an instrument affecting land shall be effected by entering the particulars required in Form B in the proper folio of the register kept under regulation 12 for the registration division in which the land is situated. The registrar shall sign the entry in the register and shall also endorse on the instrument the volume and folio in which registration has been effected and the place and date of registration, thus :

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

Colombo, January 16, 1928.

(Signed) A. B.,
Registrar.

D.O. 58

(N.B.—A 5 is the volume reference, and 130 the folio reference.)

(2) When two or more lands are affected by the same instrument, the volume and folio references required by paragraph (1) of this regulation shall be—

Case

- (a) Endorsed on the instrument in the order in which the lands appear in the instrument ; and
- (b) Entered in the margin of the instrument against the descriptions of the several lands affected.

D.O. 61 (1)

(3) If, at the time of registration of an instrument affecting land, the registrar finds that the description of the land affected thereby differs in any respect from the description of the same land appearing in the register by reason of the prior registration of another instrument affecting the same land, he shall, if he is satisfied as to the identity of the land, enter the later instrument in the same folio as the earlier instrument, and shall make a note of the differences in the remarks column of the entry relating to the later instrument : Provided that if he is doubtful as to the identity of the land he shall register the later instrument on a new folio, but shall connect the two folios by cross references, thus :—

“ See Vol.—fol.—for a similar property.”

Registration of instrument affecting divided portion of land.

D.O. 62

14. When an instrument affecting land relates to a divided portion of an area of land and an earlier instrument affecting that area has been already registered, the registrar shall register the instrument relating to the divided portion in a separate folio connecting it with the entry relating to the whole area by cross references, thus :

“ Instruments relating to a portion of this property are registered in Vol.—fol.—”(for the earlier instrument).

“ Instrument relating to the property of which this property is a portion are registered in Vol.—fol.—”(for the later instrument).

Movable Registers. Form C.

D.O. 162

15. Each registrar shall keep in his office a set of books in Form C to be called the “ Movable Register ” for the registration of bills of sale affecting property lying within the registration district.

16. (1) Registration of a bill of sale shall be effected by entering the particulars required in Form C in the proper folio of the "Movable Register"; the entries shall be made in the day book order of receipt of the bills of sale, a separate entry being assigned to each bill of sale.

Manner of registering bills of sale.

D.O. 164

(2) After registration of a bill of sale, the registrar shall make an endorsement thereon of the volume and folio in which it is registered and of the place and date of registration, thus:

Registered: "Movable Register" $\frac{2}{268}$

Colombo, January 16, 1928.

(Signed) A. B.,
Registrar.

(N.B.—2 is the volume reference and 268 the folio reference.)

17. In every application for correction of an error or omission in registering an instrument, as provided for in section 35 of the Ordinance, the applicant shall set forth clearly and in writing the nature of the error, the true facts of the case, and the correction sought for.

Applications for corrections of the registration.

D.O. 89

rdc 35

Method of correction.

18. Every correction of an error or omission in a registration entry shall be effected without obliterating the original entry and may in any case where the registrar deems it necessary, be effected by means of a note in the remarks column of the register concerned. Every such correction shall be signed and dated by the registrar.

D.O. 90

19. When an instrument presented for registration has been registered in the wrong folio and the Registrar General has ordered the error to be corrected under section 35 of the Ordinance, the registrar shall transfer the registration of such instrument to the proper folio. In such a case, the original entry shall not be cancelled but shall be connected with the subsequent entry by explanatory notes which shall be signed and dated by the registrar. The registrar shall also make the necessary correction in the endorsement made under regulation 13 or 16, as the case may be, if the instrument is still in his hands or is produced to him for that purpose.

Registration in wrong folio.

D.O. 91

20. If an error in one folio is corrected by a note in another folio, the two folios shall be connected by cross references, thus:

Correction in one folio of error in another.

D.O. 92

"Carried over to —" (in the earlier folio) and
"Brought forward from —" (in the later folio).

21. (1) Seizure notices and applications for cancellation of registration thereof may be in English, Sinhalese, or Tamil.

Seizure notices, &c., and cancellation thereof.

(2) Priority notices, seizure priority notices, caveats, and applications for registration of *lites pendentes*, as well as applications for cancellation of registration thereof shall be in English only.

D.O. 134 (1)(2)

(3) Every such document as is mentioned in this regulation which is presented for registration shall, when the person presenting the document has signed the same otherwise than

in English, bear upon it a certificate in English by a proctor or notary that the contents thereof have been explained by him to the person presenting the same.

(4) Every application for cancellation of the registration of any such document as is mentioned in this regulation shall give the date of registration of the document and the number and folio of the register in which the entry to be cancelled is recorded. The registrar shall enter the application in the day book and shall effect the cancellation by writing the word "Cancelled" in red ink across the entry in the register and by a note signed and dated by him in the remarks column containing a reference to the application.

D.O. 135(1)

D.O. 135(2)

Notice to caveator.
Form D.
Indexes.

*Documents
Chap. III 4-10
in application
form*

22. The notice to be given to a caveator under section 32 (4) of the Ordinance shall be in Form D.

23. (1) The registrar shall keep two series of indexes of instruments affecting land registered in his office, viz., the Local Index and the Personal Index. The Local Index shall contain the names of all the properties affected by such instruments arranged in alphabetical order and the Personal Index shall contain, similarly arranged, the names of grantors and grantees mentioned in the said instruments, or of the parties thereto.

(2) The registrar shall also keep a Personal Index of bills of sale registered in his office similar to the Personal Index referred to in paragraph (1) of this regulation.

24. When an instrument is refused registration, either in part or whole by the registrar under section 36 of the Ordinance, he shall record his reasons for such refusal in a book to be kept in Form E.

D.O. 40

Instruments refused registration.
Form E.

Order for cancellation, &c., by District Court.

D.O. 94

Cancellation, D.O. 136

25. When an order for the (cancellation) or rectification of a registered instrument has been made by a District Court under section 39 of the Ordinance and the same is brought to the notice of the registrar of the district in which the instrument has been registered, the registrar shall after verifying the particulars make a note in red ink of the order of the court at the foot of or in the remarks column of the registration entry and also on the instrument if it is available. Every such note shall contain a reference to the proceedings before the District Court and shall be signed and dated by the registrar.

Application for copies, extracts, or searches.

D.O. 335

26. (1) Every application for a copy or an extract or a search shall be legibly written in ink, or printed or typewritten on durable paper, on a form to be supplied or approved by the Registrar-General.

D.O. 359

(2) Applications for copies or extracts shall state all particulars necessary for the identification of the document, and in particular—

(a) In the case of an application for a copy of a deed or for an extract therefrom, the number or date of the deed, the name of the attesting notary or the Judge, Commissioner, Justice of the Peace, or other officer before whom the document was executed; and

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(b) In the case of an application for a copy of, or extract from, a Register or an Index, the registration division, if any, and the number of the volume, and of the folio of the appropriate Register or Index.

(3) No applicant for a copy or an extract shall be entitled to inspect any document to satisfy himself as to its identity unless his application is accompanied by an application for search.

D.O. 360(3)

(4) For the purposes of this regulation, the day book shall be deemed to be a register.

D.O. 336

27. When the registrar issues a copy of, or extract from, a document which is in his custody, he shall endorse thereon a certificate, which he shall sign, that the copy or extract is a true copy of, or extract from, the original document.

Issue of copies and extracts.

D.O. 363(1)

28. No search shall be made except in the presence of an officer of the land register office, and the registrar may in his discretion give such directions as he may think fit in relation to any particular search.

Searches.

D.O. 357

Persons of bad character or repute, and persons who, in the opinion of the registrar, are not likely to handle the records with sufficient care, shall not be allowed access thereto.

D.O. 356(2)

29. (1) No person shall, in the course of any search, make copies of, or extracts from, the records. But every person searching shall be permitted to inspect the records and to use a black lead pencil only for the purpose of making notes or memoranda of essential particulars therein, provided that such notes or memoranda are not actual transcripts of the records inspected.

Conditions of searches.

D.O. 358(1)(2)

(2) No person shall, in the course of any search, use pen and ink or any other writing fluid or indelible or coloured pencil.

30. Reasonable assistance shall be rendered by the registrar to persons searching, but no search shall be made by any officer of the land register office on behalf of a person who has applied for a search, except with the approval of the Registrar-General, and in any such case, no liability shall be incurred by the registrar for any error or inaccuracy in any information so obtained.

Search by D.O. 350(1) officers of land register office. (2)

This Reg. applies to all applications for searches. D.O. 251 may be taken as standing authority & each application need not be referred to. Search to be made on one day. 19th Nov 1914 (1) 10.4.12

31. Any search or inspection shall be deemed to have been completed on the same day as it was commenced, provided that the registrar in his discretion may allow a search or inspection not completed on one day to be completed on the following or a subsequent day without further fee.

D.O. 352

32. All fees payable under the Ordinance shall be paid in advance by means of adhesive uncanceled stamps: Provided that fees sent from outside the Island may be paid by Post Office Order, and in such cases the registrar shall cause the remittance to be converted into stamps and affix the stamps to the document concerned.

It is not necessary to issue receipts for fees paid in stamps under Item 112 of the 1914 Reg. in cases where applicant themselves make the inspection. Care should however be taken to see that the stamps are cancelled effectively & the applications paid. Cash remitted by post to arrive on authority to

D.O. 302(1)

D.O. 38

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- 4) Priority notices.
 5) Addresses, Sales Particulars, Transfers, Renewals of Priority Notices. - - - 2 entries.
 6) Concentrations - - - 6 entries

FORM A. [Reg. 7.]

Day Book of Documents received for Registration at the Land Registry
 [Date of receipt should be entered in red ink at the commencement of each day.]

Pg. Circ. 9
27.2.28

Time of Receipt	Serial Day Book No.	Name and Address of Person tendering Deed for Registration.	Deed.			Name of attesting Notary or Judge, &c.	Value or Consideration: Rs. c.	No. of Lands (in the case of Deeds affecting Lands only): A B C	Registration Duty, if any. Rs. c.	Registration Reference: Division and Volume. Folio.	Date of Return.	Signature of Person to whom Deed returned and Initials of Registrar or Day Book Clerk.	Remarks.
			Nature.	No.	Date.								

A = for work shown under (c) and (d)
 B = those under (e)
 C = - - - (f)

Division : _____
 Folio : _____
 Name of Land : _____
 T. P. No. _____
 Lot No. _____
 Asst. No. _____

Volume : _____
 Folio : _____
 Brought forward from _____
 Village or town and street : _____
 Patlu : _____
 Korale : _____
 District : _____
 Province : _____

Date of Registry (Day Book No. and Date).	Grantors (Names in full, and Residence).	Grantees (Names in full, and Residence).	Nature and Particulars of Alienations and Incumbrances (to be concisely and clearly stated).

Boundaries : _____
 Extent : _____

No. and Date of Deed.	Name of Notary, Judge, &c.	Registration Stamp Duty.	Signature of Registrar.	Remarks.
Carried over to				Volume. Folio.

FORM C. [Reg. 15.]
Movable Register.

Day Book Number and Date.	Name of Grantor.	Name of Grantee.	Deed.		Notary or Witnesses.	Nature and Particulars of Deed and Specification of Property.	Registration Stamps.	Registrar.	Remarks.
			Number.	Date.					
							Rs. c.		

FORM D. [Reg. 22.]
Notice to Caveator.

To _____ of _____.

With reference to your caveat dated _____, 192____, lodged at this office on the _____, 192____, under section 32 of the Registration of Documents Ordinance. No. _____ of 192____, take notice that _____ of _____ has tendered for registration a deed of _____ No. _____ dated _____ executed by _____ in favour of _____ before _____ Notary Public, affecting the property mentioned in your caveat, viz. :-

- (1) Name of Property : _____.
- (2) Situation : _____.
- (3) Boundaries : _____.
- (4) Extent : _____.
- (5) Registration reference : _____.

Land Registry,
_____, 192____.

Registrar of Land.

(b) registration reference : _____
Land Registry,
_____, 192__.

Registrar of Land.

FORM E. [Reg. 24.]
Register of Deeds the Registration of which is refused.

Day Book Number and Date.	Name of Tenderer.	Whether refused in Whole or in Part. If in Part in respect of which of the Properties.	Reasons for Refusal.	Date of Refusal.	Date on which Deed is returned to Tenderer.	Remarks. (Here insert Reference to all Correspondence, if any.)

Rg' Cr 3 -
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Equivalents of a unit

1. Ref. of Address 2 units
2. Cancellation of Address - 6 -
3. Fiscal's signature notice ... 1 -
4. " " Priority notice 1 -
5. Renewal of A.S.P.N. 2 -
6. Priority notice - - 1 -
7. Renewal of P.N. 2 -
8. Cancellation of P.N.,
T.S.N., T.S.P.N., Canal
or its Rendans 6 -

Notice to Cancellor

To of

With reference to your Canal dated
lodged at this office on under § 32 of the Right
of Documents Ordⁿ No 23 of 1917, take notice that
of has tendered for registration a deed of
to dated executed by in favour of
before M.P., affecting the property mentioned in
your Canal, viz:-

1. Name of Property
2. Situation
3. Boundaries
4. Extent
5. Registration before

L.R.O.
..... 192..

R.L.

Registration of Documents.

Ordinance No. 22 of 1930.

Z 113/29

An Ordinance to amend the Registration of Documents Ordinance No. 23 of 1927.

[Date of Governor's assent : November 29, 1930.]

[Date of commencement : November 29, 1930.]

H. J. STANLEY.

BE it enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :—

1 This Ordinance may be cited as the Registration of Documents Amendment Ordinance, 1930.

Short title.

2 The following section is hereby inserted in the principal Ordinance immediately after section 43 thereof :—

Insertion of new section 43A in the principal Ordinance.

43A The document required to be retained by the registrar when a priority notice, seizure priority notice, caveat, or *lis 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.

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

3 Part I of the First Schedule to the principal Ordinance is hereby amended as follows :—

Amendment of Part I of the First Schedule to the principal Ordinance.

(1) By the insertion of the following item between items 6 and 7 thereof :—

Rs. c.

6A Cancellation of registration of a priority notice, seizure priority notice, *lis pendens* or caveat, for each Land Registry in which the cancellation is registered, a fee of

0 50

(2) By the insertion of the words " requiring registration " immediately after the words " bill of sale " in the note " N.B. " to item 8 thereof.

Price 5 cents.]

J. N. 1208-1,264 (11/30)

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J. N.

Registration of Documents.

**Amendment of
Part III of the
First Schedule
to the principal
Ordinance.**

4 Part III of the First Schedule to the principal Ordinance is hereby amended as follows:—

- (1) by the substitution of the words "of deeds, instruments or documents, or the attested or certified copies thereof transmitted or delivered under Chapter II" for the word "attested" in the first line of item 1 (a) thereof;
- (2) by the substitution of the words "or index kept under Chapters III, IV, V or VI" for the words "kept under Chapters III or IV" in the first and second lines in item 2 thereof;
- (3) by the substitution of the word "or" for the word "of" in the first line of item 3 (a) thereof;
- (4) by the numbering of the paragraph in item 3 thereof beginning with the words "For supplying an endorsement" as item 4 thereof.

Passed in Council the Fourteenth day of November, One thousand Nine hundred and Thirty.

G. N. FARQUHAR,
Clerk to the Council.

Assented to by His Excellency the Governor the Twentieth day of November, One thousand Nine hundred and Thirty.

G. N. FARQUHAR,
Clerk to the Council.

