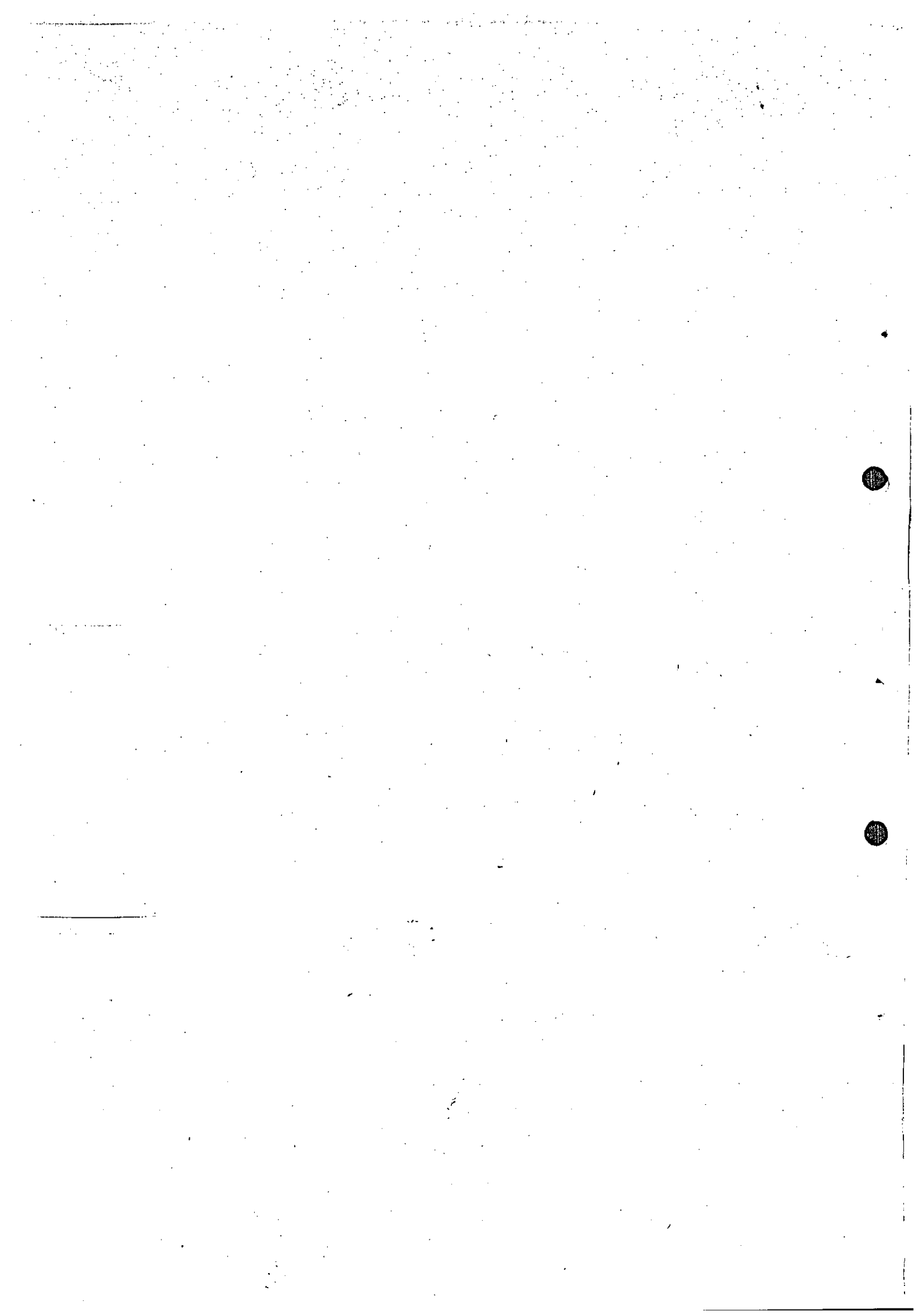




**NOTES ON THE CONSULAR FUNCTIONS
ACT, No. 4 of 1981**

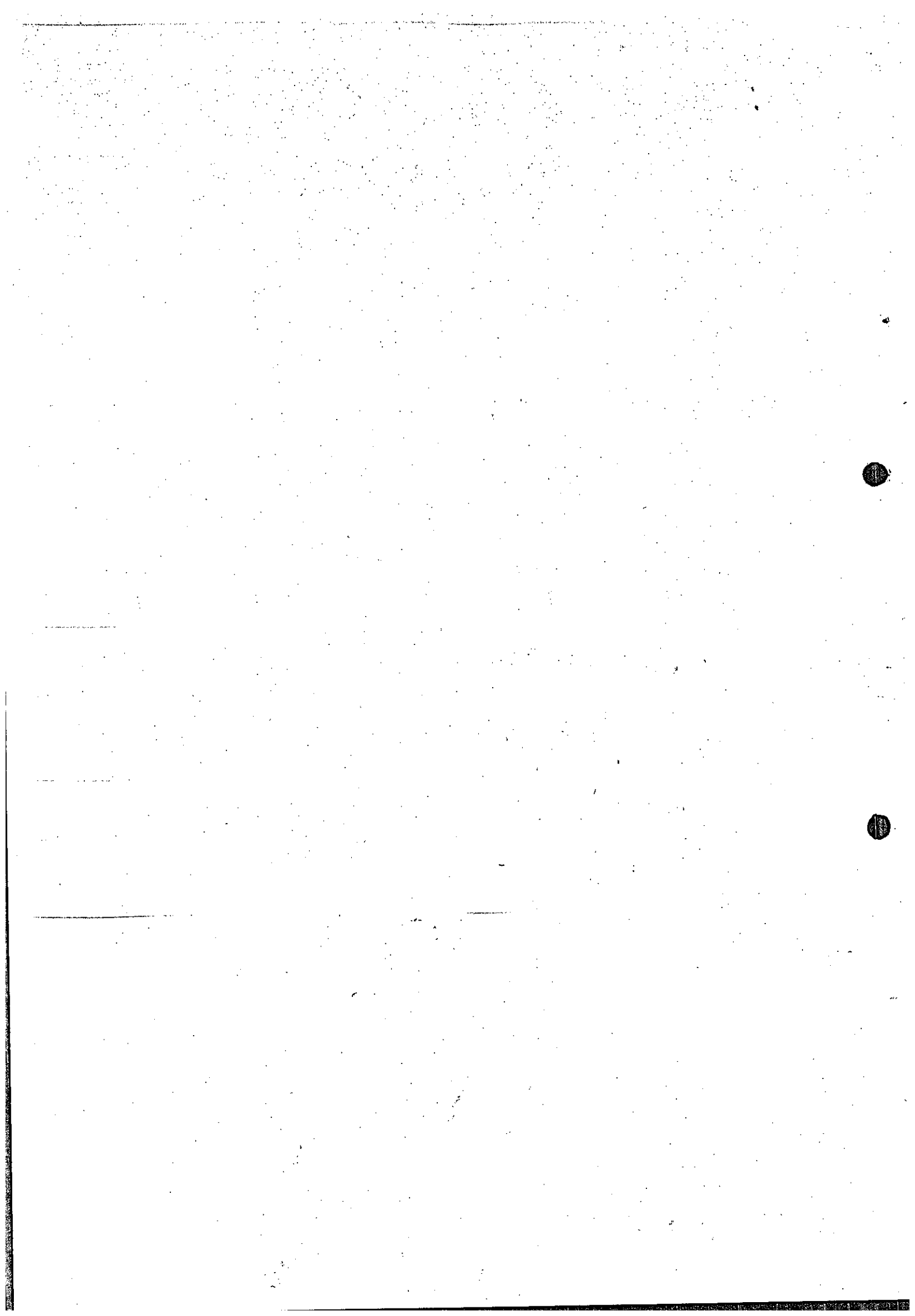
1986

**MINISTRY OF FOREIGN AFFAIRS
COLOMBO**



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CONSULAR FUNCTIONS ACT
INSTRUCTIONS REGARDING REGISTRATION OF BIRTHS,
DEATHS AND MARRIAGES

PART I
GENERAL

1. Provisions of Consular Functions Act—(Annex "A")

Section 7 of the Consular Functions Act Provides as follows :--

- (i) Every Diplomatic or Consular Officer is an Additional District Registrar for any district in Sri Lanka within the meaning of the Births and Deaths Registration Act (Chapter 110).
- (ii) A Diplomatic or Consular Officer can register a birth or death—
 - (a) of a citizen of Sri Lanka, and
 - (b) which occurs in the foreign country to which he is accredited or concurrently accredited.
- (iii) Such registration will have the effect of a registration done in Sri Lanka.
- (iv) The substantive law that must be followed in the registration of a birth or death is contained in the Births and Deaths Registration Act, which must be read with the changes necessary to give effect to its provisions in the special circumstances of a registration in a foreign country, and in the performance of the functions of the registration of a birth or death, a Diplomatic or Consular Officer must comply with the provisions of the Births and Deaths Registration Act.
- (v) Certification of any statutory document by a Diplomatic or Consular Officer should be under the designation of "Additional District Registrar."

2. Substantive Law relating to Registration of Births and Deaths

The law relating to the registration of a birth or death is contained in the Births and Deaths Registration Act (Cap. 110) of the Legislative Enactments of Ceylon 1956 (page 115). The regulations relating to registration of births is contained in Gazette No. 10693 of 16th July 1954, and reproduced in Chapter 110, Volume 2 of the Subsidiary Legislations of Ceylon, page 146 (1956). The instructions set out below have been framed on the basis of the above-mentioned laws and regulations. However, every Diplomatic or Consular Officer should also acquaint himself with the provisions of the Births and Deaths Registration Act as well as the regulations referred to above.

3. Who Can Register a Birth or Death ?

3 : 1 Only a Diplomatic or Consular Officer is empowered under Section 7 of the Consular Functions Act to register a birth or death.

3 : 2 A Diplomatic Officer means the Head of Mission or a member of the Diplomatic staff of such Mission, i.e. those holding a Diplomatic passport.

3 : 3 A Consular Officer means any person who is appointed as a Consular Officer by the Minister of Foreign Affairs, but does not include an Honorary Consul. However Honorary Consuls could perform certain limited functions. Necessary forms for making of declarations for registration of births and deaths could be collected from and handed over to an Honorary Consul for transmission to the appropriate Mission. The registration however will take place in the Mission.

4. Language of Registration

The registration of a birth or death must be made in *Sinhala* or, if the applicant so desires, in *Tamil*. When the Mission is unable to register in *Tamil*, it may be registered in English.

5. English Translations

In most cases Sri Lankans living abroad would require English translations of the birth or death registration. The applicant must be informed that though the registration is in *Sinhala* or *Tamil*, he can have an English translation of such registration, if he so desires. Where he wishes to have an English translation, he must be issued with such translation in the form at Annex "B" or B(2) upon payment of the appropriate fees.

6. Numbering

Each birth and death registered should be given a number in the relevant cage. The numbering should be from 01 to 10,000.

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PART II

REGISTRATION OF BIRTHS

1. Time Limit for Making an Application for Registration of Birth

1 : 1 An application for registration of a birth must be made and the registration effected within three months of the birth.

1 : 2 Where an application for registration of a birth is made *after* three months and within one year from the date of birth, the Diplomatic or Consular Officer shall record the reasons for the delay in making the application and authorise registration of the event as in 1 : 1 above and if it is after one year, send such application along with his report to the Registrar - General, Colombo, through the Secretary, Ministry of Foreign Affairs (Consular Affairs Division).

1 : 3 Where the Registrar-General directs that such birth be registered by the Diplomatic or Consular officer, the latter shall upon receiving such communication through the Secretary, Ministry of Foreign Affairs (Consular Affairs Division) register such birth without delay.

2. What Births Can Be Registered ?

2 : 1 Two conditions must be satisfied before a birth can be registered. They are—

- (i) The child born must be a *citizen* of Sri Lanka (Section 7(1) of the Consular Functions Act). Please note, therefore, that every child born to a Sri Lankan national/nationals in a foreign country is not automatically entitled to be registered under the Consular Functions Act, and
- (ii) The birth must have taken place in the country of your accreditation or concurrent accreditation.

3. Who is a Citizen of Sri Lanka ?

3 : 1 *Two pre-conditions.*—Two conditions must be satisfied before a child born in a foreign country can be considered to be a citizen of Sri Lanka—

- (i) The *father of such child* should be a citizen of Sri Lanka *at the time* of the child's birth ; and
- (ii) Such birth should be registered under Section 5(2) of the Citizenship Act—
 - (a) normally within one year of the date of such birth ;
 - (b) at either—
 - (i) the Diplomatic or Consular Office of Sri Lanka in the country of birth ; or
 - (ii) at the Ministry of Defence, Colombo. (Please see paragraph 3 : 4 below).

3 : 2 Section 5(2) of the Citizenship Act provides for (the registration of illegitimate children—see (15).

3 : 4 : 6 You can then on accepting the application for registration of the birth under Section 5(2) of the Citizenship Act, proceed *immediately* to register the birth under the Consular Functions Act without waiting until the birth is actually registered in the Ministry of Defence, Colombo, under the Citizenship Act.

4. Who Can Apply For the Registration of a Birth ?

4 : 1 Since under Section 7 of the Consular Functions Act registration of a birth would only be undertaken in respect of a citizen of Sri Lanka, the father or mother of the child should be required, wherever possible, to present himself or herself for the registration of the birth of the child.

4 : 2 Where the father or mother of the child is in very exceptional circumstances unable to make such application due to both parents being dead, absence from the country, illness or any other good cause, the Diplomatic or Consular Officer may, if he is satisfied of such exceptional circumstances, entertain an application made by the occupier of the house or building in which the child was born, a person present at the birth and by any other person having a charge of the child.

4 : 3 Where the parents are unable to attend personally the Mission may entertain a written application sent to it by post or through a third party by the father of the child or the mother or other person under exceptional circumstances referred to at 4 : 2 provided the application is supported by all the relevant documentation.

5. Necessity to Produce Birth Certificate of a Child Issued In the Foreign Country

5 : 1 No application for registration of birth should be entertained unless a valid birth certificate of the child issued by the authorities in the country of such birth is presented to you along with the application.

5 : 2 Such birth certificate should contain the names of the father and the mother.

6. Procedure for Registration

6 : 1 *What documents must be presented ?*

- (i) Application for registration of births under the Births and Deaths Registration Act No. 17 of 1951 as amended—in Declaration Form at Annex "C", if birth is registered within three months and Annex "D" if after three months.
- (ii) Birth certificate of child issued by the Competent Authority in the country of birth of such child.
- (iii) Passport of father.
- (iv) Declaration of citizenship of the father. (Section 3 : 3 (ii)).

7. Registration of Birth

7 : 1 Where the Diplomatic or Consular Officer is satisfied that the birth is registrable under the Births and Deaths Registration Act in pursuance of the powers vested in him by Section 7 of the Consular Functions Act he shall register accurately the particulars of the matters set out in the Birth Registration Book.

7 : 2 The birth registration form contained in the book referred to at 7 : 1 is in three copies. The three copies are contained in a single folio, the copies being separated by perforations. The one closest to the binding is the original ; the one in the centre the duplicate, and at the right hand corner is the triplicate. The registering officer should take extreme care to ensure that all three copies contain the same information as those given in the declaration form referred to at 6 : 1 (1).

7 : 3 Once the particulars are entered and the registering officer is completely satisfied that the particulars have been accurately entered, he should sign all three copies at the same time.

7 : 4 Once the registration is completed he should hand over to the applicant the *triplicate copy* of the registration, after signing the certificate overleaf.

7 : 5 If the applicant so desires, the triplicate of the birth registration may be sent to the address given by the applicant, by registered post, upon pre-payment of postage.

8. Special Information For Insertion in Birth Registration Form

8 : 1 In the Birth Registration Form as referred to at 7 : 2 the following particulars should be entered :

8 : 1 : 1 Against "Division" the name of the country where the Diplomatic or Consular Office is situated and the name of the city, e.g. U.K. (London) or India (New Delhi).

8 : 1 : 2 Against "District" the words "Colombo (Consular)."

8 : 1 : 3 Enter passport particulars of *father of child on left hand margin*—

Passport No. :

Issued on :

Issued at :

8 : 1 : 4 The rest of the particulars should be taken accurately from the Declaration Form referred to at 6 : 1 (1).

9. Duplicate copy of Registration Form

The duplicate copy should be torn off and to it should be attached the following documents :—

(a) Declaration Form.

(b) Declaration of Citizenship.

10. The original copy of the Registration Form should not be torn off the register and should be retained in the Mission.

11. Transmission of Documents to Registrar-General

(i) The following documents should be sent each month to reach the Registrar-General, at the address given below not later than the 15th day of the following month—

(a) Duplicate copies of all births registered along with their annexures as at 9 above ;

(b) Return of births in form at *Annex ' E '*.

(ii) Where no births are registered for a particular month, a NIL return must be sent, and in lieu of duplicates a NIL certificate should be sent (for purposes of statistics).

(iii) *Address* : The Assistant Registrar-General,
Central Record Room,
Maligawatta, Maradana,
Colombo 10,
Sri Lanka.

(iv) The documents should be sent in a sealed envelope addressed to the Registrar-General, to the Secretary, Ministry of Foreign Affairs (Consular Affairs Division) for onward transmission to the Registrar-General.

(v) The covering letter to Secretary, Ministry of Foreign Affairs (Consular Affairs Division) should state the number of births registered in your Mission for the month.

12. Ink to be Used in Filling Birth Registration Forms and Procedure for Making Corrections

(a) All entries should be made in permanent black ink. If an incorrect entry is made a straight line should be drawn across the incorrect entry so that the incorrect entry should be legible even after cancellation.

(b) If a word has been omitted by error it should be inserted at the appropriate place between the lines indicated by a stroke.

(c) Under no circumstances should any entry be altered otherwise than by adopting the method set out above.

(d) In the case of every amendment by way of insertion or deletion, the officer should place his initials on the left hand side of the margin of the Birth Registration Book against the amendment.

13. Issue of Birth Certificate

13 : 1 Where the applicant wants to have a copy of the birth certificate, he should, after the birth has been registered as at 7, apply for as many copies as he wishes to have of the birth certificate. Such application should be made in form at *Annex ' F '* and the certificates shall be issued in the language in which it is registered. If Tamil or English translations are required by the applicant, a separate application should be made for the purpose.

13 :2 The Diplomatic or Consular Officer shall upon receipt of such application issue such birth certificates, from the Security Pad which is provided for this purpose upon payment of the appropriate fees.

14. Registration of Twins, Triplets

Each child's birth should be registered separately and in successive folios of the Birth Registration Book.

15. Registration of Birth of Illegitimate Child Whose Mother is a Citizen of Sri Lanka

(i) Under the Citizenship Act, a child born out of wedlock and not legitimated (i.e. where the parents had not married each other even after the birth of the child) is a citizen of Sri Lanka, if his mother is a citizen of Sri Lanka at the time of the birth of such child (Section 5(2) and Section 9 of Citizenship Act).

(ii) In the circumstances, the mother of such child should adduce the same evidence of citizenship required from a father of a child born in wedlock set out in these instructions.

(iii) The father's name could be inserted in the relevant cage in the Registration Form, only if both parents agree to do so by giving a written declaration to that effect, otherwise a line should be drawn across this cage.

(iv) In cages seven and eight of the relevant form, information should be given of the maternal grand father and great grand father.

16. Fees

The fees payable by the applicant for registration of a birth are as follows :

16 : 1	(i) For registration of birth	—£.3
	(ii) For issue of birth certificate or each additional.. .. . copy thereof	—£.10
	(iii) Postage	Actual amounts
	(iv) Declaration for registration of birth after three months and within one year	—
	(v) Declaration for registration of birth after one year.. .. .	—

16 : 2 The fees payable mentioned at (2) above will be recovered in the currency of the country where the Mission is situated and would be determined by conversion of the fee stated in sterling pounds at the official rate of exchange. Where the amount in local currency is not divisible by 10, it could be increased to the next multiple of 10 for the sake of convenience.

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PART III

REGISTRATION OF DEATHS

1. Whose Death Can be Registered?

1 : 1 A death can be registered under Section 7 of the Consular Functions Act provided the following conditions are satisfied :

(i) The deceased is a citizen of Sri Lanka, and

(ii) The death had occurred in the country of your accreditation or concurrent accreditation.

2. Proof of Citizenship of Deceased

2 : 1 Passport of the deceased valid at the time of death is adequate evidence of his citizenship.

3. Proof of Death Occurring in a Country of Your Accreditation

3 : 1 The death certificate issued by the Competent Authority of the country in which the death occurred is adequate evidence of the fact that such death had taken place in that country.

4. How Soon After Death Should Application For Registration of Death Be Made?

4 : 1 The application for registration of death should be made to the Mission within three months of such death.

4 : 2 Application for registration of a death may be made after three months but within one year of such death in exceptional circumstances where the Diplomatic or Consular Officer is satisfied that due to unavoidable circumstances, the application for registration of death could not be made within three months of the death.

4 : 3 In case of doubt the question may be referred to the Secretary, Ministry of Foreign Affairs (Consular Affairs Division) who would issue directions regarding registration in consultation with the Registrar-General.

5. Who Can Be an Applicant For the Registration of a Death?

5 : 1 An application for the registration of a death may be made by any one of the following persons :

(a) The nearest relative of the deceased who was present at the time of death or in attendance during the last illness of the deceased ;

(b) A relative of the deceased who resides in the country where the death occurred ;

(c) If there is no such relative, any person who was present at the death ;

(d) The main occupant of the house where the death occurred ;

(e) The doctor in charge of the hospital or public institution where the death occurred ;

(f) If there are no such persons, the person who takes action to dispose of the body of the deceased by burial, cremation or by any other means.

6. Procedure for Registration of Death

6 : 1 *Application*.—The informant should fill the form at *Annex G1 OR G2* when making an application for the registration of a death.

6 : 2 What Documents Should be Submitted With the Application?

- (i) Death certificate of the deceased issued by the Competent Authority of the country in which the death took place ;
- (ii) Passport of the deceased or if the deceased is a minor the passport of the parent in which the endorsement regarding the minor is made.

7. Registration of Death

7 : 1 Where the Diplomatic or Consular Officer is satisfied that the death is registrable under the Births and Deaths Registration Act in pursuance of the powers vested in him by Section 7 of the Consular Functions Act, he shall register accurately the particulars of the matters set out in the Death Registration Book. The cause of death given in English or any other foreign language may be transliterated into Sinhala or Tamil as the case may be.

7 : 2 The Death Registration Book referred to at 7 : 1 is in three copies. The three copies are contained in a single folio, the copies being separated by perforations. The one closest to the binding is the original, the one in the centre, the duplicate and at the right hand corner is the triplicate. The registering officer should take extreme care to ensure that all three copies contain the same information as those given in the declaration form referred to at 6:1.

7 : 3 Once the particulars are entered and the registering officer is satisfied that the particulars have been accurately entered, he should sign all three copies at the same time

7 : 4 Once the registration is completed, he should hand over to the applicant the *triplicate* copy of the registration, after signing the certificate overleaf.

7 : 5 If the applicant so desires the triplicate of the death registration may be sent to the address given by the applicant, by registered post, upon pre-payment of postage.

8. Special Information For Insertion in Death Registration Form

8 : 1 In the Death Registration Form at *Annex 'H'* the following particulars should be entered :-

8 : 1 : 1 Against "Division" the name of the country where the Diplomatic or Consular Office is situated and the name of the city, e.g. U.K. (London) or India (New Delhi).

8 : 1 : 2 Against "District" the words "Colombo (Consular)".

8 : 1 : 3 The rest of the particulars should be taken accurately from the application.

9. Duplicate Copy of Registration Form

The duplicate copy should be torn off and to it should be attached the following documents :

- (a) Application form ; and
- (b) Declaration of citizenship.

10. Transmission of Documents to Registrar-General

(i) The following documents should be sent each month to reach the Registrar-General, at the address given below not later than the 15th day of the following month—

(a) Duplicate copies of all deaths registered along with their annexures—as at 9th above ;

(b) Return of deaths in form at Annex 'I'.

(ii) Where no deaths are registered for a particular month, a NIL return must be sent and in lieu of duplicates a NIL certificate should be sent (for purposes of statistics).

(iii) Address : The Assistant Registrar-General,
Central Record Room,
Maligawatta, Maradana,
Colombo 10,
Sri Lanka.

(iv) The documents should be sent in a sealed envelope addressed to the Registrar-General, to Secretary, Ministry of Foreign Affairs (Consular Affairs Division) for onward transmission to the Registrar-General.

(v) The covering letter to Secretary, Ministry of Foreign Affairs (Consular Affairs Division) should state the number of births registered in your Mission for the month.

11. Death Certificates

11 : 1 Where the applicant wants to have a copy of a death certificate, he should, after the death has been registered as at 7, apply for as many copies as he wishes to have of the birth certificate. Such application should be made in form at Annex 'J', and the certificate may be issued in the language in which it is registered. If Tamil or English translations are required by the applicant, a separate application should be made for the purpose.

11 : 2 The Diplomatic or Consular Officer shall upon receipt of such application issue such death certificates from the security Pad which is provided for this purpose upon payment of the appropriate fees.

12, Fees

12 : 1 The fees payable by the applicant for registration of a death are as follows :

- (i) For registration of a death £ 3
- (ii) For issue of death certificate or each additional copy .. thereof £ 10
- (iii) Postage Actual amount
- (iv) Declaration for registration of death after three months and within one year -
- (v) Declaration for registration of death after one year -

12 : 2 The fees payable mentioned at 13:1 above will be recovered in the currency of the country where the Mission is situated and would be determined by conversion of the fee stated in sterling pounds at the official rate of exchange.

Where the amount in local currency is not divisible by 10, it could be increased to the next multiple of 10 for the sake of convenience.

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PART IV

REGISTRATION OF MARRIAGES

"A"

1. Provisions of the Consular Functions Act

1 : 1 Under Section 5 of the Consular Functions Act, a Diplomatic or Consular Officer is deemed to be an Additional District Registrar for any district in Sri Lanka within the meaning of the Marriages (General) Ordinance (Chapter 112) and the Kandyan Marriage and Divorce Act (Chapter 113) and a Registrar under the Muslim Marriage and Divorce Act (Chapter 115).

1 : 2 The provisions of the Marriage Registration Ordinance and the Kandyan Marriage and Divorce Act and the Muslim Marriage and Divorce Act apply, subject to necessary changes, in respect of the registration of marriages by a Diplomatic or Consular Officer.

1 : 3 A Diplomatic or Consular Officer can register a marriage—

- (a) where at least one of the parties to the marriage is a citizen of Sri Lanka; and
- (b) where the marriage takes place in the foreign country to which the officer is appointed or accredited, directly or concurrently.

1 : 4 Such registration will have the effect of a marriage solemnized and registered in Sri Lanka.

2. Permission of Receiving State to Register Marriages in Embassy

2 : 1 A Diplomatic Mission of Sri Lanka can register a marriage under the Consular Functions Act only if the receiving state, i.e., the country in which the Embassy is situated, permits such registration.

2 : 2 It is essential, therefore, that a note be addressed to the Ministry of Foreign Affairs of the receiving state requesting permission to register marriages of Sri Lankans in the Embassy under the Consular Functions Act. The note may be sent in the form set out in the annex to the covering letter. Please note that under no circumstances should a marriage be registered in the Mission if the receiving State objects to such registration.

2 : 3 In some countries, however, there will be no objection to a marriage being registered under the Sri Lanka law in the Sri Lanka Mission *after* such marriage has been registered first in accordance with the law of the receiving State, e.g., U. K. In such situations, the marriage may be registered under the Sri Lanka law upon the production of the Marriage Certificate issued in that country.

3. Who can Register a Marriage

3 : 1 Only a Diplomatic or Consular Officer is empowered under Section 5 of the Consular Functions Act to register a marriage. However, in the case of a marriage registered under the Muslim Marriage and Divorce Act, only a Muslim male Diplomatic or Consular Officer could act as Registrar.

3:2 A Diplomatic Officer means the Head of Mission or a member of the Diplomatic Staff of such Mission, i.e., those holding a Diplomatic passport.

3:3 A Consular Officer means any person who is appointed as a Consular Officer by the Minister of Foreign Affairs but does not include an Honorary Consul. However, Honorary Consuls could perform certain limited functions. Necessary forms for making of declarations for registration of marriage could be collected from and handed over to an Honorary Consul for transmission to the appropriate Mission. The registration however will take place in the Mission.

4. Language of Registration

A Diplomatic or Consular Officer may solemnize and register a marriage in the Sinhala, Tamil or English language.

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Marriages can be registered under—

- (i) The General Marriages Ordinance (Cap. 112),
- (ii) Kandyan Marriage and Divorce Act (Cap. 113),
- (iii) The Muslim Marriage and Divorce Act (Cap. 115).

Procedure for registration of marriages under each of these laws are set out below :

REGISTRATION OF MARRIAGES UNDER THE GENERAL MARRIAGES ORDINANCE

There are two procedures for registration of marriages under the General Marriages Ordinance. They are—

- (i) by giving a normal notice of marriage,
- (ii) under a special licence.

2. Whose Marriages can be Registered under Normal or Special Licence

2 : 1 For the Diplomatic Mission to undertake the registration of a marriage under the Consular Functions Law, the following conditions must be satisfied :—

- (a) At least one of the parties to the marriage should be a citizen of Sri Lanka.
- (b) Both parties should not be within the prohibited age of marriage under Section 15 of the General Marriages Ordinance. Therefore—
 - (i) the male should be over 16 years of age,
 - (ii) the female should be over 12 years of age,
 - (iii) the female, if she is a daughter of European or Burgher parents, should be over 14 years of age.
- (c) Where a party is below the age of 21, the consent of the father, or the mother (where the father is not available), or the guardian (where both parents are not available) is necessary. (Section 22(1) of the Marriage Ordinance).

2 : 2 The parties to the marriage should not fall within the prohibited degrees of relationship as set out in Section 16 of the General Marriages Ordinance, which states that no marriage shall be valid—

- (i) where either party shall be directly descended from the other,
- (ii) where the female shall be sister of the male either by full or half blood,
- (iii) where the female shall be the daughter of the male's brother, or the male's sister either by full or half blood.
- (iv) where the female shall be a descendant from either the male's brother or the male's sister,
- (v) where the female is a daughter of the male's wife by another father, i.e., the female is a step-child of the male,
- (vi) where the female is the widow of the male's son, grand son, father or grand father.

- (vii) where the male shall be the brother of the female either by full or half blood,
- (viii) where the male shall be the son of the female's brother or female's sister either by full or half blood,
- (ix) where the male shall be a descendant from either the female's brother or the female's sister,
- (x) where the male is the son of the female's husband by another mother,
- (xi) where the male is the husband of the female's deceased daughter, grand daughter, mother or grand mother.

3. Procedure For Registration Under Normal Notice of Marriage

The following steps should be followed when registering a marriage under a normal notice of marriage.

3:1 *Notice of Marriage.*—One of the parties to the marriage should give notice of marriage to the Diplomatic or Consular Officer and the notice should be made *in duplicate* in the "Notice of Marriage Form" at Annex "K". When accepting a notice of marriage, the Diplomatic or Consular Officer should ensure that the following conditions are satisfied and the procedures followed :

3:2 *Residence requirement.*—

- (i) If both parties have resided in the country where the Mission is situated for more than 10 days immediately preceding the notice of marriage, either party to the marriage can give notice,
- (ii) If only one of the parties to the marriage has resided in the country where the Embassy is situated for more than 10 days immediately preceding the date of notice, only that party can give notice of marriage,
- (iii) If both parties have not resided in the country where the Embassy is situated for 10 days, then either party who has resided in such country for 4 days immediately prior to the date of giving notice, can give the notice of marriage.

3:3 Once the residence requirement is satisfied, the person entitled to give notice should fill the Notice of Marriage Form in the presence of the Diplomatic or Consular Officer and two witnesses. Either the party giving notice or the witnesses should be personally known to the officer.

3:4 After the Notice of Marriage Form is duly filled the Diplomatic or Consular Officer should certify the endorsement at the foot of the notice of marriage and enter the date of receipt of such notice.

3:5 The particulars in the Notice of Marriage Form should then be entered by the Diplomatic or Consular Officer in the Marriage Notice Book, a specimen of which is at Annex "K 1". After these particulars have been entered in the Marriage Notice Book, the original of notice of marriage should be filed of record and the duplicate should be affixed to a notice board in a conspicuous place in the Embassy for a period of 12 clear days or during 12 successive days after the entry of notice. Please note that the duplicate should be affixed on the notice board on the day that the notice of marriage is received.

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3 : 6 The marriage registration can take place at any time after the expiry of 12 clear days from the date of receipt of notice of marriage, but within 3 months of the receipt of such notice.

4. Issue of Registrar's Certificate

4 : 1 At any time after the lapse of 12 clear days from the receipt of notice of marriage but within 3 months from such date, the Diplomatic or Consular Officer will issue, upon application made by the party giving notice, a document known as the Registrar's Certificate. A specimen of this is at *Annex "L"*. This is commonly called the "pink form".

4 : 2 This *pink form* is issued to the applicant for the purpose of informing him that there is no objection to the registration of the marriage. Therefore, it follows that the *pink form will not be issued* to the applicant if during the 12 clear days when the notice of marriage is exhibited on the notice board a prohibition or an objection to the marriage is made by any person to the Diplomatic Mission. (For procedure to be followed if there is a prohibition or an objection to marriage please see para 10). The party to the marriage should fix the date and time of marriage and inform the Diplomatic or Consular Officer. The marriage must take place within 3 months of the date of receipt of the notice of marriage.

Note.—If the marriage is not registered within 3 months the notice automatically lapses and the applicant will have to give a new notice of marriage if he wishes to have the marriage registered in the Mission.

5. Registration of Marriage

5 : 1 On a date and time mutually agreed upon which must in any event be within 3 months of the receipt of notice of marriage, the marriage could be registered by the Diplomatic or Consular Officer. The marriage should be registered in the office of the Mission.

6. Procedure for Solemnization and Registration of Marriage

6 : 1 The Additional District Registrar, i.e., the Diplomatic or Consular Officer should bring the parties for marriage before him between 6.00 a.m. and 6.00 p.m. in the presence of two or more witnesses. He should then address the parties as follows :

"Be it known unto you, A.B. and C.D. that by the public reception of each other as man and wife in my presence, and the subsequent attestation thereof by signing your name to that effect in the registry book, you become legally married to each other, although no other rite of a civil or religious nature shall take place; and know ye further that the marriage now intended to be contracted cannot be dissolved during your lifetime except by a valid judgment of divorce, and that if either of you before the death of the other shall contract another marriage before the former marriage is thus legally dissolved, you will be guilty of bigamy and be liable to the penalties attached to that offence".

6 : 2 Each of the parties shall then make in the presence of the Registrar and witnesses the following declaration :—

"I do solemnly declare that I know not of any lawful impediment why I, A. B. may not be joined in matrimony to C.D., here present"

and each party shall say to the other :

"I call upon all persons here present to witness that I, A. B. do take thee, C. D. to be my lawful wedded wife (or husband)".

6 : 3 The Registrar shall then enter in triplicate a statement of the particulars of the marriage in his Marriage Register Book, a specimen of which is Annex "M" and, hereafter both parties to the marriage and the two witnesses shall sign all the three copies. Thereafter he will himself sign them in the appropriate page.

Note.—The third copy of the marriage entry should be handed over or posted to the female party by the Diplomatic or Consular Officer, who registered the marriage, after signing the certificate overleaf. No fee should be levied in respect of this copy.

6 : 4 Once this procedure is gone through, the registration of the marriage is completed and the parties become man and wife.

7. Transmission of Documents

7 : 1 The following procedure should be adopted with respect to the transmission of documents each month to the Registrar-General, through Secretary, Foreign Affairs (Consular Division) to reach the Registrar-General not later than the fifteenth day of the following month :

- (a) The duplicate copies of the Marriage Registration Book shall be detached and stitched together and returned along with the Duplicate Register Label; (i.e. Form B 41, which will be issued to the Mission) ;
- (b) Where no marriages are registered in a particular month a NIL Certificate should be sent in lieu of the duplicates ;
- (c) A statistical return in respect of all marriages registered in the Mission should also be sent; (i.e. Form B 130, which will be issued to the Mission);
- (d) Where no marriages are registered in a particular month, a NIL return on the return form itself (i.e. B 130) marked NIL should be sent ;
- (e) Finally, a general abstract (i.e. Form B 126, which will be issued to the Missions) in respect of all events registered at the Mission, i.e., Births, Deaths and Marriages should be sent ;
- (f) When transmitting the duplicates, all Special Licences (i.e. Annex "P" and the Registrar's Certificates "pink form at Annex "L") should be attached.

8. Issue of Certified Copies of Marriage Certificate

8 : 1 Any person (not necessarily the parties to the marriage) may make an application in the form at Annex 'N' for certified copies of a marriage certificate. This form is not an absolute requirement and a person is entitled to make a written application for certified copies.

8 : 2 Upon receipt of the application and payment of the appropriate fee, a copy of the marriage registration as appearing in the original of the Marriage Registration Book shall be accurately made out in form B 122 (which will be supplied to the Missions) and issued to the applicant under written acknowledgement.

9. Procedure for Registration under Special Licence

9 : 1 A party is entitled at any time after giving notice of marriage and the entry of such notice in the Marriage Notice Book by the Diplomatic or Consular Officer, to make an application for the issue of a special licence for marriage. The effect of the issue of such licence is that the marriage may be registered at any time within three months after notice is given, *without waiting for the expiry of 12 clear days.*

9 : 2 An application for a special licence of marriage should be supported by the following documents :

- (i) A certified copy of the original notice of marriage given by the parties to the Diplomatic or Consular Officer. (No fee should be levied when certified copy is issued for the purpose of obtaining a special licence) ;
- (ii) A declaration by the applicant in the form set out in *Annex 'O'* ;
- (iii) The prescribed fee.

9 : 3 Once these documents and fees have been received by the Diplomatic or Consular Officer, he will issue to the applicant the following documents :

- (a) Special Licence for marriage in the form at *Annex 'P'* ;
- (b) A *pink form* as at *Annex 'B'* (delete the words " and that the full period of twelve clear days has elapsed since the entry of the notice given to me and of the notice given to the Registrar of"). Thereafter the registration of marriage can take place *at any time*, within three months from the date of notice.

9 : 4 At a time fixed for registration of marriage (which may be either at the time of issue of the *pink form* or thereafter) the parties should be brought before the Diplomatic or Consular Officer along with two witnesses. Thereafter the marriage solemnization and registration procedure set out in 6 : 1, 6 : 2 and 6 : 3 will be followed. The Special Licence issued by the Diplomatic or Consular Officer and the *pink form* should be recovered from the applicant and retained by the Diplomatic or Consular Officer and filed of records.

10. Prohibiting or Entering of Objection to a Marriage

10 : 1 Every person whose consent to a marriage is required by law may forbid the issue of the Registrar's Certificate. In other words, a parent or guardian could give notice forbidding the issue of Registrar's Certificate on the ground of age. Such notice should be in the form at *Annex 'Q'* and no fee shall be levied in respect of such notice.

10 : 2 Any interested party may also object to a marriage on any other ground by entering a Caveat. The Caveat should be in the form at *Annex 'R'*, and a fee shall be levied in respect of such Caveat.

10 : 3 Section 6 of the Consular Functions Act states that where a marriage is forbidden or where there is an objection to a marriage, the Diplomatic or Consular Officer should make a report to the District Court of Colombo. Such report should be accompanied by a copy of the notice of marriage and of the notice forbidding the marriage or of the Caveat entered. In the circumstances, the Diplomatic or Consular Officer should send to Secretary/Foreign Affairs for transmission to the District Court the above-mentioned report and the documents in the event of a notice of prohibition being given or a Caveat is entered objecting to the registration of a marriage. The report should be made in the form at Annex 'S'.

11. Fees

11 : 1 The fees payable by the applicant for registration of a marriage are as follows :

(i) Notice of marriage	..	..	£. 10
(ii) Registration of marriage	..	..	£. 10
(iii) Registration of marriage under Special Licence	..	..	£. 20
(iv) Certified copies	..	..	£. 10
(v) Caveat	..	..	£. 10

11 : 2 The fees will be recovered in the currency of the country where the Mission is situated and would be determined by conversion of the fee stated in Sterling Pounds at official rate of exchange. Where the amount in local currency is not divisible by 10, it could be increased to the next multiple of 10 for the sake of convenience.

11 : 3 All fees recovered should be entered in the cash book and a receipt issued therefor.

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REGISTRATION OF KANDYAN MARRIAGES

1. Kandyan Marriage and Divorce Act

1 : 1 There are two procedures for registration of marriages under the Kandyan Marriage and Divorce Act. They are—

- (i) Under the normal Notice of Marriage,
- (ii) Under a Special Licence.

2. Whose Marriages Can Be Registered Under Normal or Special Licence

(a) The marriage sought to be registered should be *between persons* subject to the Kandyan Law. Parties seeking to register a marriage under the Kandyan Marriage and Divorce Act should, therefore, make a declaration to the following effect :

- (i) that both parties to the marriage are persons subject to the Kandyan Law ; and
- (ii) that both parties wish to solemnize and register their marriage under the Kandyan Marriage and Divorce Act.

Note.—The making of a false declaration is an offence both under the Consular Functions Act and under the Kandyan Marriage and Divorce Act.

(b) Both parties to the marriage should be within the lawful age of marriage under Section 4, read with Section 66 of the Kandyan Marriage and Divorce Act. Therefore—

- (i) the male should be over 16 years of age ;
- (ii) the female should be over 12 years of age.

Note.—There is no objection to persons subject to Kandyan Law registering their marriage under the General Marriages Ordinance.

2 : 1 The parties to the marriage should not fall within the prohibited degrees of relationship as set out in Section 5 of the Kandyan Marriage and Divorce Act, which states that no Kandyan marriage should be valid—

- (i) Where either party shall be directly descended from the other, or
- (ii) Where the female shall be sister of the male either by full or half blood,
- (iii) Where the female shall be the daughter of the male's brother, or the male's sister either by full or half blood,
- (iv) Where the female shall be a descendant from either the male's brother or the male's sister,
- (v) Where the female is a daughter of the male's wife by another father, i.e., the female is a step child of the male, or
- (vi) Where the female is the widow of the male's son, grand son, father or grand father,
- (vii) Where the male shall be the brother of the female either by full or half blood,
- (viii) Where the male shall be the son of the female's brother or female's sister either by full or half blood,

- (ix) Where the male shall be a descendant from either the female's brother or the female's sister,
- (x) Where the male is the son of the female's husband by another mother,
- (xi) Where the male is the husband of the female's deceased daughter, grand daughter, mother or grand mother,

3. Consent to Marriage

3 : 1 The consent of a competent authority is required to the marriage of a minor (male under 18 years and female under 16 years) subject to Kandyan Law. Section 8 (2) defines the term "competent authority".

3 : 2 Any competent authority may give or refuse such consent to the marriage of a minor subject to Kandyan Law.

3 : 3 The Diplomatic or Consular Officer should not exercise powers of a competent authority under the Kandyan Marriage and Divorce Act for the purpose of giving consent to the marriage of a minor subject to the Kandyan Law.

Note.—If the father of the minor or failing the father, the mother has consented to the marriage of the minor, such marriage may be registered in the Mission.

4. Procedure for Registration under Normal Licence

4 : 1 The following steps should be followed when registering a marriage under the Kandyan Marriage and Divorce Act.

Notice of Marriage :

4 : 2 One of the parties to the marriage should give notice of marriage to the Diplomatic or Consular Officer and the notice should be made in duplicate in the "Notice of Marriage Form" at Annex 'T'.

4 : 3 When accepting a notice of marriage, the Diplomatic or Consular Officer should ensure that the following conditions are satisfied and the procedures followed.

4 : 4 *Residence Requirement :*

- (i) If both parties have resided in the country where the Mission is situated for more than 10 days immediately preceding the notice of marriage, either party to the marriage can give notice,
- (ii) If only one of the parties to the marriage has resided in the country where the Embassy is situated for more than 10 days immediately preceding the date of notice, only that party can give notice of marriage,
- (iii) If both parties have not resided in the country where the Embassy is situated for 10 days, then either party who has resided in such country for 4 days immediately prior to the date of giving notice, can give the notice of marriage.

4 : 5 Once the residence requirement is satisfied, the person entitled to give notice should fill the Notice of Marriage Form in the presence of the Diplomatic or Consular Officer and two witnesses. Either the party giving notice or the witnesses should be personally known to the officer.

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4 : 6 After the Notice of Marriage Form is duly filled, the Diplomatic or Consular Officer should certify the endorsement at the foot of the notice of marriage and enter the date of receipt of such notice.

4 : 7 Every Diplomatic or Consular Officer to whom a notice of a prospective Kandyan marriage is served is required to do the following :

- (a) To file such notice and keep it with the records of his office ;
- (b) To enter in his Marriage Notice Register the particulars specified in the notice. The specimen of the Register is at *Annex 'U'*
- (c) To affix a true copy or a prescribed extract of the notice on a notice board in a conspicuous place in the Embassy for a period of 12 clear days from the date of receipt of such notice. Please note that the copy or extract of the notice should be affixed on the notice board on the day that the notice of marriage is received. A specimen of the prescribed extract for purposes of publication is at *Annex 'V'*.

4 : 8 The marriage registration can take place at any time after the expiry of 12 clear days from the date of receipt of notice of marriage but within 3 months of the receipt of such notice.

5. Issue of Marriage Notice Certificate

5 : 1 After the lapse of a period of 12 clear days from the date of the marriage notice entry and within a period of 3 months from the date of notice the Diplomatic or Consular Officer will issue, upon application by a party, a certificate in respect of the Kandyan marriage. This is referred to as the " Marriage Notice Certificate ", a specimen of which is at *Annex 'W'*.

5 : 2 The Marriage Notice Certificate is issued to the applicant for the purpose of informing him that there is no objection to the registration of marriage. Therefore, it follows that the Marriage Notice Certificate will not be issued to the applicant, if during the 12 clear days when the notice of marriage is exhibited on the notice board, an objection to the marriage is made by any person to the Diplomatic Mission. (The procedure to be followed if there is an objection to the marriage—please see below).

6. Objections

6 : 1 Any person whose consent to a Kandyan Marriage is required under the Act or who is a person interested in such marriage may object in writing to the issue of a Marriage Notice Certificate.

6 : 2 Every objection should be substantially in the prescribed form, a specimen of which is at *Annex 'X'*.

6 : 3 Upon the receipt of an objection, the Diplomatic or Consular Officer is required to forthwith cause a notice to be served upon each party to the marriage and the objector. This notice should state the nature of the objection, the time and date for the hearing of the objection and shall require the presence of the persons to whom the notice is addressed to appear before the officer.

6 : 4 The officer should hold a summary inquiry as he may deem necessary and make order on the objection. He should keep a record in writing of all proceedings taken by him for the purpose of disposing of an objection.

7. Solemnization and Registration of Marriages

7 : 1 The parties to the marriage, with the agreement of the Diplomatic or Consular Officer, may fix the date and time of the registration of marriage which in any event must take place within 3 months of the date of receipt of notice of marriage.

Note.—If the marriage is not registered within 3 months, the notice automatically lapses and the applicant will have to give a new notice of marriage if he wishes to have the marriage registered in the Mission.

7 : 2 On a date and time mutually agreed upon, the marriage could be registered by the Diplomatic or Consular Officer. The marriage should be registered in the office of the Mission.

8. Procedure for Solemnization of Marriage

8 : 1 The Diplomatic or Consular Officer should bring the parties for marriage before him between 6.00 a.m. and 6.00 p.m. at the Mission in the presence of two witnesses. He should then ask the male party to the marriage—"Do you take this woman (her name in full must be mentioned) to be your wedded wife?". After the male party has answered the question in the affirmative, he should ask the female party—"Do you take this man (his name in full must be mentioned) to be your wedded husband?". And the female party should answer the question in the affirmative.

8 : 2 The Diplomatic or Consular Officer should then register accurately in the Marriage Register the following particulars relating to the marriage :

- (a) The name in full, age, civil status, occupation and place of residence of each party to the marriage,
- (b) The nature of the marriage (whether Binna or Diga) which the officer is required to ascertain from the parties prior to making the entry, and,
- (c) The name in full, occupation and place of residence of each witness to the marriage.

8 : 3 A specimen of the Kandyan Marriage-Register which should be prepared in triplicate is at *Annex ' Y '*.

8 : 4 The marriage registration entry in the Marriage Register should be signed by both parties and the witnesses to the marriage.

8 : 5 After it has been so signed, the officer shall, after satisfying himself that the particulars relating to the marriage stated in the marriage registration entry correspond with the particulars in the Marriage Notice Certificate, append his own signature to the entry.

8 : 6 Once this procedure is gone through the registration of the marriage is complete and the parties become man and wife.

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Note.—The third copy of the marriage entry should be handed over or posted to the female party by the Diplomatic or Consular Officer who registered the marriage after signing the certificate overleaf. No fee should be levied in respect of this copy.

9. Special Licence Procedure

9 : 1 A party who desires to have the marriage registered before the expiry of 12 clear days is required to appear in person before the Registrar and make a declaration in the form set out at *Annex 'Z'*. The effect of resorting to this procedure is that a marriage may be registered at any time after notice is given without waiting for the expiry of 12 clear days.

9 : 2 When a party makes such application it should be supported by—

- (a) a certified copy of the notice of marriage,
- (b) the declaration by the party as set out in *Annex 'G'*.
- (c) the prescribed fee.

9 : 3 Once these documents have been furnished and there is no legal impediment or objection to the marriage, the officer will issue to the applicant the following documents :

- (a) Special Licence for marriage in the form at *Annex 'AA'*.
- (b) The Marriage Notice Certificate.

9 : 4 Thereafter, the marriage can be registered immediately by following the same procedure as followed for a normal licence under the Kandyan Marriages Act and shall similarly be entered in the Register of Kandyan Marriages. The Special Licence issued by the Diplomatic or Consular Officer and the Marriage Notice Certificate will be recovered from the applicant and retained by the Diplomatic or Consular Officer and filed.

10. Application for Certified Copies

10 : 1 A person may make an application (not necessarily parties to the marriage) on the payment of the prescribed fee, to obtain from a Diplomatic or Consular Officer certified copies of a Marriage Certificate. A specimen of an application form is at *Annex 'BB'*. This form is not an absolute requirement and a person may make a written application for certified copies.

10 : 2 Upon receipt of the application and payment of the appropriate fee, a copy of the Marriage Registration Book shall be accurately made out in Form 'C' 23 (which will be supplied to the Missions) and issued to the applicant under written acknowledgement.

11. Transmission of Documents to Registrar-General

11 : 1 The following procedure should be adopted with respect to the transmission of documents each month to the Registrar-General, through Secretary,

Ministry of Foreign Affairs (Consular Division) to reach the Registrar-General not later than the fifteenth day of the following month :

- (a) The duplicate copies of the Marriage Registration Book shall be detached and stitched together and returned along with the Duplicate Register Label (i.e. Form B 41, which will be issued to the Missions),
- (b) Where no marriages are registered in a particular month a NIL certificate should be sent in lieu of the duplicates,
- (c) A statistical return in respect of all marriages registered in the Mission should also be sent ; (i. e. Form B 130, which will be issued to the Missions),
- (d) Where no marriages are registered in a particular month, a NIL return on the return form itself (i. e. B 130) marked NIL should be sent,
- (e) Finally a general abstract (i. e. Form B 126, which will be issued to the Missions) in respect of all events registered at the Mission, i. e. Births, Deaths and Marriages, should be sent,
- (f) When transmitting the duplicates, all Special Licences (i. e. Annex ' AA ') and the Registrar's Certificates (Form at Annex ' W ') should be attached.

12. Fees

12 : 1 The fees payable by applicant for registration of Kandyan marriages are as follows :

- (a) For notice of marriage £. 10
- (b) For registration of marriage under normal licence £. 10
- (c) For registration of marriage under special licence £. 20
- (d) For certified copies £. 10
- (e) Application for marriage licence under Section 24 —

Note.—No fee may be levied when a party applies for a certified copy for the purpose of obtaining a Special Licence. The cost for such copy shall be included in the fee for the Special Licence.

13. Recovery of Fees

13 : 1 The procedure for recovery of fees is the same as set out in ' B ' in respect of General Marriages.

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REGISTRATION OF MUSLIM MARRIAGES

1. Muslim Marriage and Divorce Act

1 : 1 Muslim marriages should be registered in accordance with the provisions of the Muslim Marriage and Divorce (Muslim) Act (Cap. 115 LEC).

1 : 2. Only a male Muslim Consular or Diplomatic Officer can register a marriage under the Muslim Marriage and Divorce Act.

2. Whose Marriages can be Registered?

(a) At least one of the parties to the marriage should be a citizen of Sri Lanka,

(b) Both parties should be of the Muslim faith,

(c) A marriage contracted by a Muslim woman during her period of 'Iddat' shall not be registered under the Act,

(d) A marriage contracted by a Muslim girl who has not attained the age of 12 years shall not be registered.

NOTE : Every Registrar who knowingly registers a marriage of persons falling within (c) & (d) above shall be guilty of an offence under the Act.

3. Procedure for Registration

3 : 1 A marriage contracted between Muslims shall be registered immediately upon the conclusion of the "Nikah" ceremony.

3 : 2 The following persons could give the Diplomatic or Consular Officer information of the date, time and place at which the "Nikah" ceremony is to take place and request such officer to attend the ceremony for the purpose of registering the marriage :

(a) The bridegroom,

(b) The "Wali" of the bride (in cases where the consent of the wali has not been dispensed with by a Quazi under the provisions of the Act and is required by the Muslim Law governing the Sect to which the bride belongs),

(c) The person who conducts the "Nikah" ceremony connected with the marriage.

3 : 3 Before the registration of a marriage under the Act, the following declarations should be made and signed in the presence of the Diplomatic or Consular Officer :

(a) A declaration by the bridegroom. A specimen of the declaration is at Annex "CC"

(b) A declaration by the "Wali" of the bride. A specimen of the declaration is at Annex 'DD'.

3 : 4 The declaration by the "Wali" is not required in any case where the consent of the "Wali" has been dispensed with by a Quazi under the provisions of the act or where no "Wali" is necessary according to the Muslim Law governing the Sect to which the bride belongs.

3 : 5 Where the "Wali" making a declaration is a person other than her father or paternal grandfather, the bride is also required to sign the declaration made by the "Wali".

3 : 6 It is the duty of the Diplomatic or Consular Officer to require the bridegroom and where necessary (See 3 : 4) the "Wali" and the bride, to sign the above declarations.

3 : 7 After signing of the declarations, the Diplomatic or Consular Officer should enter a statement of the particulars of the marriage in triplicate in the Marriage Register. A specimen of the Marriage Register is at Annex 'EE'.

3 : 8 The statement of particulars entered in the register in respect of each marriage, is to be signed and attested by the following persons :

- (a) The bridegroom, and
- (b) The "Wali" of the bride (where the consent of the "Wali" has not been dispensed with by a Qazi under the provisions of the Act and is required by the Muslim Law governing the Sect to which the bride belongs) and,
- (c) The persons who conducted the "Nikah" ceremony connected with the marriage, and
- (d) Two witnesses being persons present at the "Nikah" ceremony, and
- (e) The Diplomatic or Consular Officer.

3 : 9 Where the Diplomatic or Consular Officer has himself conducted the "Nikah" ceremony at any marriage, it is sufficient if he inserts in the register the words "Registrar of Muslim Marriages" in the space intended for the signature of the person conducting the "Nikah" ceremony and signs the register in his capacity as Registrar.

3 : 10 The marriages to be registered under the Act, in the Marriage Register kept by the Diplomatic or Consular Officer shall :

- (a) be entered each on a page, on consecutive pages of that register commencing with the first page for the first marriage to be registered, and,
- (b) be numbered consecutively in that register in the order of time in which the Registrar is called upon to register these marriages.

3 : 11 No contract of marriage of a woman belonging to the "Shaffe" Sect is valid under the law applicable to that Sect, unless :

- (a) a person entitled to act as a "Wali"
 - (i) is present at the time and place at which the contract is entered into, and
 - (ii) communicates her consent to the contract and his own approval, or
- (b) the Quazi has authorised the marriage and dispensed with the necessity for the presence and the approval of the "Wali".

3 : 12 A marriage which is invalid under the law referred to above shall not be registered under the Act.

Note :—The third copy of the marriage entry should be handed over or posted to the female party by the Diplomatic or Consular Officer who registered the marriage after signing the certificate overleaf. No fee should be levied in respect of this copy.

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4. Application for Certified Copies

4 : 1 Any person (not necessarily the parties to the marriage) may make an application in the form at Annex "FF" for certified copies of a Marriage Certificate. This form is not an absolute requirement and a person is entitled to make a written application for certified copies.

4 : 2 Upon receipt of the application and payment of the appropriate fee, a copy of the marriage registration as appearing in the original of the Marriage Registration Book shall be accurately made out in form B 122 (which will be supplied to the Missions) and issued to the applicant under written acknowledgement.

5. Transmission of Documents to the Registrar-General

5 : 1 The following procedure should be adopted with respect to the transmission of documents each month to the Registrar-General, through Secretary/Foreign Affairs (Consular Division) to reach the Registrar-General not later than the fifteenth day of the following month :

- (a) The duplicate copies of the Marriage Registration Book shall be detached and stitched together and returned along with the Duplicate Register Label ; (i.e. Form B 41, which will be issued to the Missions),
- (b) Where no marriages are registered in a particular month a NIL certificate should be sent in lieu of the duplicates,
- (c) A statistical return in respect of all marriages registered in the Mission should also be sent ; (i.e. Form B 130, which will be issued to the Missions),
- (d) Where no marriages are registered in a particular month, a NIL return on the return form itself (i.e. Form B 130) marked NIL should be sent ;
- (e) Finally a general abstract (i.e. Form B 126, which will be issued to the Missions) in respect of all events registered at the Mission, i.e. Births, Deaths and Marriages, should be sent ;
- (f) When transmitting the duplicates, all declarations (i.e. Annexes 'CC' and 'DD') should be attached.

6. Fees

6 : 1 The fees payable by applicants for registration of Muslim Marriages are as follows :—

- (a) For registration—£. 10
- (b) For certified copies—£. 10

7. Recovery of Fees

7 : 1 The procedure for the recovery of fees is the same as set out in 'A' in respect of general marriages.

CONSULAR FUNCTIONS ACT

PART V

APPOINTMENT OF DIPLOMATIC AND CONSULAR OFFICERS AS JUSTICES OF THE PEACE FOR THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA (EX-OFFICIO)

1. Appointment as Justices of the Peace

1 : 1 In accordance with the provisions of Section 4 of the Consular Functions Act No. 4 of 1981, every Diplomatic or Consular Officer is *ex-officio* a Justice of the Peace for the Republic of Sri Lanka. Accordingly it is NOT necessary for such officer to take an oath before he assumes office as a Justice of the Peace.

1 : 2 A Diplomatic Officer means the Head of a Diplomatic Mission or a member of the Diplomatic Staff of such Mission.

Please note that members of the Diplomatic Staff of the Mission are those holding a Diplomatic Passport issued by the Government of Sri Lanka.

1 : 3 A Consular Officer means a person who has been *expressly* appointed as a Consular Officer by the Minister of Foreign Affairs, but does not include an Honorary Consul.

1 : 4 A Diplomatic or Consular Officer is, pursuant, to Section 4(1) of the Consular Functions Act, deemed to be *ex-officio* a Justice of the Peace and therefore is entitled to exercise the powers and functions of a Justice of the Peace commencing from the date when he assumes duties at the Mission.

1 : 5 Diplomatic or Consular Officers who are currently attached to Sri Lanka's Diplomatic and Consular Missions abroad may perform the powers and functions of a Justice of the Peace from the date of receipt of these instructions.

2. Functions of a Justice of the Peace

2 : 1 The following are the three principal functions of a Justice of the Peace:—

- (i) To attest any official document which is required to be attested by a Justice of the Peace ;
- (ii) To take an affidavit ;
- (iii) To administer an oath or affirmation.

2 : 2 Attestation of documents as Justice of the Peace

2 : 2 : 1 There are several official documents issued to Sri Lankan nationals or foreign nationals having transactions with any agencies or persons in Sri Lanka, e.g. declaration of assets form, pension form, shipping documents, etc. which

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2 : 4 : 2 When an oath or affirmation is administered the officer should issue a certificate to the effect that the oath/affirmation has been administered. Such certificate should read as follows :-

"I,..... hereby certify that the oath/affirmation under
(Name and Designation)

Sectionof..... was administered on
(number) (name of Act)

.....of.....at.....
(Name) (Address) (Place)

on.....by me.
(Date)

Signed :.....

SEAL "

3. Seal

Every Diplomatic or Consular Officer who performs functions as a Justice of the Peace must possess a seal in the form at Annex 'II' and affix such seal to every document attested by him in his capacity as a Justice of the Peace.

4. Fees

4 : 1 The following fees will be charged for the performance of functions and powers of a Justice of the Peace by a Diplomatic or Consular Officer :-

- (a) Attestation of documents as a Justice of the Peace— £. 15
- (b) Swearing or affirming an affidavit— £. 15
- (c) Administering an oath or affirmation— £. 15

4 : 2 In what currency

4 : 2 : 1 The fee will be recovered in the currency of the country where the Mission is situated and would be determined by conversion of the fee stated in sterling pounds at the official rate of exchange.

4 : 2 : 2 Where the amount in local currency is not divisible by 10 it could be increased to the next multiple of 10 for the sake of convenience.

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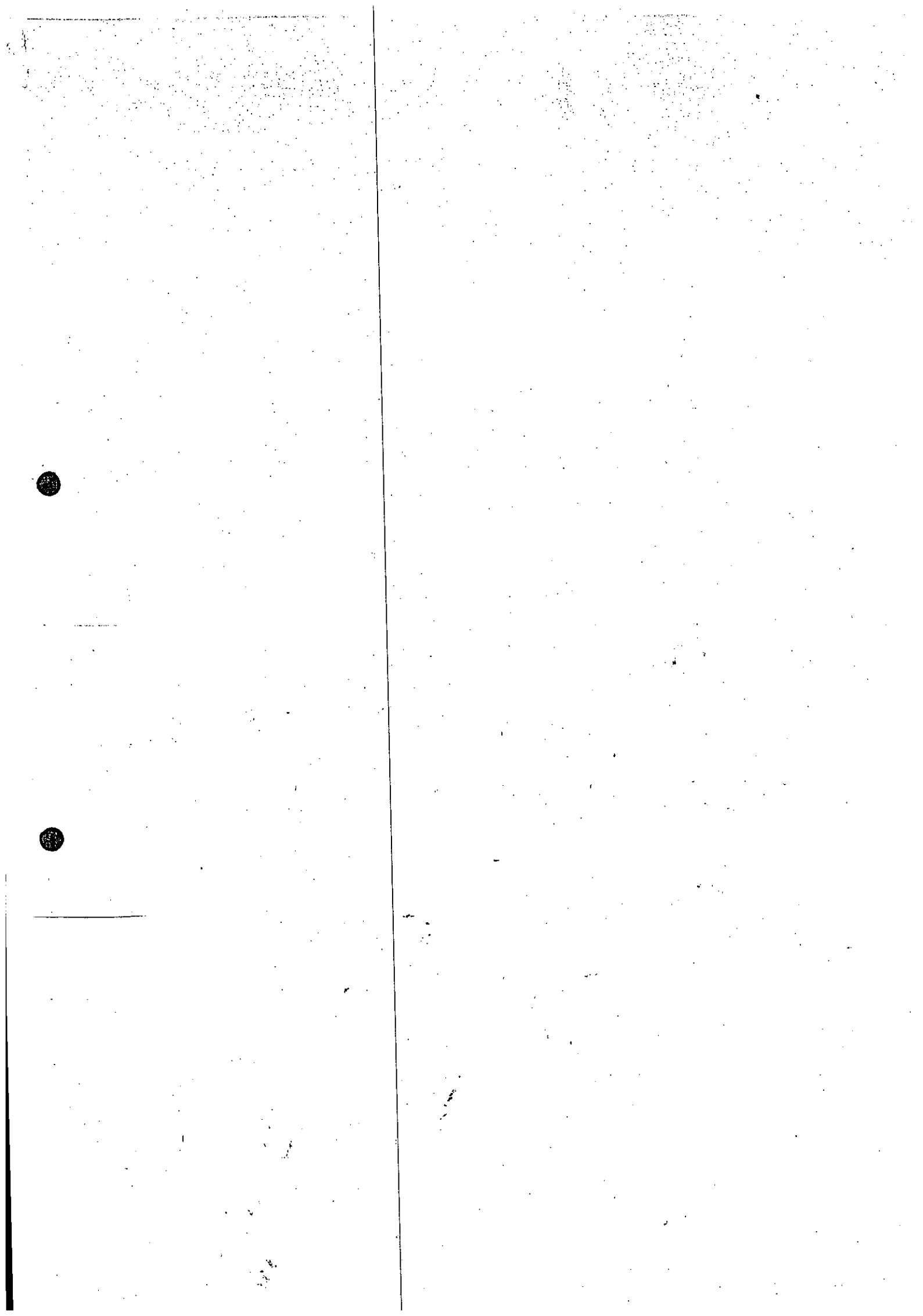
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5. Registers

A register must be maintained which records the following information relating to the performance of functions as the Justice of the Peace by members of the Diplomatic Staff in each Mission.

(1) <i>Serial No.</i>	(2) <i>Date</i>	(3) <i>Name of Applicant</i>	(4) <i>Form of Identification</i> (where Passport is produced, No., date and place of issue)
(5) <i>Brief description of function performed</i>	(6) <i>Fees charged</i>	(7) <i>Signature of officer performing such functions</i>	

(Taking of affidavit/ administering
oath/attesting document)

6. Cash Book and issue of receipts

All fees recovered should be entered in the Cash Book and a receipt issued therefore.

7. Records to the Ministry

Every Diplomatic Mission should send a Return in the form at Annex 'KK' to the Ministry containing the statistics regarding consular functions performed to reach the Ministry by the 15th of the month following the month in respect of which the particulars are sent.