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TITLE XI . . BIRTHS, MARRIAGES, DIVORCES AND DEATHS

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CHAPTER 129

BIRTHS AND DEATHS

Acts AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE REGISTRATION OF BIRTHS, DEATHS, AND STILL-BIRTHS.

Nos. 17 of 1951,
12 of 1952,
15 of 1953,
30 of 1954,
22 of 1955,

Laws

Nos. 40 of 1975,
41 of 1975,
23 of 1978.

[1st August, 1954.]

Short title.

1. This Act may be cited as the Births and Deaths Registration Act.

Deaths (hereinafter referred to as an "Assistant Registrar-General").

PART I

ADMINISTRATION

Appointment of Registrar-General and his duties.

2. (1) There may be appointed a person to be or to act as Registrar-General of Births and Deaths for Sri Lanka (hereinafter referred to as the "Registrar-General").

(2) An Assistant Registrar-General may, subject to the authority and control of the Registrar-General for the time being, exercise, perform or discharge any power, duty or function conferred or imposed upon such Registrar-General by or under this Act.

(2) The Registrar-General for the time being shall be vested with the general control and superintendence of the registration of births, deaths, and still-births in Sri Lanka, and of all persons appointed for, and engaged in, carrying out the provisions of this Act.

4. (1) For each district there shall be a District Registrar of Births and Deaths (hereinafter referred to as the "District Registrar").

(2) The Government Agent of a district shall be the District Registrar for that district.

Appointment of Deputy Registrar-General and his duties. [§§ 2 and 3, Law 23 of 1978.]

(3) There may be appointed a fit and proper person to be or to act as a Deputy Registrar-General of Births and Deaths.

(3) Every Additional Government Agent, Assistant Government Agent, Additional Assistant Government Agent and Office Assistant to a Government Agent, of a district shall be an Additional District Registrar for that district.

(4) The Deputy Registrar-General may, subject to the authority and control of the Registrar-General for the time being, exercise, perform or discharge any power, duty or function conferred or imposed upon such Registrar-General by or under this Act or by or under any other written law.

(4) There may be appointed any person as a District Registrar or as an Additional District Registrar in addition to or in place of any officer who is a District Registrar or an Additional District Registrar by virtue of the preceding provisions of this section.

Appointment of Assistant Registrars-General and their duties.

3. (1) There may from time to time be appointed a fit and proper person or each of two or more such persons to be or to act as an Assistant Registrar-General of Births and

(5) Every District Registrar within his district—

- (a) shall have and may exercise and discharge the powers and duties conferred or imposed on a registrar of a division ; and
- (b) shall superintend, subject to the direction of the Registrar-General, the registration of births, deaths, and still-births, and the registrars officiating within such district, and all other persons appointed for or engaged in carrying out the provisions of this Act within such district.

Registration divisions.

5. (1) The Minister may, by Notification published in the Gazette, divide the several administrative districts of Sri Lanka into such divisions, for the purposes of the registration of births and deaths, as may appear to him to be expedient, and may at any time by a like Notification amend, alter or abolish any such division.

(2) Every reference to any revenue district in any Notification made under subsection (1) of this section before the commencement of the Administrative Districts Act shall, after the commencement of that Act, be construed as a reference to the administrative district consisting of the area which constituted that revenue district.

Appointment of registrars, deputy registrars, &c.

6. (1) There may be appointed (whether by name or by office), for each division into which the administrative districts of Sri Lanka are divided, or are deemed to have been divided, under section 5 (hereinafter referred to as a "division"), a registrar and a deputy registrar, and in the prescribed circumstances and for such period as may be specified in the appointment, an acting registrar and an acting deputy registrar.

(2) Every appointment referred to in subsection (1), which is made by reference to office, not being an acting appointment, shall be notified in the Gazette.

(3) No person shall be appointed to be, or to act as, a registrar or a deputy registrar of a division, situated in an area in which Part V of this Act applies, unless he is a registered ayurvedic practitioner registered or deemed to be registered under the Ayurveda Act, or is a person holding a certificate of competency issued by the Director of Health Services.

(4) Every acting registrar and every deputy registrar for the time being—

- (a) shall have the powers conferred on a registrar by or under this Act, and may exercise those powers ;
- (b) shall perform the duties imposed on a registrar by or under this Act ; and
- (c) shall be subject to the liabilities and penalties imposed on a registrar by this Act.

7. Every registrar and deputy registrar for the time being shall, as long as they hold office, be deemed to be public servants within the meaning of the Penal Code.

Registrars deemed to be public servants.

8. (1) Every registrar shall dwell in his division and have an office or offices in such convenient place or places in that division as may be appointed in that behalf by the District Registrar of the district in which the division is situated :

Residence and office of registrar.

Provided that such District Registrar may, in the special circumstances of any case and with the prior approval of the Registrar-General, authorize a registrar to dwell or have his office or offices outside his division.

(2) Every District Registrar shall notify to the Registrar-General the residence and office or offices of every registrar whose division is situated within his district as soon as such registrar is appointed or as soon as such registrar has changed his residence or office.

(3) The registrar shall attend at his office or each of his offices on such days and during such hours as may be fixed by the Registrar-General or by the District Registrar of the district in which that division is situated ; and he shall cause a board bearing his name, the words "Registrar of Births and Deaths", the name of his division, his days of attendance and his hours of work, in legible characters in the Sinhala, Tamil and English languages, to be exhibited in a conspicuous place at or near the entrance of his office, and in case he has more than one office, at or near the entrance of each of his offices.

Annual list.

9. The Registrar-General may from time to time publish in the Gazette a list of the Registrars of Births and Deaths in Sri Lanka, with their names and the names of their divisions and of their office or offices, and may cause such list to be exhibited conspicuously in the offices of the District Registrars.

Registrar, or registrar, as the case may be, that it is issued under the provisions of section 11A:

Provided, however, that a registration entry under Part V in respect of a still-birth shall be kept only in the original.

PART II

GENERAL PROVISIONS RELATING TO THE REGISTRATION OF BIRTHS, DEATHS, AND STILL-BIRTHS

11. (1) Every registrar of a division shall, at the end of each period fixed in that behalf by the Registrar-General, send to the District Registrar of the district in which that registrar's division is situated for transmission to the Registrar-General for custody in his office—

Transmission of duplicates to Registrar-General.

- (a) the duplicate of every registration entry made by such registrar in that division during such period; and
- (b) if no such entry was made during the period, a certificate to that effect:

Provided that a registrar shall send that duplicate or certificate direct to the Registrar-General, if such registrar is so directed in writing by the Registrar-General.

(2) Every District Registrar shall, at the end of each period fixed in that behalf by the Registrar-General, send to him for custody in his office—

- (a) the duplicate of every registration entry made by such District Registrar during that period; and
- (b) if no such entry was made during the period, a certificate to that effect.

11A. Where a registration entry is made in triplicate in accordance with the provisions of this Act by the registrar of a division or by a District Registrar or by an Additional District Registrar on particulars furnished by an informant, such registrar or District Registrar or Additional District Registrar shall forthwith, free of charge, deliver or transmit by post to such informant, the third copy of that registration entry.

Issue of free copy of birth and death registration entry.

[§ 3, Law 41 of 1975.]

12. (1) Where the original of a registration entry (prepared under this Act or under any past enactment) is lost, damaged, illegible or in danger of becoming illegible, and the duplicate is available, the

Replacement of the original entry or duplicate entry in certain circumstances.

Duty of registrar to register births, deaths, and still-births.

10. (1) It shall be the duty of every registrar to inform himself carefully of every birth and death occurring in his division, and to register accurately and with all convenient despatch in the language specified for the purpose by the Registrar-General, in the registers provided by him, the particulars of the matters set out in forms A and B of the Schedule.

(2) It shall be the duty of the registrar of a division which is or is within an area in which Part V of this Act applies, to inform himself carefully of every still-birth occurring in his division, and to register accurately and with all convenient despatch, in the language specified for the purpose by the Registrar-General, in the registers provided by him, the particulars of the matters set out in form C of the Schedule.

[§ 3, Law 41 of 1975.]

(3) Every registration entry consisting of the particulars registered under the preceding provisions of this section—

- (a) shall be made in the order of time in which those particulars were given to the registrar;
- (b) shall be numbered consecutively and shall be signed by the officer making the entry; and
- (c) shall be prepared in triplicate, that is to say, the original, the second copy (hereinafter referred to as the "duplicate"), and a third copy which shall bear an endorsement under the hand of the District Registrar, Additional District

Registrar-General may, after due inquiry, cause to be substituted therefor a copy of the duplicate certified by him to have been made after verification with the duplicate and to be a true copy of the duplicate.

(2) Where the duplicate of a registration entry (prepared under this Act or under any past enactment) is lost, damaged, illegible or in danger of becoming illegible, and the original is in the custody of a District Registrar, the Registrar-General may, after due inquiry, cause to be substituted therefor a copy of the original certified by the District Registrar to have been made after verification with the original and to be a true copy of the original.

(3) Where the duplicate of a registration entry (prepared under this Act or under any past enactment) is lost, damaged, illegible or in danger of becoming illegible, and the original is in the custody of a registrar of a division, the Registrar-General may, after due inquiry, cause to be substituted therefor a copy of the original certified by that registrar to have been made after verification with the original and to be a true copy of the original and countersigned by the District Registrar in whose district that division is situated.

Replacement of an entry when both the original and duplicate are lost, damaged, or illegible.

13. (1) Where both the original and the duplicate of a registration entry (prepared under this Act or under any past enactment) are lost, damaged, illegible or in danger of becoming illegible, the Registrar-General may, upon the production of a declaration, made in accordance with the provisions of subsection (2), or of his own motion, and after such inquiry as he may think necessary, cause to be substituted therefor copies of such original and duplicate bearing his certificates setting out the reasons for such substitution and the sources from which the particulars specified in such copies were obtained :

Provided, however, that where both the original and the duplicate are lost or illegible, copies shall not be substituted as aforesaid unless—

- (a) the Registrar-General has made a full report to the appropriate Family Court setting out the reasons for the proposed substitution, the

particulars proposed to be substituted and the evidence upon which the particulars have been obtained ; and

- (b) the Family Court has, after holding such inquiry and giving such notice as the court may consider requisite, sanctioned such substitution as the court may deem proper.

No stamp duty shall be payable on any proceedings before a Family Court under this subsection.

(2) The declaration referred to in subsection (1) shall—

- (a) be made in writing ;
- (b) be made by the person upon whose information the original entry was made or any credible person having knowledge of the truth of the particulars relating to such entry ;
- (c) be made before the Registrar-General or any District Registrar ; and
- (d) set out the reasons why substituted copies are necessary and the sources and nature of the information (relating to the particulars to be specified therein) upon which the declarant relies.

14. (1) The Registrar-General shall cause every copy substituted under section 12 or section 13 to be filed and preserved.

Substituted copies deemed to be originals or duplicates, &c.

(2) Every copy certified in accordance with the provisions of section 12 (1) or section 12 (2) or section 13, or certified and countersigned in accordance with the provisions of section 12 (3) shall be deemed for the purposes of this Act to be the original or duplicate, as the case may be, which it replaces.

PART III

REGISTRATION OF BIRTHS

15. Subject to the provisions of subsection (1) of section 20, the father or mother of every child born alive, and in case the parents of the child are unable to provide the information relating to the birth hereinafter specified by reason of their

Obligation on certain individuals to give information about birth in person.

death, illness, absence or other inability recognized by the Registrar-General, the occupier of the house or building in which the child was born, each person present at the birth and the person having charge of the child shall, within forty-two days of the date of the birth, give information of such of the particulars relating to the birth required under this Act to be registered as the informant possesses, to the appropriate registrar and shall, if called upon by the registrar, sign the register of births in the appropriate place in the presence of the registrar.

This section shall apply to a birth which has occurred not earlier than forty-two days before the appointed date in like manner as it applies to a birth occurring on or after that date.

declaration relates occurred, it shall be the duty of such other registrar to receive and attest the declaration and to send it to the registrar of the division in which the birth occurred.

(3) On receipt of a declaration relating to a birth sent to him under subsection (1) or under subsection (2) and such other information as he may obtain under subsection (2), the appropriate registrar shall, if such birth has not already been registered, enter in the register of births the particulars relating to that birth required under this Act to be registered, and sign that register in the appropriate place. The declaration shall be attached to the duplicate of the relevant registration entry and shall be sent together with that duplicate to the appropriate District Registrar for transmission to the Registrar-General for custody in his office.

When and how information about birth may be given by written declaration.

16. (1) If a person required under section 15 to give particulars of a birth occurring in a division cannot conveniently attend the office of the registrar of that division, it shall be competent for such person—

- (a) to make a written declaration containing information of such of the particulars of the birth specified in form D in the Schedule as such person possesses, to affix thereon a stamp supplied by the declarant of the value of twenty-five cents and to send the declaration to the registrar of that division; or
- (b) if such person resides in some other division, to make a declaration as aforesaid, to affix thereon stamps of the value of fifty cents to be supplied by the declarant and to send the declaration to the registrar of such other division.

(2) The registrar to whom a declaration is sent under subsection (1) may, by written notice, require the declarant to attend his office within seven days of the receipt of the notice and to supply such written or oral information as he may require.

Where a declaration under subsection (1) is sent to a registrar of a division other than that in which the birth to which the

17. Subject to the provisions of subsection (2) of section 20, where any living new-born child is found exposed, it shall be the duty of the person finding such child, within seven days of such finding, and of the person in whose charge such child is placed, within seven days of the date on which such child is placed in his charge, to give to the appropriate registrar information of such of the particulars required under this Act to be registered as the informant possesses and to sign the register of births in the appropriate place in the presence of that registrar:

Information concerning birth to be given by person finding a new-born child.

Provided that any person obliged, under the preceding provisions of this section, to provide information of a birth to a registrar may, instead of providing that information to him, give the information to the nearest grama seva niladhari or to the officer in charge of the nearest police station and, if such information has been so given, the grama seva niladhari or officer shall give the information to the appropriate registrar and sign the register of births in the appropriate place.

18. (1) Where a birth occurring in a division has, from the default of the persons required to give information concerning the birth under this Act, not been registered, the registrar of that division, may, after forty-two days from the date of such birth,

Requisition by registrar of information concerning birth.

or, in any case when a new-born child is found, after seven days from the date of such finding, send a written requisition to any such person requiring him to attend personally at the registrar's office within such time (not less than seven days from the date of the receipt of the notice and not more than three months from the date of the birth or the finding) as may be specified in the notice, and to give information of such of the particulars required to be registered under this Act as he possesses and to sign the register of births in the appropriate place in the presence of the registrar.

(2) Every person to whom a requisition is sent under subsection (1) shall, unless the birth to which the requisition relates has been previously registered, comply with the terms of the requisition.

19. It shall be the duty of a registrar upon receiving from the appropriate informant at any time, not exceeding three months from the date of a birth or of the finding of a new-born child, information of any of the particulars required to be registered under this Act, to register, without fee or reward, forthwith in the prescribed form and manner such particulars (if they have not been previously registered), and to sign the register of births in the appropriate place.

20. (1) Where a birth occurs in an estate, it shall be the duty of the person or persons required by section 15 to give information relating thereto to give such information to the superintendent of the estate, within seven days of the birth, instead of to the registrar.

(2) Where any living new-born child is found exposed in an estate, it shall be the duty of the person finding such child, within twenty-four hours of such finding, and of the person in whose charge such child is placed, within twenty-four hours of his taking charge of such child, to give to the superintendent of the estate, instead of to the registrar, the information required by section 17 to be given to the registrar.

(3) Where the superintendent of an estate receives information of a birth under subsection (1), he shall, within forty-eight

hours of the receipt of the information, make, after verifying the information, a written report of the birth, substantially in the form E set out in the Schedule, to the nearest medical officer, or apothecary, appointed under the Medical Wants Ordinance, who shall send that report forthwith to the District Registrar of the district in which the estate is situated.

(4) Where the superintendent of an estate receives any information under subsection (2), he shall, within forty-eight hours of the receipt of the information, make a written report of the information, after verifying it, to the nearest medical officer, or apothecary, appointed under the Medical Wants Ordinance, who shall send that report forthwith to the District Registrar of the district in which the estate is situated.

(5) Where a District Registrar receives a report sent to him under subsection (3) or subsection (4), he shall register, in the prescribed form and manner, the particulars relating to the birth specified in that report. The superintendent of the estate who has made that report shall, for the purposes of this Act, be deemed to be the informant who supplied the aforesaid particulars and to have signed the entry, consisting of those particulars, made by the registrar.

21. (1) No person shall, in the case of an illegitimate child, as father of such child, be required to give information under this Act concerning the birth of such child.

(2) The registrar shall not enter in a register of births (kept under this Act or any past enactment) the name of any person as the father of an illegitimate child—

(a) except at the joint request of the mother and of the person acknowledging himself as the father of the child, and unless such person signs the register together with the mother; or

(b) except upon an order of a competent court which is summarized in the register:

Provided that where a registrar for the purpose of registering a birth takes particulars relating to the birth

Duty of registrar to register births without fee or reward.

Information about, and registration of birth of, children born, or living new-born children found exposed, in estates.

Registration of illegitimate children.

from a declaration made under section 16 or section 24, or from a superintendent's report made under section 20, or from a certificate of a Magistrate or Judge of a Primary Court issued under section 49, he shall enter in such register as father of the child the name of any person acknowledging himself as such, if such person has together with the mother signed in the appropriate place such declaration, report or certificate.

(3) Except upon an order of a competent court, no person shall, after the original registration of the birth of an illegitimate child, enter in the register of births the name of any person as the father of such child.

Registrar may call for proof of marriage in certain circumstances.

22. If a registrar has reason to doubt the legitimacy of a child whose birth has been or is to be registered on information supplied by the person required under this Act to give information concerning the birth, he may give notice to any person who may be prejudiced by such registration or intended registration, to appear before him and give such information relating to the birth as he may require, and he may demand from the person required under this Act to give information concerning the birth a certified copy of the entry, relating to the marriage of the alleged parents of the child, in the marriage register, or such other proof as he may think fit; and if such copy or other proof is not produced, he shall inform the appropriate District Registrar that such copy, or other proof to his satisfaction, has not been produced, and the District Registrar may, after such inquiry as he may consider necessary, take such steps as he may deem fit.

Restriction on registration of birth after three months from occurrence.

23. No person shall, after the expiration of a period of three months immediately succeeding the date of the birth of any person, register or cause to be registered that birth except upon an order made in that behalf under section 24 by the Registrar-General or the appropriate District Registrar.

Order for registration of birth after three months from occurrence.

24. (1) In any case where the birth of any person is not registered within the period of three months immediately succeeding the date of the birth—

(a) the Registrar-General or any District Registrar or registrar may, by

notice in writing, direct any person who is required by this Act to give information concerning the birth to attend personally at the office of the Registrar-General or of a District Registrar within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice, and to make before that officer a declaration of the particulars required to be registered under this Act in respect of the birth; or

(b) any such person or any other person interested may of his own motion attend personally at the office of the Registrar-General or of any District Registrar and make before such officer a declaration of the particulars required to be registered concerning the birth.

(2) Every declaration under subsection (1) shall be made substantially in the form F in the Schedule and shall contain a statement of the particulars required to be set out in the form according to the best of the knowledge and belief of the declarant.

Every such declaration shall, if made within a period of twelve months from the date of the birth, bear a stamp of one rupee, and, if made at any time thereafter, bear a stamp of five rupees. The stamp shall be supplied by the declarant.

(3) Any District Registrar, not being the appropriate District Registrar, before whom a declaration is made under subsection (1), shall—

(a) if the declaration is made within the period of twelve months immediately succeeding the date of the birth, transmit the declaration to the appropriate District Registrar to be dealt with as provided in subsection (5), and

(b) if the declaration is made after the expiration of the said period of twelve months, transmit the declaration to the Registrar-General to be dealt with as provided in subsection (6).

(4) Where a declaration under subsection (1) is made before the appropriate District Registrar after the expiration of the period of twelve months immediately succeeding the date of the birth, the District Registrar shall transmit the declaration to the Registrar-General to be dealt with as provided in subsection (6).

(5) Where a declaration under the preceding provisions of this section is made before any District Registrar within the period of twelve months immediately succeeding the date of the birth, the appropriate District Registrar may, if he is satisfied as to the truth of the matters stated in the declaration, make order directing the appropriate registrar to enter in the register of births the particulars specified in the declaration. Any such order may be made notwithstanding that a period of twelve months has elapsed after the date of the birth.

(6) Where any declaration is made under subsection (1) before the Registrar-General or is transmitted to him under subsection (3) or subsection (4), he may, if he is satisfied as to the truth of the matters stated in the declaration and if the birth to which the declaration relates occurred not earlier than the 1st day of January, 1868, make order directing the appropriate registrar to enter in the register of births the particulars specified in the declaration.

Effect of order under section 24.

25. (1) Where an order under section 24 is made directing a registrar to enter the particulars of a birth specified in a declaration, he shall forthwith enter those particulars in the register of births and sign the register in the appropriate place. The entry so made shall be deemed for the purposes of this Act to have been signed by the person who made the declaration.

(2) Every written order under section 24 shall be attached to the duplicate of the relevant registration entry and shall be sent together with the duplicate to the appropriate District Registrar for transmission to the Registrar-General for custody in his office.

26. The provisions of section 24 shall apply to the registration of a birth which has occurred prior to the appointed date, if, but only if, the birth had occurred not earlier than the 1st day of January, 1868.

Application of section 24 to certain births occurring before the appointed date.

27. (1) Where the birth of any person has been registered without a name being specified in the registration entry at the time of the registration or if his name has been altered after that time, the Registrar-General or the appropriate District Registrar or the Additional District Registrar may, on application made in writing in accordance with the provisions of subsection (2), amend, after such inquiry as he may consider necessary, the birth registration of such person, by the substitution, addition, insertion or omission of particulars relating to his name.

Insertion or alteration of the name of a person in the register. [§ 3, Law 41 of 1975.]

(2) Every application under subsection (1) shall be—

[§ 3, Law 41 of 1975.]

(a) made by a parent or guardian of the person to whom the application relates if that person is under the age of twenty-one years, or made by that person himself if he is over twenty-one years of age; and

(b) supported by a declaration substantially in such one of the forms G, GG, H and HH set out in the Schedule as may be appropriate, made before a Justice of the Peace or any District Registrar and bearing a stamp, supplied by the applicant, of the value of one rupee if not more than two years have elapsed since the registration of the birth and of five rupees if more than two years have so elapsed.

(3) Where an application is received under this section for the amendment of a birth registration entry of a person who at the date of the application is over seven years of age, the Registrar-General or the District Registrar considering the application shall, before he causes such amendment to be made, satisfy himself that the altered name or the name that is now being assigned has been in actual use for a period which in his opinion is reasonable.

(4) The preceding provisions of this section shall apply to a birth registered whether under this Act or under any past enactment.

(5) Where the birth of any child has been registered without a name being specified in the registration entry at the time of the registration, it shall be the duty of the father or mother of the child or of the guardian of the child to make an application under the preceding provisions of this section not later than forty-two days from the date of the registration of the birth for the insertion of particulars relating to the name of the child. The failure to make an application within the time herein specified shall not prevent the making of such an application under this section after the end of that period.

(6) Where an application under the preceding provisions of this section for the alteration or insertion of the name of a person has been made otherwise than by a parent or the lawful guardian of that person appointed by a competent court, the decision of the Registrar-General or the District Registrar upon the application shall be published in the prescribed manner at the place where that person's birth occurred and at his place of residence, and any person aggrieved by the decision may appeal to the Family Court against that decision. Every such appeal—

- (a) shall be made by petition in writing bearing a stamp of one rupee ;
- (b) shall be preferred within thirty days of the date of the first publication of notice of the decision as aforesaid ; and
- (c) shall be heard and determined by the Family Court after such summary inquiry as the court may deem requisite.

The decision of the family Court upon any such appeal shall be final, and shall not be subject to an appeal to the Court of Appeal.*

(7) Notwithstanding that a right of appeal against a decision of the Registrar-

General or the District Registrar is conferred by subsection (6), the decision shall be given provisional effect by the amendment of the birth registration entry to which the decision relates but without prejudice to the duty of the Registrar-General or the District Registrar subsequently to make such further amendments as may be rendered necessary by the decision of the Family Court upon any appeal.

27A. (1) A person whose birth has been registered (whether under this Act or under any past enactment), or his parent or guardian, or a person aggrieved by any particulars in the entry relating to that birth may make a written application to the Registrar-General in accordance with the provisions of subsection (2) for an order directing—

Amendment of birth registration entry by Registrar-General. [§ 3, Law 41 of 1975.]

- (a) the alteration of all or any of the particulars in the register relating to the name, rank or profession of the father of the person whose birth has been registered or for the omission of such particulars or for the insertion of fresh particulars, in any case where the original particulars had been falsely or improperly entered ; or
- (b) the insertion of the name of the father of such person, in any case where such name was omitted at the time of the original entry ; or
- (c) the alteration of the names of the parents of such person, in any case where such names have been altered since the original entry was made ;
or
- (d) the alteration, insertion or omission of particulars relating to the marriage of the parents of such person ; or
- (e) the alteration, insertion or omission of particulars in the original entry to bring such entry into conformity with the legitimate status of such a person where by virtue of the operation of the provisions of section 3 of the Legitimacy Act that person is rendered legitimate ; and

* See also Article 138 of the Constitution.

(f) the making in the entry of any consequential amendments resulting from such alteration, insertion or omission.

(2) Every application under subsection (1) shall be accompanied by a written declaration in the prescribed form made before the Registrar-General or any District Registrar or any Additional District Registrar and shall bear a stamp of the value of five rupees supplied by the applicant and a certified copy of the birth registration entry in proof of the contents of the entry.

(3) On an application made in accordance with the preceding provisions of this section, for the amendment of an entry in a register of births, the Registrar-General may, after due notice to such parties and persons as may be interested, and after due inquiry held by him or by an officer authorized by him in that behalf, make such order, whether in terms of the application or otherwise, as the justice of the case may require.

(4) The order made by the Registrar-General shall be published in the prescribed manner.

(5) Any person aggrieved by the Registrar-General's order may appeal to the Family Court against that order within thirty days of the publication of notice of the order under the preceding subsection, and such appeal shall be by a petition in writing bearing a stamp of the value of five rupees.

(6) Every order of the Family Court shall be subject to an appeal to the Court of Appeal within a period of thirty days from the date on which a certified copy of the order of the Family Court is served on the Registrar-General.

(7) The Family Court shall cause a certified copy of every order made by that court or by the Court of Appeal to be served on the Registrar-General.

(8) Notwithstanding the right of appeal against an order of the Registrar-General or of the Family Court, the order of the

Registrar-General shall be given provisional effect by the amendment of the registration entry to which the order relates but without prejudice to the duty of the Registrar-General to make such further amendments as may be rendered necessary by the order of the Family Court or Court of Appeal upon any appeal, as the case may be.

(9) The procedure in regard to appeals to the Court of Appeal under this section shall be regulated by the law relating to appeals to the Court of Appeal from the Family Court.

28. (1) A person whose birth has been registered (whether under this Act or under any past enactment), or his parent or guardian, or a person aggrieved by the particulars in respect of the race of the father in the entry relating to that birth, may make a written application to the Family Court of the district in which the birth occurred for an order directing the alteration of all or any of the particulars in the register relating to the race of the father of such person, or for the omission of such particulars or for the insertion of fresh particulars, in any case where the original particulars had been falsely or improperly entered.

Amendment of birth registration entry relating to race of father.
[§ 3, Law 41 of 1975.]

(2) Every application made under subsection (1) shall bear a stamp of the value of five rupees supplied by the applicant.

(3) On an application to the Family Court, in accordance with the preceding provisions of this section, for the amendment of an entry in a register of births, the Family Court may, after due notice to the Registrar-General, the appropriate registrar, and such other parties and persons as the court may think fit, and after due inquiry, make such order, whether in terms of the application or otherwise, as the justice of the case may require.

(4) Every order of the Family Court shall be subject to an appeal to the Court of Appeal within a period of thirty days from the date on which a certified copy of the order of the Family Court is served on the Registrar-General under the provisions of subsection (5).

(5) The Family Court shall cause a certified copy of every order made by that court under subsection (3) or by the Court of Appeal to be served on the Registrar-General.

(6) The Registrar-General, on receipt of a certified copy of a court order served on him under subsection (5), shall give effect to the order, and where the order includes a direction for the amendment of a registration entry, shall make or cause such amendment to be made.

PART IV

REGISTRATION OF DEATHS

When and by whom information concerning a death to be given.

29. (1) When a death occurs in a house or building the nearest relatives present at the death or in attendance during the last illness of the deceased, and, in the absence of such relatives, every other relative of the deceased dwelling or being in the same registrar's division as the deceased, and, in the absence of such other relatives, each person present at the death and the occupier of the house in which the death took place, and, in the absence of the persons hereinbefore specified in this section, the person causing the body of the deceased to be buried, cremated, or otherwise disposed of, shall, within five days of the death, give information of such of the particulars relating to the death required under this Act to be registered as is known by such person or persons to the appropriate registrar, and shall, if called upon by that registrar sign in his presence the register of deaths in the appropriate place.

(2) When a death occurs in a place other than a house or building, every relative of the deceased having knowledge of any of the particulars concerning the death required to be registered under this Act, and in the absence of such a relative every person present at the death, the person taking charge of the corpse, and the person causing the corpse to be buried, cremated or otherwise disposed of, shall, within five days from the date of the death, give information of such of the particulars relating to the death required under this Act to be registered as is known by such person or

persons to the appropriate registrar and shall, if called upon by the registrar, sign in his presence the register of deaths in the appropriate place.

(3) When a corpse is found in a place other than a house or building, every relative of the deceased having knowledge of any of the particulars concerning the death required to be registered under this Act and, in the absence of such relative, the person finding the corpse, the person taking charge of the corpse, and the person causing the corpse to be buried, cremated or otherwise disposed of, shall, within five days from the date of the finding of the corpse, give information of such of the particulars relating to the death required under this Act to be registered as is known by such person or persons to the registrar of the division in which the corpse was found and shall, if called upon by the registrar, sign in his presence the register of deaths in the appropriate place.

30. (1) If a person required under section 29 to give particulars of a death occurring in a division cannot conveniently attend the office of the registrar of that division, it shall be competent for such person to make a written declaration substantially in the form I set out in the Schedule and send such declaration to the registrar; and the declaration shall bear a stamp, supplied by the declarant, of the value of twenty-five cents.

When and how information about a death may be given by written declaration.

(2) The registrar to whom a declaration is sent under subsection (1) may, by written notice, require the declarant to attend his office within seven days of the receipt of the notice and to supply him such written or oral information as he may require.

(3) Where information relating to a death is supplied under the preceding provisions of this section, the registrar shall enter the information in the register of deaths and sign the register in the appropriate place. The declaration shall be attached to the duplicate of the relevant registration entry and shall be sent together with that duplicate to the appropriate District Registrar for transmission to the Registrar-General for custody in his office.

Certificate of medical practitioner as to cause of death.

31. In the event of the death of any person who has been attended during his last illness by a medical practitioner, a certificate in duplicate, substantially in the form J set out in the Schedule, stating to the best of his knowledge and belief the cause of the death shall be forthwith issued without fee or reward by such practitioner to the person required under this Act to give information, and such person shall, at the time he gives to the appropriate registrar information concerning the death as required by this Act, deliver such certificate to him. On receipt of the certificate, the registrar shall enter in the register the cause of death as stated in the certificate, together with the name of the medical practitioner who issued the certificate.

Requisition by registrar of information concerning death.

32. (1) Where any death which has occurred in a division has, by reason of the default of the person required under this Act to give information concerning the death, not been registered, the registrar of that division may, at any time after fourteen days but within three months of the date of such death, and, in the case of the finding of a corpse in a place other than a house or a building, of the date of such finding, send a written notice, substantially in the form K set out in the Schedule, to any such person, requiring him to attend personally at the registrar's office within such time (not less than seven days after the receipt of the notice and not more than three months of the date of the death or of the finding of the corpse) as may be specified in the notice, and to give to the registrar information of such of the particulars relating to the death required under this Act to be registered as such person possesses, and to sign the register of deaths in the appropriate place in the presence of the registrar.

(2) Every person to whom a notice is sent under subsection (1) shall, unless the death is registered before the expiry of the time specified in the notice, comply with its terms.

Duty of registrar to register deaths without fee or reward.

33. It shall be the duty of a registrar upon receiving from the appropriate informant, at any time not exceeding three months from the date of a death or of the finding of a corpse, information of any of the particulars required to be registered

under this Act, to register, without fee or reward, forthwith in the prescribed form and manner such particulars (if they have not been previously registered), and to sign the register of deaths in the appropriate place.

34. (1) Where a death occurs in an estate, it shall be the duty of the person or persons required by section 29 to give information relating thereto to give such information to the superintendent of the estate within twenty-four hours of the death instead of to the registrar.

Registration of death occurring in an estate.

(2) Where the superintendent of an estate receives information of a death under subsection (1), he shall within forty-eight hours of the receipt of the information, make, after verifying the information, a written report of the death substantially in the form L in the Schedule, to the nearest medical officer or apothecary, appointed under the Medical Wants Ordinance, who shall send that report forthwith to the District Registrar of the district in which the estate is situated.

(3) On receipt of the report of the superintendent referred to in subsection (2), the District Registrar shall register, in the prescribed form and manner, the particulars relating to the death specified in the report. The superintendent shall, for the purposes of this Act, be deemed to be the informant and to have signed the entry, consisting of those particulars, made by the registrar.

35. No person shall, after the expiration of a period of three months immediately succeeding the date of the death of any person, register or cause to be registered that death except upon an order made in that behalf under section 36 by the Registrar-General or the appropriate District Registrar.

Restriction on registration of death after three months from occurrence.

36. (1) In any case where the death of any person is not registered within the period of three months immediately succeeding the date of the death—

Order for registration of death after three months from occurrence.

(a) the Registrar-General or any District Registrar or registrar may, by notice in writing, direct any person who is required by this Act to give

information concerning the death to attend personally at the office of the Registrar-General or of a District Registrar within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice, and to make before that officer a declaration of the particulars required to be registered under this Act in respect of the death ; or

(b) any such person or any other person interested may of his own motion attend personally at the office of the Registrar-General or of any District Registrar and make before such officer a declaration of the particulars required to be registered concerning the death.

(2) Every declaration under subsection (1) shall be made substantially in the form M in the Schedule and shall contain a statement of the particulars required to be set out in the form according to the best of the knowledge and belief of the declarant.

Every such declaration shall, if made within a period of twelve months from the date of the death, bear a stamp of one rupee, and, if made at any time thereafter, bear a stamp of five rupees. The stamp shall be supplied by the declarant.

(3) Any District Registrar, not being the appropriate District Registrar, before whom a declaration is made under subsection (1), shall—

(a) if the declaration is made within the period of twelve months immediately succeeding the date of the death, transmit the declaration to the appropriate District Registrar to be dealt with as provided in subsection (5) ; and

(b) if the declaration is made after the expiration of the said period of twelve months, transmit the declaration to the Registrar-General to be dealt with as provided in subsection (6).

(4) Where a declaration under subsection (1) is made before the appropriate District

Registrar after the expiration of the period of twelve months immediately succeeding the date of the death, the District Registrar shall transmit the declaration to the Registrar-General to be dealt with as provided in subsection (6).

(5) Where a declaration under the preceding provisions of this section is made before any District Registrar within the period of twelve months immediately succeeding the date of the death, the appropriate District Registrar may, if he is satisfied as to the truth of the matters stated in the declaration, make order directing the appropriate registrar to enter in the register of deaths the particulars specified in the declaration. Any such order may be made notwithstanding that a period of twelve months has elapsed after the date of the death.

(6) Where any declaration is made under subsection (1) before the Registrar-General or is transmitted to him under subsection (3) or subsection (4), he may, if he is satisfied as to the truth of the matters stated in the declaration and if the declaration is made not later than twenty-five years from the date of the death to which the declaration relates, make order directing the appropriate registrar to enter in the register of deaths the particulars specified in the declaration.

37. (1) Where a written order under section 36 is made to a registrar to enter the particulars relating to a death, he shall forthwith enter those particulars in the register of deaths and sign the register in the appropriate place. The entry so made shall be deemed for the purposes of this Act to have been signed by the person who made the declaration.

Effect of order under section 36.

(2) Every written order under section 36 shall be attached to the duplicate of the relevant registration entry and shall be sent, together with that duplicate, to the appropriate District Registrar for transmission to the Registrar-General for custody in his office.

38. The provisions of section 36 shall apply to the registration of a death which has occurred prior to the appointed date, if, but only if, the declaration relating to such death is made under that section not later than twenty-five years from the date of such death.

Application of section 36 to certain deaths occurring before the appointed date.

Certificate of inquirer into deaths.

39. (1) Where an inquiry into a death is held under the Code of Criminal Procedure Act the inquirer into deaths who holds the inquiry shall send to the appropriate registrar, within five days after the conclusion of the inquiry, a certificate under his hand, setting out such of the particulars of the death required under this Act to be registered as the inquirer possesses, and the time and place of the inquiry.

(2) On receipt by a registrar of the certificate referred to in subsection (1), he shall, if the death mentioned in that certificate has not been previously registered, register the particulars relating to such death in the prescribed form and manner, or, if the death has been previously registered, record in the register against the relevant original entry such particulars relating to the death as may be at variance with the particulars specified in the said original entry.

PART V

REGISTRATION OF DEATHS AND STILL-BIRTHS IN CERTAIN AREAS

Application of this Part to certain areas by Minister's Order.

40. The Minister may, by Order published in the Gazette, declare that the provisions of this Part of this Act shall, on and after a date specified in the Order, apply in any area or areas as may be defined in the Order.

Registration of deaths, and the burial, cremation or other disposal of the corpses, of persons dying within areas in which this Part applies.

41. (1) No person shall bury, cremate or otherwise dispose of, or cause to be buried, cremated or otherwise disposed of, the corpse of a person dying within any area in which this Part applies, unless there has been obtained—

- (a) a certificate, substantially in the form N set out in the Schedule, from the appropriate registrar to the effect that the notice of the death of the person whose body is to be buried, cremated or otherwise disposed of was given to him ; or
- (b) the certificate of registration issued under section 42 from the appropriate registrar ; or

- (c) a certificate, substantially in the form O set out in the Schedule, from a grama seva niladhari or police officer resident in the division of the appropriate registrar stating that information of such death, including its cause, was given to such registrar or to such grama seva niladhari or police officer not less than three hours before the granting of such certificate ; or
- (d) the duplicate of the certificate of a medical practitioner issued under section 31 ; or
- (e) a certificate, substantially in the form P set out in the Schedule, from an inquirer into deaths who has held, under the Code of Criminal Procedure Act, an inquiry into such death ; or
- (f) in the case of a death occurring on an estate, a certificate, substantially in the form Q set out in the Schedule, from the superintendent of the estate, stating that he has authorized the burial, cremation or other disposal of the corpse.

(2) Every certificate obtained for the purposes of subsection (1) shall be issued forthwith in duplicate without fee or reward from the applicants.

(3) The officer or person authorized to issue any certificate referred to in subsection (1) may, before issuing the certificate, hold such inquiry as he may think necessary for the purpose of ascertaining the particulars that are to be specified in that certificate, and he may for that purpose enter into any house or land or inspect a corpse.

(4) The person in charge of a cemetery or burial ground established or registered under the Cemeteries and Burials Ordinance for an area in which this Part applies shall not permit a corpse to be buried, cremated or otherwise disposed of in such cemetery or burial ground except on the production of a certificate, or a duplicate of a certificate, referred to in subsection (1).

(5) The duplicate of the certificate of a grama seva niladhari or a police officer or a medical practitioner or an inquirer, into

deaths obtained for the purposes of subsection (1) shall, within five days of the death to which the certificate relates, be sent by the person who obtained the certificate to the appropriate registrar.

(6) Where a death occurs in an estate situated in an area in which this Part applies, the superintendent of that estate shall, within five days of the death, send a certificate, substantially in the form L set out in the Schedule, to the nearest medical officer, or apothecary, appointed under the Medical Wants Ordinance, who shall send that certificate forthwith to the District Registrar of the district in which the estate is situated.

(7) A registrar, on receipt of the duplicate of a certificate sent to him under subsection (5), and a District Registrar, on receipt of the certificate sent to him under subsection (6), shall, in the prescribed form and manner, register the particulars specified in such duplicate or certificate.

Removal of corpses from areas in which this Part applies for burial, &c.

42. (1) No corpse shall be removed outside an area in which this Part applies for burial, cremation or other disposal in any place except a cemetery or burial ground established or registered for such area under the Cemeteries and Burials Ordinance, unless the person or persons required under this Act to give information concerning the death has—

- (a) given information of the death to the appropriate registrar and obtained from him, on written application made, a certificate, substantially in the form R set out in the Schedule, of the registration of the death; and
- (b) obtained written permission for the removal of the corpse from the proper authority within the meaning of the Cemeteries and Burials Ordinance or from the Government Agent or Magistrate within whose territorial jurisdiction such area is situated or from a public officer authorized in writing in that behalf by the Government Agent within whose territorial jurisdiction such area is situated:

Provided that the preceding provisions of this subsection shall not apply to a death occurring in a Government hospital or in an estate.

(2) The certificate of registration referred to in subsection (1) shall be issued without a fee except in the circumstances specified in subsection (3) or subsection (4), where the fees specified therein shall be paid to the registrar as a personal payment to be retained by him for his own use.

(3) Where the application for the certificate of registration referred to in subsection (1) is made between the hours of 6 p.m. and 6 a.m. and such certificate is issued between those hours without any inspection of the corpse, the applicant shall pay the registrar for the certificate five rupees.

(4) Where the application for the certificate of registration referred to in subsection (1) is made between the hours of 6 p.m. and 6 a.m. and such certificate is issued between those hours after an inspection of the corpse, the applicant shall pay the registrar for the certificate seven rupees and fifty cents.

43. (1) No person shall bury, cremate or otherwise dispose of, or cause to be buried, cremated or otherwise disposed of, the body of a still-born child delivered in an area in which this Part applies, unless there has been obtained—

Registration of still-births in areas in which this Part applies.

- (a) a certificate, substantially in the form S set out in the Schedule, from the appropriate registrar or from a grama seva niladhari or police officer resident in such registrar's division, stating that the occurrence of the still-birth was notified to him; or
- (b) in the case of a still-birth occurring in an estate, a certificate from the superintendent of the estate stating that he has authorized the burial, cremation or other disposal of the body; or
- (c) a certificate, substantially in the form T set out in the Schedule, from the medical practitioner in attendance

at the birth of such child or from a medical practitioner who has examined the body, stating that the child was not born alive.

(2) The certificates referred to in paragraphs (a) and (b) of subsection (1) shall be issued after such inquiry or inspection of the body of the still-born child as may be necessary and without fee or reward.

(3) A certificate relating to a still-birth obtained for the purposes of subsection (1) (other than a superintendent's certificate) shall, within five days of the occurrence of the still-birth, be sent by the person who obtained the certificate to the appropriate registrar.

(4) Where a still-birth occurs in an estate situated in an area in which this Part applies, the superintendent of that estate shall, in the prescribed form and within the prescribed period, send a written report of the still-birth to the nearest medical officer, or apothecary, appointed under the Medical Wants Ordinance, who shall send that report forthwith to the District Registrar of the district in which that estate is situated.

(5) A registrar, on receipt of a certificate sent to him under subsection (3), and a District Registrar, on receipt of a report sent to him under subsection (4), shall, in the prescribed form and manner, register the particulars specified in that certificate or report.

General Duty of registration of registrars and District Registrars in areas in which this Part applies.

44. The duty of registrars and District Registrars, officiating in the areas in which this Part applies, to register particulars of deaths and still-births under this Part shall be in addition to their duty to register, in the prescribed form and manner, particulars of deaths and still-births of which due information is given directly to them in accordance with the other provisions of this Act.

Other provisions of Act to apply also to area in which this Part applies.

45. All the other provisions of this Act shall, so far as they are consistent with the provisions of this Part, apply to every area in which this Part applies.

PART VI

MISCELLANEOUS

46. (1) It shall be the duty of every grama seva niladhari to inform himself of every birth and death occurring within his jurisdiction, and to make to the appropriate registrar, within seven days of such birth or death, a report, substantially in the form U or form V set out in the Schedule, relating to the birth or death.

Duty of grama seva niladhari to give information about births and deaths.

(2) The Minister may by Order published in the Gazette exempt the grama seva niladharis of any area specified in that Order from the obligation imposed on them by subsection (1).

47. (1) The succeeding provisions of this section shall apply in every case where a birth or still-birth occurs—

Duty of certain persons to give information relating to births and still-births occurring in certain areas to medical officers of health, &c.

(a) in any area in which Part V applies, or

(b) in any other area declared by Order of the Minister published in the Gazette to be an area in which those provisions shall apply.

Every Order under paragraph (b) shall specify the date on and after which those provisions shall so apply.

(2) In every case to which the provisions of this section apply—

(a) the father of the child, if at the time of the birth or still-birth he was residing in the house where the birth or still-birth took place, and

(b) any person in attendance upon the mother at that time or within six hours thereafter,

shall, within twenty-four hours after that time, attend the office of the medical officer of health within whose area such birth or still-birth occurred and, in regard to such birth or still-birth, give him information of such of the particulars of the matters specified in the form W set out in the Schedule as the informant possesses.

(3) If a person required by the preceding provisions of this section to give information regarding a birth or a still-birth to a medical officer of health cannot conveniently attend before that officer, such person may send a written declaration containing such of the particulars of the matters specified in the form W set out in the Schedule as such person possesses.

(4) The information required to be given under this section shall be in addition to, and not in substitution for, any information relating to the registration of births and still-births required to be given under any other provision of this Act.

(5) Every medical officer of health who, in accordance with the provisions of this section, receives information regarding a birth or a still-birth which has occurred within his area shall, within seven days of the receipt thereof, send such information to the appropriate registrar.

(2) On receipt by the District Registrar of the certificate referred to in subsection (1), he shall, in case the birth or death or still-birth mentioned in that certificate has not been registered, cause the appropriate registrar to register the particulars specified in the certificate in the prescribed form and manner, and in case such birth or death has been previously registered, cause such registrar to record in the register against the relevant original entry such particulars as may be at variance with the particulars specified in the said original entry.

50. No correction, amendment or other alteration in any register of births, deaths or still-births shall be made except in accordance with the provisions of this Act.

Correction of registration entries.

51. The Registrar-General or any officer authorized by him in that behalf may, from time to time, subject to such rules as may be prescribed, correct any clerical error or supply any inadvertent omission in any registration entry made under this Act or under any past enactment.

Correction of clerical errors, &c.

52. (1) Where—

Correction of errors other than clerical errors, &c.

(a) there is a registration entry made under this Act or under any past enactment relating to a birth, death or still-birth that did not take place; or

(b) more than one registration entry has been made under this Act or under any past enactment in respect of the same birth, death or still-birth; or

(c) the particulars relating to a birth, death or still-birth registered under this Act or under any past enactment has been entered in the wrong register; or

(d) a registration entry relating to a birth, death or still-birth has been made under this Act or under any past enactment by a registrar other than the appropriate registrar; or

(e) a registration entry has been made under this Act or under any past enactment upon information

48. The manager or other person in charge of every private hospital or private maternity or nursing home shall, before Wednesday in each week, send to the appropriate registrar—

(a) returns, substantially in the forms X, Y and Z set out in the Schedule, specifying the particulars relating to the births, deaths and still-births which have occurred in the hospital or nursing or maternity home during the preceding week, or

(b) where no births, deaths or still-births have occurred in that hospital or nursing or maternity home during the preceding week, a certificate to that effect.

49. (1) Upon the conclusion of the trial of a person for giving false information or for not giving to the registrar information he is required to give under this Act concerning a birth or a death or a still-birth, the Magistrate or Judge of the Primary Court trying such person shall issue to the appropriate District Registrar a certificate in the form AA, or the form AB or the form AC set out in the Schedule, as the case may be.

Weekly returns or certificates to be supplied by manager or other person in charge of a private hospital or a private maternity or nursing home.

Registration consequent on certain prosecutions.

given by a person other than the person required under this Act to give the information; or

(f) entries relating to a birth or death registered under this Act or under any past enactment after three months of such birth or death have not been made in accordance with the appropriate provisions of the Act or enactment; or

(g) registration entries have been left unsigned by the appropriate registrar or the person required under this Act to give the information; or

[§ 3, Law 41 of 1975.]

(h) there is any other error or omission of fact or substance in a birth registration entry, or where the informant has failed to furnish or has omitted, or erroneously furnished any particulars in a birth registration entry, not being an error or omission of fact or substance which can be amended under the other provisions of this Act; or

[§ 3, Law 41 of 1975.]

(i) there is any other error or omission of fact or substance in a death or still-birth registration entry or where the informant has failed to furnish or has omitted or has erroneously furnished any particulars in a death or still-birth registration entry; or

(j) by reason of damage or age, any particulars relating to a registration entry are missing or are illegible or are in danger of becoming illegible,

the Registrar-General, upon the production of a declaration made in accordance with the provisions of subsection (3), or of his own motion, and after such inquiry as he may think necessary, may—

(i) make, or direct the appropriate District Registrar or registrar to make, a note or endorsement on the margin or on the reverse side of the entry, specifying the nature of the irregularity in the entry and the true facts relating to that entry; or

(ii) amend or rectify the entry, or direct the appropriate District Registrar to amend or rectify the entry, by the correction of errors or by the supplying of omissions or by the restoration of particulars that are missing, illegible or in danger of becoming illegible; or

(iii) make such other order as he may think fit.

(2) Where the Registrar-General under subsection (1) directs a District Registrar or registrar to make a note or endorsement or to amend or to rectify an entry, such District Registrar or registrar shall, in accordance with that direction, make such note or endorsement, or amend or rectify the entry.

(3) The declaration referred to in subsection (1) shall—

(a) be in writing;

(b) be made by the person upon whose information the entry was made or any credible person having knowledge of the true facts relating to the entry;

(c) bear a stamp of the value of one rupee if the declaration is necessary for any reason mentioned in paragraph (a) or paragraph (e) or paragraph (h) or paragraph (i) of subsection (1);

(d) be made before the Registrar-General or any District Registrar; and

(e) set out the nature of the irregularity, error, omission or other defect and the true facts relating to the entry.

53. Where an inquirer into deaths, on being satisfied by evidence on oath or affirmation, issues to the Registrar-General or the appropriate District Registrar a written declaration under his hand stating that there occurs an error of fact or substance (other than an error relating to the cause of death) in any certificate furnished, under section 39 (1), by him or by any other inquirer and stating the true facts relating to the particulars specified in the

Correction of a death registration entry on issue of a certificate by an inquirer into deaths.

certificate, the Registrar-General or the District Registrar may cause any error in a death registration entry made by reference to such certificate to be corrected in accordance with such written declaration.

thereof a stamp or stamps of such value as may from time to time be prescribed.

Manner in which amendments to an entry to be made, &c.

54. Every amendment made under section 27 or section 27A or section 28 to any entry, every particular recorded against an original entry under section 39 or section 49, every correction or insertion made under section 51, every note, endorsement, amendment, or rectification made under section 52, and every correction made under section 53 shall be made, without the erasure of any of the particulars of the original entry, in the language in which that entry was made; and the amendments and other alterations made under the said sections shall bear as near thereto as possible the signature of the officers making those amendments or alterations.

57. (1) The third copy issued under section 11A or a certified copy of, or a certified extract from, a registration entry obtained under section 56 shall be received as prima facie evidence of the birth, death or still-birth to which that copy or extract relates if that entry purports to have been made in accordance with the provisions of this Act, and that copy or the extract purports to have been made under the hand of the Registrar-General, or an Assistant Registrar-General, or the appropriate District Registrar, or the appropriate Additional District Registrar, or under the hand of the appropriate registrar.

Third copy, certified copy or extract to be prima facie evidence. [§ 3, Law 41 of 1975.]

Power of court to question the correctness of a registration or entry.

55. The provisions of sections 27, 27A, 28, 51 and 52 for perfecting registration entries shall not be construed as precluding any person from questioning, in any proceedings in any court (not being proceedings taken under this Act), the correctness of any registration or entry although such person may not have observed properly those provisions.

(2) A certified copy or a certified extract of a registration entry issued under the appropriate section of any past enactment shall be received as prima facie evidence of the birth, death or still-birth to which that copy or extract relates if that entry purports to have been made in accordance with the provisions of such enactment and that copy or extract purports to have been made under the hand of the Registrar-General, an Assistant Registrar-General, the appropriate District Registrar, or the appropriate Additional District Registrar, or under the hand of the appropriate registrar.

Issue of certified copies, &c.

56. (1) Any person shall be entitled on making a written application to the appropriate District Registrar or to the appropriate Additional District Registrar or to the appropriate registrar, and under such conditions and on payment of such fees as may be prescribed, to refer to any book or document in the possession of such District Registrar, Additional District Registrar or registrar, and kept under this Act or under any past enactment, and to demand a certified copy of, or a certified extract from, any entry in such book or document. The Registrar-General, or an Assistant Registrar-General may, on payment of such fees as may be prescribed, issue a certified copy of or a certified extract from, any registration entry.

58. (1) All notices, declarations, certificates, requisitions, returns, and other documents required or authorized by or under this Act to be delivered, sent, or given to the Registrar-General, or District Registrar, or registrar, or medical officer of health, or by a medical officer of health to a registrar, or by a registrar to an appropriate informant, may be delivered in person or sent by post.

Manner in which documents may be sent, &c.

(2) Any document referred to in subsection (1) which is sent by post shall be deemed to be received by the person to whom it is sent on the date on which it would be delivered to that person in the ordinary course of post.

[§ 3, Law 41 of 1975.]

(2) The applicant shall supply in respect of every written application and in respect of every certified copy or certified extract

(3) For the purpose of proving the sending of any document referred to in this section, it shall be sufficient to prove that the letter was prepaid, or, if it be a letter that might according to the rules of the

Department of Posts of Sri Lanka be sent free on State Service, that such letter was franked "On State Service" and that it was properly addressed and put into the post.

stamp or stamps, or shall be paid to the diplomatic, consular or trade representative, if any, before whom a declaration is made.

Books.

59. The Registrar-General and every District Registrar and registrar shall—

(a) keep, for the purposes of this Act, books of such form and material as may be specified in that behalf by the Minister or as may be prescribed by any rule made under this Act;

(b) preserve carefully all books and documents kept under this Act or under any past enactment and in their custody; and

(c) at no time allow such books and documents to remain out of their possession except in obedience to an order of a competent court or except in accordance with the provisions of this Act or rules made thereunder.

(2) When the person who is qualified to make a declaration is in Sri Lanka but unable to appear before the Registrar-General or a District Registrar, the declaration may be made before a Justice of the Peace, a Commissioner for Oaths, or the Judge of a Primary Court on paper bearing a stamp of the proper value.

(3) A declaration made in accordance with the preceding provisions of this section shall be as valid and effectual as if it had been duly made before the Registrar-General or a District Registrar.

62. (1) The Registrar-General or any District Registrar holding an inquiry under this Act may—

(a) summon any person whom he thinks necessary for the purposes of the inquiry to appear before him;

(b) examine such person on oath or affirmation; and

(c) call upon such person to produce any document in his possession which the Registrar-General or the District Registrar, as the case may be, considers material to the inquiry.

Power of Registrar-General and District Registrars to examine witnesses and call for documents.

Registrar to surrender records on ceasing to hold office.

60. (1) A registrar who ceases to hold office shall forthwith deliver all the books, documents, papers and other articles in his possession as registrar, with a list thereof, to the District Registrar within whose district his division is situated.

(2) The District Registrar shall carefully arrange and keep in his office all articles delivered to him by a registrar under subsection (1) except incomplete books which shall be sent by him to the registrar's successor forthwith.

(2) Every person summoned under subsection (1) shall appear before the officer summoning him, and every person called upon to produce a document under that subsection shall produce such document, if the document is in his possession.

(3) Rules may be made under section 69 providing for the payment in such circumstances as may be prescribed of travelling allowances to persons summoned under subsection (1).

Declaration by non-resident persons, &c.

61. (1) Where a person who is qualified to make the declaration under section 13 or section 24 or section 27 or section 27A or section 36 or section 52 is outside Sri Lanka, the declaration may be made before any diplomatic, consular or trade representative of Sri Lanka, or a Justice of the Peace, or a Commissioner for Oaths; and the amount of the stamp duty in respect of such declaration leviable under this Act shall be transmitted to the Registrar-General or appropriate District Registrar, who shall affix to the declaration a stamp or stamps of the proper value and cancel such

63. Notwithstanding anything in section 16 or section 30 or in the form D or the form I set out in the Schedule, it shall not be necessary for a declaration under either of those sections made by a Government officer attached to a hospital or jail or other public institution to bear a stamp of the value of twenty-five cents or to be attested by two witnesses.

Government officers' declarations under sections 16 and 30.

PART VII

OFFENCES AND PENALTIES

Penalty, in cases of late registrations, for non-observance of provisions of Act, &c.

64. (1) Every person who—
- **(a)* registers or causes to be registered the birth of a child after the expiry of three months from the date of such birth except upon an order made in that behalf under section 24 of this Act by the Registrar-General or the appropriate District Registrar; or
 - **(b)* registers or causes to be registered the death of a person after the expiry of three months from the date of such death except upon an order made in that behalf under section 36 of this Act by the Registrar-General or the appropriate District Registrar; or
 - **(c)* contravenes the provisions of subsection (1) or subsection (2) or subsection (4) or subsection (5) or subsection (6) of section 41, or the provisions of subsection (1) or subsection (3) or subsection (4) of section 43 or the provisions of any rule made or deemed to be made under this Act; or
 - (d)* having custody of a register kept under this Act or under any past enactment, carelessly loses, injures or permits the injury of such register,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees.

(2) Every registrar, police officer, grama seva niladhari or superintendent of an estate, who, in the discharge of his duties under section 41, knowingly causes unnecessary vexation to any person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees.

(3) Every registrar who refuses or without reasonable cause omits to register any birth

or death or still-birth or any particulars relating to such birth, death or still-birth, concerning which information has been given to him by the appropriate informant and which he ought to register, or knowingly disobeys any direction of the law as to the way in which he is to conduct himself, intending or knowing it to be likely to cause injury to any person or to the Government, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees.

65. Every medical practitioner who neglects or refuses to issue a certificate as required by section 31, and every person who neglects or refuses to deliver the certificate given to him under that section to the registrar as provided therein, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred rupees.

Penalty for failure to issue certificate under section 31, &c.

*66. Every person who, contrary to the provisions of section 42, removes or causes to be removed for burial, cremation or other disposal a corpse, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three hundred rupees, or to imprisonment of either description for a period not exceeding one month.

Penalty for non-compliance with section 42.

67. Every person who—

- (a)* knowingly and wilfully tears, defaces, destroys, or injures any notice, certificate, declaration, book, or document kept under this Act or under any past enactment or any part of such notice, certificate, declaration, book or document, or a certified copy of such notice, certificate, declaration or document, or any part of such certified copy; or
- (b)* knowingly and wilfully inserts any false particular in any register, certificate, declaration, book or document, kept under this Act or under any past enactment, or knowingly and wilfully alters any entry in such register or any such certificate, declaration, book or document; or

Penalty for destruction of documents and for giving false certificates, &c.

* Primary Court has exclusive jurisdiction — See Section 33 of the Judicature Act read with Gazette Extraordinary No. 43/4 of 1979-07-02.

(c) signs or issues any false certificate relating to a birth, death, or still-birth ; or

(d) certifies in writing to be a copy or extract of any book or document kept under this Act or any past enactment, knowing such copy or extract to be false in any particular,

shall be guilty of an offence and shall be liable on conviction to rigorous imprisonment for a term not exceeding seven years or to a fine not exceeding five thousand rupees.

Penalty for false statement, &c.

68. (1) Every person who—

*(a) refuses or omits to perform any act, or give any information or notice, or make any report required of him under this Act or under any rule made or deemed to be made thereunder ; or

*(b) wilfully makes any false answer to any question put to him by a registrar, police officer, grama seva niladhari, superintendent of an estate, or a Government officer attached to a hospital or other public institution relating to the particulars required to be registered concerning any birth, death, or still-birth, or wilfully gives to such registrar, police officer, grama seva niladhari, superintendent, or Government officer any false information concerning any birth, death, or still-birth, or as to the cause of any death ; or

(c) wilfully makes any false certificate, declaration, certified copy or certified extract for the purposes of this Act, or forges or falsifies any order made under this Act or any such certificate, declaration, copy or extract, or knowing any such certificate, declaration, copy, extract or order to be false or forged, uses it as true, or gives or sends it as true to any person ; or

(d) wilfully makes, gives, or uses any false statement or representation as to a child born alive having been still-born, or falsely pretends that any child born alive was still-born ; or

(e) makes any false statement with intent to have it entered in any register of births, deaths, or still-births, or to obtain a certificate under section 41 or section 43,

shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a term not exceeding six months.

(2) The failure on the part of any person making or furnishing any declaration, report or other document required by this Act to set out therein particulars as to any matter of which particulars are required to be set out in the form prescribed by this Act for the purpose shall not be an offence if the failure was due solely to the fact that such person did not have knowledge of such matter.

PART VIII

SUPPLEMENTARY PROVISIONS

69. (1) The Minister may make all such rules as may be necessary for carrying out or giving effect to the principles and provisions of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make rules—

(a) for the guidance, in the exercise of their powers and the discharge of their duties under this Act, of the Registrar-General, District Registrars, registrars, acting and deputy registrars and such other officers and persons as may be appointed for the purposes of the Act ;

(b) for fixing the fees payable for any matter or thing done under, by virtue of, or in pursuance of any of

* Primary Court has exclusive jurisdiction — See section 33 of the Judicature Act read with Gazette Extraordinary No. 43/4 of 1979-07-02.

the provisions of this Act and for specifying the persons by whom and to whom such fees shall be payable;

- (c) for amending, modifying, rescinding, or replacing any form set out in the Schedule; and
- (d) in respect of such matters as may be required by this Act to be prescribed.

(3) No rule made under the preceding provisions of this section shall have effect until that rule has been approved by Parliament, and until the rule has been published in the Gazette.

(4) Every rule approved and published in accordance with the provisions of subsection (3) shall be as valid and effectual as if it were herein enacted.

Interpretation. 70. In this Act, unless the context otherwise requires—

“appointed date” means the 1st day of August, 1954;

“appropriate District Registrar” or “appropriate Additional District Registrar”, in relation to any matter concerning a birth, death, or still-birth mentioned in this Act, means the District Registrar or Additional District Registrar of the district in which such birth, death, or still-birth took place;

“appropriate informant” means the informant required under the provisions of this Act to give the information specified in those provisions;

“appropriate registrar”, in relation to any matter concerning a birth, death, or still-birth mentioned in this Act, means the registrar of the division in which such birth, death, or still-birth took place;

“birth” means a product of conception, which, irrespective of the duration of pregnancy, after complete expulsion or extraction from its mother, breathes or shows any

other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached;

“district” means administrative district;

“estate” means any land of which ten acres or more are in cultivation and which is situated in a district declared under section 3 of the Medical Wants Ordinance to be an estates medical district, other than any such district or part of such district as may be excluded by the Minister by Order published in the Gazette. [§ 2, Law 40 of 1975.]

“guardian”, in relation to any person, means the lawful guardian of that person appointed by a competent court, or the brother or sister of that person being a major, or a grandparent of that person, or a brother or sister of a parent of that person;

“occupier” includes the keeper, master, matron, superintendent, or other chief residing officer of a public institution, and, where a house is let in separate apartments or lodgings, includes any person residing in such house who is the person under whom such lodgings or separate apartments are immediately held;

“past enactment” means the Births and Deaths Registration Ordinance, 1895, or any other enactment at any time heretofore in force relating to the registration of births, deaths and still-births;

“public institution” includes a prison, lock-up, mental hospital, hospital, certified school, approved school, barracks, and any charitable or other institution which is under the management of a Government officer;

“registered medical practitioner” means a person registered as a medical practitioner under the Medical Ordinance;

[§ 2, and 3,
Law 23 of
1978.]

“Registrar General” includes a Deputy Registrar-General;

“still-birth” means death prior to complete expulsion or extraction from its mother of a product of conception which has had a duration of not less than twenty-eight weeks of gestation, death being indicated by the fact that after such separation, the foetus

does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles; and

“superintendent of an estate” means the person having the charge and supervision of the labourers and work of an estate.

SCHEDULE

Form A

BIRTH REGISTRATION ENTRY

[Section 10
(1).]

No. Division District

(1) Date and place of birth¹ :

(2) Name :

(3) Sex :

(4) Father's—
full name :;
date of birth :;
place of birth :;
race² :;
rank or profession :

(5) Mother's—
full name :;
date of birth :;
place of birth :;
race² :;
age :

(6) Were parents married? :

(7) If grandfather born in Sri Lanka :

his full name :;
his year of birth :;
his place of birth :

(8) If the father was not born in Sri Lanka and if great grandfather born in Sri Lanka, the great grandfather's³—
full name :;
year of birth :;
place of birth :

(9) Informant's full name, residence, and in what capacity he gives information :

(10) Informant's signature :

(11) Date of registration¹ :

(12) Registrar's signature :

(13) Name inserted, or substituted, after registration :

(14) Name of person on whose information particulars relating to item 13 were supplied, and in what capacity he gave information :

(15) Date of insertion, or substitution, and District Registrar's, or Registrar-General's signature :

¹ Specify all the particulars relating to the dates, including the month, and last portion of the year, in letters, for instance, first day of January, 1947 (forty-seven).

² Tamils or Moors must be described as “ Sri Lanka ” Tamils or Moors, or “ Indian ” Tamils or Moors, as the case may be.

³ In the case of a person born in wedlock, information should be given of the paternal grandfather and great grandfather, and in the case of a person not so born, and not legitimated by the subsequent marriage of the parents, information should be given of the maternal grandfather and great grandfather.

BIRTHS AND DEATHS

[Cap. 129

Form B

DEATH REGISTRATION ENTRY

**[Section 10
(1).]**

No. : Division : District :

- (1) Date and place of death¹ :
- (2) Full name :
- (3) Sex and race² :
- (4) Age¹ :
- (5) Rank or profession :
- (6) Parents' full names : {
 - Father :
 - Mother :
- (7) Cause of death and place of burial or cremation :
- (8) Informant's full name, residence, and capacity for giving information³ :
- (9) Informant's signature :
- (10) Date of registration :
- (11) Registrar's signature :

¹ Specify the age and all the particulars relating to the date, including the month, and last portion of the year, in letters, for instance, first day of January, 1947 (forty-seven).

² Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

³ If one of the qualifications of the informant for giving information was his presence at death, specify this fact.

Form C

STILL-BIRTH REGISTRATION ENTRY

**[Section 10
(2).]**

No. : Division : District :

- (1) Date and place of occurrence¹ :
- (2) Race² :
- (3) Sex :
- (4) Mother's full name and rank or profession :
- (5) Mother's age¹ :
- (6) Number of months pregnant at time of still-birth :
- (7) Father's full name and rank or profession :
- (8) Name, description and residence of informant :
- (9) If informant related to still-born child, specify nature of relationship :
- (10) Informant's signature :
- (11) Date of information¹ :
- (12) Date of registration¹ :
- (13) Registrar's signature :

¹ Specify the age and all the particulars relating to the date, including the month, and last portion of the year, in letters, for instance, first day of January, 1947 (forty-seven).

² Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

Form D

[Section 16.]

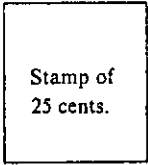
DECLARATION OF BIRTH

Birth in..... Division..... District.

- (1) Date and place of birth¹ :
- (2) Name :
- (3) Sex :
- (4) Father's—
 - full name :
 - date of birth :
 - place of birth :
 - race² :
 - rank or profession :
- (5) Mother's—
 - full name :
 - date of birth :
 - place of birth :
 - race² :
 - residence :
 - age :
- (6) Were parents married? If so, when and where :
- (7) If grandfather born in Sri Lanka³—
 - his full name :
 - his year of birth :
 - his place of birth :
- (8) If the father was not born in Sri Lanka and if great grandfather born in Sri Lanka, the great grandfather's³—
 - full name :
 - year of birth :
 - place of birth :
- (9) Declarant's full name, rank or profession, and residence, and in what capacity he gives information :
- (10) Parents' signatures for purposes of section 21 :

I do hereby declare the above to be a true and correct statement.

Witness my hand at....., this.....day of....., 19.....



Signature of declarant :

Subscribed in the presence of—

1st witness :

Full name :

Residence :

Signature :

2nd witness :

Full name :

Residence :

Signature :

¹ Specify all the particulars relating to the dates, including the month, and last portion of the year, in letters, for instance, first day of January, 1947 (forty-seven).

² Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

³ In the case of a person born in wedlock, information should be given of the paternal grandfather and great grandfather, and in the case of a person not so born, and not legitimated by the subsequent marriage of the parents, information should be given of the maternal grandfather and great grandfather.

N.B.—If the name of the child is not specified in this form, the declarant is bound within forty-two days to make an application under section 27 for the insertion of the name of the child.

BIRTHS AND DEATHS

[Cap. 129

Form E

REPORT OF BIRTH ON AN ESTATE

[Section 20.]

(To be transmitted to nearest medical officer or apothecary within forty-eight hours of the receipt of information of the birth.)

No.

Birth on the Estate, in the Medical District of

(1) Date and place of birth¹ :

(2) Name :

(3) Sex :

(4) Father's—

full name :;
date of birth :;
place of birth :;
race² :;
rank or profession :

(5) Mother's—

full name :;
date of birth :;
place of birth :;
race² :;
age :

(6) Were parents married?

(7) If grandfather born in Sri Lanka³

his full name :;
his year of birth :;
his place of birth :

(8) If the father was not born in Sri Lanka and if great grandfather born in Sri Lanka, the great grandfather's³—

full name :;
year of birth :;
place of birth :

(9) Name in full of the kangany or kanganies under whom the father and mother work⁴ :

(10) Place where and time when the birth was reported to the superintendent by the kangany⁴ :

(11) Parents' signatures for purposes of section 21 :

I do hereby declare the above to be a true and correct statement.

Witness my hand at, this day of, 19.....

.....
Superintendent of Estate.

Received on the day of, 19.....

.....
Medical Officer or Apothecary.

¹ Specify all the particulars relating to the dates, including the month, and last portion of the year, in letters, for instance, first day of January, 1947 (forty-seven).

² Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

³ In the case of a person born in wedlock, information should be given of the paternal grandfather and great grandfather, and in the case of a person not so born, and not legitimated by the subsequent marriage of the parents, information should be given of the maternal grandfather and great grandfather.

⁴ To be filled only in case of labourers.

N.B.—If the name of the child is not specified in this form, the parent or guardian of the child is bound within forty-two days to make an application under section 27 for the insertion of the name of the child.

Form F

[Section 24.]

DECLARATION OF BIRTH AFTER THREE MONTHS

Whereas the birth of the child herein named has not been registered within three months and it is now necessary to register the same, I,....., of..... hereby declare that the following particulars to be registered concerning its birth and name are true and correct to the best of my knowledge and belief :

(1) Date and place of birth¹ :

(2) Name :

(3) Sex :

(4) Father's—
full name : ;
date of birth : ;
place of birth : ;
race² : ;
rank or profession :

(5) Mother's—
full name : ;
date of birth : ;
place of birth : ;
race² : ;
residence : ;
age :

(6) Were parents married ?

(7) If grandfather born in Sri Lanka³—
his full name : ;
his year of birth : ;
his place of birth :

(8) If the father was not born in Sri Lanka and if great grandfather born in Sri Lanka, the great grandfather's³—
full name : ;
year of birth : ;
place of birth :

(9) Declarant's full name, and residence, and in what capacity he gives information :

(10) Parents' signatures for purposes of section 21 :

Declared before me at....., this..... day of....., 19.....

.....
Registrar-General or District Registrar.

No. and date of the registration : (to be filled in by the registrar).

.....
Informant.

Appropriate
Stamp⁴.

¹ Specify all the particulars relating to the dates, including the month, and last portion of the year, in letters, for instance, first day of January, 1947 (forty-seven).

² Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

³ In the case of a person born in wedlock, information should be given of the paternal grandfather and great grandfather, and in the case of a person not so born, and not legitimated by the subsequent marriage of the parents, information should be given of the maternal grandfather and great grandfather.

⁴ If declaration is made within twelve months of birth the stamp shall be of the value of one rupee and if it is made thereafter the stamp shall be of the value of five rupees.

BIRTHS AND DEATHS

[Cap. 129]

Form G

DECLARATION OF NAME

[Section 27.]

I,....., do hereby declare that the male (or female) child born on the....., at....., in....., to..... and....., his wife, and whose birth was registered in the division of..... on the..... day of....., 19....., has received the name of.....

Witness my hand this..... day of....., 19.....

.....
Signature.



Declare before me at....., this..... day of....., 19.....

.....
Justice of the Peace or District Registrar.

* One-rupee stamp if not more than two years have elapsed since the registration of birth and five-rupee stamp if more than two years have so elapsed.

Form GG

DECLARATION OF NAME BY THE PERSON HIMSELF

[§ 3, Law 41 of 1975.]
[Section 27.]

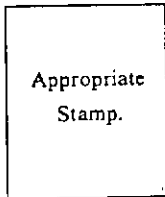
I,....., do hereby declare that I am the male (female) child born on the....., at....., in....., to..... and....., his wife, and whose birth was registered in the division of..... on the..... day of....., 19....., and that I have received the name of.....

Witness my hand this..... day of....., 19.....

.....
Signature.

Declared before me at..... this..... day of....., 19.....

.....
Justice of the Peace or District Registrar.



BIRTHS AND DEATHS

Form H

[Section 27.]

DECLARATION OF ALTERATION OF NAME

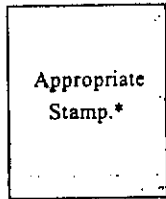
I, do hereby declare that the male (or female) child born on the day of 19..... at in to and his wife, and whose birth was registered in the division of on the day of 19..... has since had his (or her) name altered to

Witness my hand this day of 19.....

Signature.....

Declared before me on this day of 19.....

Justice of the Peace or District Registrar.



* One-rupee stamp if not more than two years have elapsed since the registration of birth and five-rupee stamp if more than two years have so elapsed.

Form HH

DECLARATION OF ALTERATION OF NAME BY THE PERSON HIMSELF

[§ 3, Law 41 of 1975.] [Section 27.]

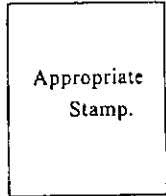
I, do hereby declare that I am the male (female) child born on the at in to and his wife, and whose birth was registered in the division of on the day of 19..... and that my original name has been altered to

Witness my hand this day of 19.....

Signature.....

Declared before me at this day of 19.....

Justice of the Peace or District Registrar.



Form 1

DECLARATION OF DEATH

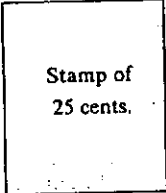
[Section 30.]

Death in..... Division..... District.

- (1) Date and place of death
- (2) Full name and residence
- (3) Sex and race: *
- (4) Age
- (5) Rank or profession

(6) Parents' full names : {
 Father :
 Mother :

- (7) Cause of death and place of burial or cremation
- (8) Declarant's full name, residence, and capacity for giving information
- (9) Name of registered medical practitioner whose certificate as to cause of death is annexed



I do hereby declare the above to be a true and correct statement.

Witness my hand at

this..... day of....., 19.....

Signature of declarant :

Subscribed in the presence of—

1st witness: Full name :

Residence :

Signature :

2nd witness: Full name :

Residence :

Signature :

* Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

Form J

[Section 31.]

CERTIFICATE OF CAUSE OF DEATH

To the Registrar of.....

State here the medical qualifications.

I,....., certify that I attended on..... of....., who was apparently aged (or stated to be aged)..... from the..... day of..... (month) to the..... day of..... (month) and that his (or her) death was probably caused by

I * Disease or condition directly leading to death. (This does not mean the mode of dying, e.g., heart failure, ashenia, &c. It means the disease, injury or complication which caused death).

(a)..... due to (or as a consequence of)

Antecedent causes. Morbid conditions, if any giving rise to the above cause, stating the underlying condition last.

(b)..... due to (or as a consequence of)

(c).....

II Other significant conditions contributing to the death, but not related to the disease or condition causing it.

Medical Practitioner.

Date:.....

* The disease may be referred to, in the case of a disease specified by the Registrar-General, by reference to its number in the International List of the Cause of Death.

Form K

[Section 32.]

REQUISITION FOR INFORMATION CONCERNING DEATH

The death of..... of....., which took place at..... on the....., not having been reported to me within fourteen days of its occurrence, you (name of the person), being legally bound to furnish information concerning such death, are hereby required to appear before me at my office at....., on the....., and to give the said information to the best of your knowledge and belief.

Dated at....., this..... day of....., 19.....

Registrar.

To (name and residence of the person).

Form L

REPORT OF DEATH ON AN ESTATE

[Sections 34 and 41 (6).]

(To be fully answered and transmitted to the nearest medical officer or apothecary within forty-eight hours of the receipt of information of the death.)

No:.....

Death on the..... Estate, in the Medical District of.....

- (1) Date and place of death:.....
- (2) Full name:.....
- (3) Sex and race: *.....
- (4) Age:.....
- (5) Class and rank (whether kangany or labourer, or wife of such, or child):.....
- (6) Parents' full names: {
 - Father:.....
 - Mother:.....
- (7) Cause of death, and, if buried or cremated off the estate, place of burial or cremation.....
- (8) Name of kangany in whose gang deceased was employed:.....
- (9) State whether seen by medical officer, estate dispenser, apothecary, or superintendent during last illness:.....
- (10) If not treated by anyone, briefly give reasons:.....

I,....., do hereby declare the above to be a true and correct statement.

Witness my hand at....., this..... day of....., 19.....

.....
Superintendent of..... Estate.

* Tamils or Moors must be described as "Sri Lanka" Tamils or Moors, or "Indian" Tamils or Moors, as the case may be.

Form M

DECLARATION OF PARTICULARS RELATING TO DEATH FOR PURPOSES OF LATE REGISTRATIONS

[Section 36.]

I,..... of....., solemnly, sincerely, and truly declare that the particulars stated below relating to an unregistered death are true and correct to the best of my knowledge and belief and that the death has not been registered within three months from its occurrence or from the finding of the corpse in a place other than a house or a building, for this reason, viz.—

- (a) Date of Death:.....
- 1. (b) Place of Death:.....
- (c) Registration Division and District:.....

2. Full Name:.....

3. Sex and Race:.....

4. Age:.....

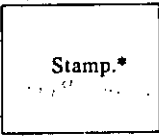
5. Rank or Profession:.....

6. Parents' full names²: { Father:.....
Mother:.....

7. Cause of death and place of burial or cremation:.....

8. Declarant's full name, residence and capacity for giving information:.....

Declarant.



Declared before me at..... this..... day of....., 19.....

District Registrar.

* Re. 1 if made within 12 months of death ; Rs. 5 if made thereafter.
¹ Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.
² In the case of an illegitimate child the name of the father should not be entered except with the joint consent of both parents, which should be signified by their signing this declaration. In the absence of such joint consent the name of the father should be omitted and the words " parents not married " entered after the name of mother.

Form N

CERTIFICATE OF NOTICE OF DEATH

[Section 41 (1) (a).]

No. Division:..... District.....

I certify that I have this day received from..... of..... notice of death of.....

(1) Date and place of death:.....

(2) Full name:.....

(3) Sex and race* :.....

(4) Age:.....

(5) Cause of death:.....

..... 19..... Registrar.

* Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

Form O

CERTIFICATE OF DEATH BY POLICE OFFICER OR GRAMA SEVA NILADHARI

[Section 41 (1)
(c).]

I certify that information of the death, of which particulars are given below, was furnished to the registrar of (or to me, the registrar of the division being absent), not less than three hours previously to the granting of this certificate:—

- (1) Date and place of death :
- (2) Full name :
- (3) Sex and race* :
- (4) Age :
- (5) Rank or profession :
- (6) Cause of death :
- (7) Name of last medical attendant :
- (8) Informant's full name and residence :

Dated at this day of 19.....

.....
Police Officer or Grama Seva Niladhari.

* Tamils or Moors must be described as "Sri Lanka" Tamils or Moors, or "Indian" Tamils or Moors, as the case may be.

Form P

INQUIRER'S CERTIFICATE

[Section 41 (1)
(e).]

I,, Inquirer into Deaths, of, certify that I have this day held an inquiry under the provisions of the Code of Criminal Procedure Act on the dead body of of, and that the particulars stated in the Schedule hereto are true and correct, and I hereby authorize the burial or cremation of the said body.

Dated at this day of 19.....

.....
Inquirer into Deaths.

Schedule

- (1) Date and place of death :
- (2) Full name and residence :
- (3) Sex and race* :
- (4) Age :
- (5) Rank or profession :
- (6) Parents' full names : { Father :
Mother :
- (7) Cause of death :

* Tamils or Moors must be described as "Sri Lanka" Tamils or Moors, or "Indian" Tamils or Moors, as the case may be.

Form Q

[Section 41 (1) (f)]

CERTIFICATE OF SUPERINTENDENT OF ESTATE

I,, Superintendent of the..... Estate, in....., hereby authorize the burial, cremation or.....* of the body of..... (name), whose death took place on the above estate on the..... day of....., 19.....

Dated at, this..... day of....., 19.....

..... Superintendent.

* If the body is to be disposed of in some other manner, specify such manner in the blank space.

Form R

[Section 42 (1) (a)]

CERTIFICATE OF REGISTRATION OF DEATH

No. :..... Division :..... District :.....

I have this day received fromof....., notice of, and registered, the following death :—

- (1) Date and place of death :.....
(2) Full name :.....
(3) Sex and race * :.....
(4) Age :.....
(5) Cause of death :.....

..... Registrar.

....., 19.....

* Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

Form S

[Section 43 (1) (a)]

CERTIFICATE OF NOTICE OF STILL-BIRTH

No. :.....

I have this day received fromof....., notice of the following still-birth :—

- (1) Date and place of occurrence :.....
(2) Race * :.....
(3) Sex :.....
(4) Mother's full name and rank or profession :.....

....., 19.....

..... Registrar, Police Officer or Grama Seva Niladhari.

* Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

BIRTHS AND DEATHS

[Cap. 129

Form T

CERTIFICATE OF STILL-BIRTH

[Section 43 (1) (c).]

I certify that the child whose particulars are given below was not born alive:—

- (1) Date and place of occurrence :.....
- (2) Race* :.....
- (3) Sex :.....
- (4) Mother's full name and rank or profession :.....
- (5) Mother's age :.....
- (6) Number of months pregnant at time of still-birth :.....
- (7) Father's full name and rank or profession :.....
- (8) Informant's full name, residence, and description :.....
- (9) Informant's signature :.....
- (10) Date of information :.....

....., 19..... Medical Practitioner.

* Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

Form U.

REPORT OF BIRTH BY GRAMA SEVA NILADHARI

[Section 46 (1).]

No. :..... Grama Seva Niladhari's Division :..... Registration Division :.....

- (1) Date and place of birth :.....
- (2) Name :.....
- (3) Sex :.....
- (4) Father's—
 - full name :.....
 - date of birth :.....;
 - place of birth :.....;
 - race* :.....
 - rank or profession :.....
- (5) Mother's—
 - full name :.....;
 - date of birth :.....;
 - place of birth :.....;
 - race* :.....

(6) Were parents married?.....

(7) If grandfather born in 'Sri Lanka†—

his full name :.....;

his year of birth :.....;

his place of birth :.....

(8) If the father was not born in Sri Lanka and if great grandfather born in Sri Lanka the great grandfather's†—

full name :.....;

year of birth :.....;

place of birth :.....

I certify that the above statement contains true particulars of a birth which occurred in my division.

Signed at....., this..... day of....., 19.....

.....
Signature of Grama Seva Niladhari.

* Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

† In the case of a person born in wedlock, information should be given of the paternal grandfather and great grandfather, and in the case of a person not so born, and not legitimated by the subsequent marriage of the parents, information should be given of the maternal grandfather and great grandfather.

Form V

REPORT OF DEATH BY GRAMA SEVA NILADHARI

[Section 46
(1).]

No. :..... Grama Seva Niladhari's Division :..... Registrar's Division :.....

(1) Date and place of death :.....

(2) Full name :.....

(3) Sex and race* :.....

(4) Age :.....

(5) Rank or profession :.....

(6) Cause of death :.....

(7) Name and address of person bound to give information :.....

I certify that the above statement contains the true particulars of a death which occurred in my division and I report the same to the registrar of.....

Signed at....., this..... day of....., 19.....

.....
Signature of Grama Seva Niladhari.

* Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

BIRTHS AND DEATHS

[Cap. 129

Form W

REPORT OF BIRTH OR STILL-BIRTH BY THE FATHER OR ANY
PERSON IN ATTENDANCE UPON THE MOTHER

[Section 47
(2).]

- (1) Whether birth or still-birth :
- (2) Date of occurrence :
- (3) Place of occurrence : House No. : Street : Town
or Village :
- (4) Sex and race* :
- (5) Father's full name and occupation :
- (6) Mother's full name :
- (7) Names of other adult inmates :

I, of, being the father /† the person in attendance upon the mother at the time of /† within six hours after /† the birth, /† still-birth, certify that the above statement of particulars is to the best of my knowledge and belief true.

Signed at :, this day of, 19.....

.....
Signature.

* Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.
† Omit inapplicable words.

Form X

[Section 48.]

Return of births during the week ending 19....., taking place at

Date of birth	Sex	Father's full name and address	Mother's full name and address

.....
Signature of Manager or Officer in charge.

Date :, 19.....

BIRTHS AND DEATHS

[Section 48.]

Form Y

Return of deaths during the week ending....., 19....., taking place at.....

Date of Death	Full Name	Sex	Age	Cause of death	Full name and address of person who admitted patient for treatment and his relationship to deceased	Full name and address of person removing dead body for burial or cremation and his relationship to deceased

.....
Signature of Manager or Officer in charge.

Date :....., 19.....

[Section 48.]

Form Z

Return of still-births during the week ending....., 19....., taking place at.....

Date of occurrence	Sex	Mother's full name and address	Father's full name and address

.....
Signature of Manager or Officer in charge.

Date :....., 19.....

BIRTHS AND DEATHS

[Cap. 129

Form AA

CERTIFICATE OF MAGISTRATE OR JUDGE OF PRIMARY COURT RELATING TO A BIRTH

[Section 49 (1).]

To the District Registrar,

I,, Magistrate of..... or Judge of the Primary Court for....., do hereby certify that....., of....., was this day tried by me and convicted (or acquitted) on the charge of giving false information, or of not giving due information (as the case may be) to the registrar touching the birth of a child, and that the following particulars touching that child appeared in evidence during the trial:—

- (1) (a) Date of birth².....
- (b) Place of birth.....
- (c) Registration division.....

(2) Name.....

(3) Sex;.....

(4) Father's—

- full name.....;
- date of birth.....;
- place of birth.....;
- race³.....;
- rank or profession.....

(5) Mother's—

- full name.....;
- date of birth.....;
- place of birth.....;
- race³.....;
- residence.....;
- age.....

(6) Were parents married?.....

(7) If grandfather born in Sri Lanka⁴—

- his full name.....;
- his year of birth.....;
- his place of birth.....

(8) if the father was not born in Sri Lanka and if great grandfather born in Sri Lanka, the great grandfather's⁴—

- full name.....;
- year of birth.....;
- place of birth.....

(9) Parents' signatures for purposes of section 21;.....

Witness my hand at....., this..... day of....., 19.....

Magistrate of.....

or

Judge of Primary Court for.....

¹ Strike out if inapplicable.

² Specify all the particulars relating to the dates, including the month and last portion of the year, in letters, for instance, first day of January, 1947 (forty-seven).

³ Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

⁴ In the case of a person born in wedlock, information should be given of the paternal grandfather and great grandfather, and in the case of a person not so born, and not legitimated by the subsequent marriage of the parents, information should be given of the maternal grandfather and great grandfather.

BIRTHS AND DEATHS

Form AB

CERTIFICATE OF MAGISTRATE OR JUDGE OF PRIMARY COURT RELATING TO A STILL-BIRTH

[Section 49 (1).]

To the District Registrar,

I,, Magistrate of or Judge of the Primary Court for, do hereby certify that, of, was this day tried by me and convicted (or acquitted) on a charge of giving false information, or of not giving due information, (as the case may be) to the registrar touching a certain still-birth, and that the following particulars touching such still-birth appeared in evidence during the trial:—

- (1) (a) Date of occurrence of still-birth :²
- (b) Place of occurrence :
- (c) Registration division :
- (2) Race :³
- (3) Sex :
- (4) Mother's full name and rank or profession :
- (5) Mother's age :²
- (6) Number of months pregnant at time of still-birth :
- (7) Father's full name and rank or profession :

Witness my hand at, this day of, 19.....

Magistrate of

or

Judge of Primary Court for

¹ Strike out if inapplicable.

² Specify all the particulars relating to the dates, including the month and last portion of the year, in letters, for instance, first day of January, 1947 (forty-seven).

³ Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors as the case may be.

Form AC

CERTIFICATE OF MAGISTRATE OR JUDGE OF PRIMARY COURT RELATING TO A DEATH

[Section 49 (1).]

To the District Registrar,

I,, Magistrate of or Judge of the Primary Court for, do hereby certify that, of, was this day tried by me and convicted (or acquitted) on the charge of giving false information or of not giving due information (as the case may be) to the registrar touching the death of a certain person (or the finding of a certain dead body (as the case may be)), and that the following particulars touching such deceased person appeared in the evidence during the trial:—

- (1) (a) Date of death :²
- (b) Place of death :
- (c) Registration division :
- (2) Full name and residence :
- (3) Sex and race :³
- (4) Age :²
- (5) Rank or profession :
- (6) Parents' full names : { Father :
- Mother :
- (7) Cause of death and place of burial or cremation :

Witness my hand at, this day of, 19.....

Magistrate of

or

Judge of Primary Court for

¹ Strike out if inapplicable.

² Specify all the particulars relating to the dates, including the month, and last portion of the year, in letters, for instance, first day of January, 1947 (forty-seven).

³ Tamils or Moors must be described as " Sri Lanka " Tamils or Moors, or " Indian " Tamils or Moors, as the case may be.

CHAPTER 130

REGISTRATION OF DEATHS (EMERGENCY)

Ordinance
No. 24 of 1945,
Act
No. 37 of 1952.

AN ORDINANCE TO MODIFY CERTAIN PROVISIONS OF LAW RELATING TO THE REGISTRATION OF DEATHS, INQUIRIES INTO DEATHS AND TO THE BURIAL AND CREMATION OF DEAD BODIES IN THEIR APPLICATION IN THE CASE OF THE DEATHS OF PERSONS SUBJECT TO MILITARY LAW OR OF MEMBERS OF THE ARMED FORCES OF THE ENEMY.

[7th September, 1945.]

Short title.

1. This Ordinance may be cited as the Registration of Deaths (Emergency Provisions) Ordinance.

otherwise disposed of, in any cemetery or burial ground or other place, as he may think fit:

Modification of statutory requirements relating to information and registration of deaths.

2. In the event of the death of a person subject to military law or of a member of the armed forces of the enemy, whether in consequence of war operations or otherwise—

Provided, however, that such body shall not be buried, cremated, or otherwise disposed of, in any cemetery or burial ground duly established or registered under the Cemeteries and Burials Ordinance for any proclaimed area, unless a certificate with respect to such body has been duly issued by a proper authority in accordance with the provisions of this Ordinance.

(a) it shall not be necessary for any person subject to military law to give information concerning the death to a registrar or to attend before the registrar and sign the register or to deliver a certificate stating the cause of death to a registrar or to any other person; and

4. In the event of the death of a person subject to military law or of a member of the armed forces of the enemy, otherwise than in consequence of war operations—

Disposal of bodies where deaths have occurred otherwise than in consequence of war operations.

(b) a registrar shall not register the death, unless he is directed to do so by the Registrar-General.

(a) an inquirer who holds an inquiry into such death shall, on the production of a certificate with respect to the death body of any such person duly issued by a proper authority, make his order for the burial of such body by affixing his signature in the space provided for the purpose at the foot of the form set out in the Schedule to this Ordinance; and

Modification of certain statutory requirements relating to information and inquiries and of burials and cremations in cases of deaths in consequence of war operations.

3. (1) In the event of the death of a person subject to military law or of a member of the armed forces of the enemy in consequence of war operations—

(a) it shall not be obligatory on any person to give information concerning the death to an inquirer; and

(b) an inquirer shall not take any action in relation to the death.

(b) the dead body of any such person may, if with respect to such body a certificate has been duly issued by a proper authority, be removed to and buried, cremated, or otherwise disposed of, in any cemetery or burial ground duly established or registered under the Cemeteries and Burials Ordinance for any proclaimed area, whether or not such death occurred within the limits of such proclaimed area.

(2) In the case of any death referred to in subsection (1), a proper authority may cause the dead body to be buried, cremated, or

Duty of keeper of a cemetery or burial ground.

5. The keeper or other person in charge of any cemetery or burial ground, duly established or registered under the Cemeteries and Burials Ordinance, shall, on the production of a certificate with respect to a dead body duly issued by a proper authority, permit such body to be buried, cremated, or otherwise disposed of in such cemetery or burial ground.

Form of certificate to be issued by a proper authority.

6. A certificate with respect to a dead body issued by a proper authority under this Ordinance shall be substantially in the form set out in the Schedule to this Ordinance, and shall contain all the particulars required to be set out in that form :

Provided, however, that a certificate with respect to the dead body of a person who was at the time of his death a member of the armed forces of the enemy may contain only such of those particulars as are available at the time of the issue of the certificate.

Registration of deaths on receipt of records from proper authority.

7. (1) On the receipt of any record or a certified copy of, or extract from, any record kept by a proper authority containing the particulars concerning the death of any person subject to military law or of a member of the armed forces of the enemy, the Registrar-General shall forthwith issue an order for the registration of that death.

(2) On the receipt of any order for the registration of a death issued by the Registrar-General under subsection (1), a registrar shall, subject to such general or special directions as may be given by the Registrar-General for determining the manner in which such death is to be registered, register such death forthwith in the manner prescribed in the Births and Deaths Registration Act.

Any entry made in a register of deaths by a registrar under this section shall, for the purposes of the Births and Deaths Registration Act, be deemed to have been signed by a proper authority acting as the informant required by that Act.

The provisions of section 35 of that Act shall not apply to the registration of any such death.

8. For the purposes of the proof of the death of any person subject to military law whose death has not been registered by a registrar, a certificate issued by or on behalf of a proper authority stating that that person has died shall be prima facie evidence of the fact of such death ; and any document, purporting to be such a certificate and to be signed by or on behalf of such authority shall, unless the contrary be proved, be deemed to be a certificate issued by or on behalf of such authority, and shall be received in evidence accordingly.

Proof of death.

9. This Ordinance shall be read and construed as one with the Births and Deaths Registration Act and with any other written law relating to the registration of deaths, inquiries into deaths and the burial, cremation or other disposal of dead bodies :

Construction of Ordinance.

Provided, however, that in the event of any conflict or inconsistency between the provisions of the Births and Deaths Registration Act or such other written law and the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

10. This Ordinance shall apply during the continuance of any war in which the Republic may be engaged.

Application of Ordinance.

11. In this Ordinance, unless the context otherwise requires—

Interpretation.

“ a person subject to military law ” includes a person subject to the naval, military, or air force law of any foreign power allied with the Republic of Sri Lanka or of any foreign authority recognized by the Republic of Sri Lanka as competent to maintain naval, military, or air forces for service in association with the Armed Forces of Sri Lanka, but does not include—

(a) a member of the Sri Lanka Army, Navy, or Air Force, who is absent from his unit on leave or otherwise than on duty ; or

(b) a member of the Sri Lanka Army, Navy, or Air Force, who is on the Reserve thereof ;

“body” includes part of a body;

“inquirer” includes a Magistrate;

“proclaimed area” means any area or areas defined in an Order under section 40 of the Births and Deaths Registration Act;

“proper authority”—

(a) for the purposes of the provisions of this Ordinance relating to the issue of a certificate with respect to, or to the burial of, the dead body of a person who was at the time of his death subject to military law, means the officer commanding the naval, military, or air force hospital at which the death of such person occurred or the registrar of that hospital, if any, or, where the death of such person occurred in a place other than such hospital, the medical officer of the unit to which such person was at the time of his death attached, or the officer commanding that unit;

(b) for the purposes of the provisions of this Ordinance relating to the issue of a certificate with respect to, or to the burial of, the dead body of a person who was at the time of his death a member of the armed forces of the enemy, means the officer commanding the naval, military, or air force hospital at which the death of such person occurred or the registrar of that hospital, if any, or, where the death of such person occurred in a place other than such hospital, any commissioned officer in the Armed Forces of Sri Lanka;

(c) for the purposes of the provisions of this Ordinance relating to the keeping of a record

containing the particulars concerning the death, or the issue of a certificate with respect to the proof of death, of a person subject to military law, means the officer in charge of the records of the unit to which such person was at the time of his death attached or the officer commanding that unit; and

(d) for the purposes of the provisions of this Ordinance relating to the keeping of a record containing the particulars concerning the death of a member of the armed forces of the enemy, means any commissioned officer in the Armed Forces of Sri Lanka;

“registrar” means a Registrar of Births and Deaths duly appointed under the Births and Deaths Registration Act and includes any District Registrar, Additional District Registrar, or deputy registrar duly appointed under that Act;

“Registrar-General” means the Registrar-General of Births and Deaths duly appointed under the Births and Deaths Registration Act, and includes a Deputy Registrar-General;

[§§ 2 & 3, Law
23 of 1978.]

“war operations” means—

(a) operations of the armed forces of the enemy; or

(b) operations of any forces of any foreign power allied with the Republic of Sri Lanka, or of any forces of any foreign authority recognized by the Republic of Sri Lanka as competent to maintain naval, military, or air forces for service in association with the Armed Forces of Sri Lanka while in action against the enemy or while acting in the course of their duty upon any warning of the imminence of an attack by the enemy.

SCHEDULE

FORM OF CERTIFICATE OF DEATH

[Sections 3, 4, 5 and 6.]

Service :

Regiment or corps :

No. : Rank :

Name (in full) :

Died on, 19....., at.....

Probable cause of death :

* Signature :

Rank :

Designation :

** I order burial.

** Signature of Inquirer :

* Where the death has occurred—

(a) in a hospital, the certificate must be signed by the officer commanding such hospital or the registrar of such hospital; or

(b) in a place other than a hospital, the certificate must be signed, in any case where the deceased person was at the time of his death subject to military law, by the medical officer of the unit to which such person was at that time attached or the officer commanding that unit, or in any case where the deceased person was at the time of his death a member of the armed forces of the enemy, by any commissioned officer in the Armed Forces of Sri Lanka.

** Where an inquiry has been held, the order authorizing burial must be signed by the inquirer.

CHAPTER 131

MARRIAGES (GENERAL)

Ordinances

Nos. 19 of 1907,
27 of 1917,
8 of 1922,
18 of 1929,
27 of 1931,
15 of 1940,
49 of 1944,
20 of 1945,
34 of 1946,
47 of 1947,

Acts

Nos. 22 of 1955,
11 of 1963,
3 of 1970,

Laws

Nos. 41 of 1975,
23 of 1978.

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW RELATING TO MARRIAGES OTHER THAN THE MARRIAGES OF MUSLIMS AND TO PROVIDE FOR THE BETTER REGISTRATION THEREOF.

[1st January, 1908.]

Short title.

1. This Ordinance may be cited as the Marriage Registration Ordinance.

Appointment of Registrar-General and his duties.

2. (1) There may be appointed a Registrar-General of Marriages for Sri Lanka.

(2) The Registrar-General shall, subject to the directions of the Minister, have the general control and superintendence of the registration of marriages under the provisions of this Ordinance, and of all persons appointed for or engaged in the carrying out of the provisions of this Ordinance.

Appointment of Deputy Registrar-General and his duties. [§§2 and 3, Law 23 of 1978.]

(3) There may be appointed a fit and proper person to be or to act as a Deputy Registrar-General of Marriages.

(4) The Deputy Registrar-General may, subject to the authority and control of the Registrar-General for the time being, exercise, perform or discharge any power, duty or function conferred or imposed upon such Registrar-General by or under this Ordinance or by or under any other written law.

Appointment of Assistant Registrars-General and their duties.

3. There may from time to time be appointed a fit and proper person or each of two or more such persons to be or to act as an Assistant Registrar-General of

Marriages. Any person so appointed may exercise, perform or discharge any power, duty or function expressly conferred or imposed upon the Assistant Registrar-General, and may subject to the directions of the Minister and under the authority and control of the Registrar-General, exercise, perform or discharge any power, duty or function conferred or imposed upon the Registrar-General, by or under this Ordinance.

4. (1) For each district there shall be a District Registrar of Marriages. District Registrars.

(2) The Government Agent of a district shall be the District Registrar for that district.

(3) Every Additional Government Agent, Assistant Government Agent, Additional Assistant Government Agent and Office Assistant to a Government Agent, of a district shall be an Additional District Registrar for that district.

(4) Every Assistant Registrar-General shall be an Additional District Registrar for the district of Colombo.

(5) There may be appointed any person as a District Registrar or as an Additional District Registrar in addition to, or in place

of, any officer who is a District Registrar or an Additional District Registrar by virtue of the preceding provisions of this section.

(6) Every District Registrar shall have and may exercise within his district the powers and duties vested by or under this Ordinance in a registrar of a division, and shall superintend and control, subject to the direction of the Registrar-General, the registration of marriages within the district, and the registrars hereinafter mentioned, and all other persons appointed for or engaged in carrying out the provisions of this Ordinance.

Establishment of registration divisions.

5. (1) The Minister may, by Notification in the Gazette, divide the several districts of Sri Lanka into such and so many divisions for the purpose of the registration of marriages as shall appear expedient, and may at any time by a like Notification amend, alter or abolish any such division.

(2) Every division which has been lawfully established at the commencement of this Ordinance shall be deemed and taken to be a division under the provisions of this Ordinance until such time as a new division shall be constituted in lieu thereof under the provisions of this Ordinance.

(3) Every reference to any revenue district in any Notification made under subsection (1) of this section before the commencement of the Administrative Districts Act shall, after the commencement of that Act, be construed as a reference to the administrative district consisting of the area which constituted that revenue district.

Appointment of registrars.

6. The Registrar-General may appoint one or more persons to each such division, who shall be called Registrars of Marriages, and any such registrar at pleasure he may remove and appoint some other person in his place, or in the place of any registrar who shall have died or resigned office, or been granted leave of absence from his duties :

Provided that in case of the death, sudden illness, or incapacity of the registrar of a division, or in case of other emergency, it shall be lawful for the Registrar-General or District Registrar, by writing under his

hand, to appoint a person to act as registrar for such division so however that no such appointment shall be made by a District Registrar for any period exceeding thirty days at any one time. Such acting appointment shall be forthwith entered under the hand of the officer making the appointment in a book to be kept for the purpose.

7. (1) The Minister may from time to time make rules for the direction of the Registrar-General, the District Registrars, registrars, ministers, and all persons whomsoever in the discharge of their duties under this Ordinance, for all matters required by this Ordinance to be prescribed, and generally for the effective carrying out of the provisions of this Ordinance.

Power to make rules.

(2) No rule made under this section shall have effect until it is approved by Parliament and notification of such approval is published in the Gazette.

8. (1) Every registrar shall dwell and have his office in such convenient place in his division as shall be appointed by the District Registrar, and shall, if so directed by the District Registrar, have within his division a station or stations as may be approved by the District Registrar, and every such station shall, for the purposes of the provisions of this Ordinance, with respect to the attendance of persons and the registration of marriages at the office of the registrar, be deemed to be his office :

Residence, office, and station of registrar.

Provided that the District Registrar may, in the special circumstances of any case and with the prior approval of the Registrar-General, authorize a registrar to dwell or to have his office or to have a station at a place outside his division.

(2) The District Registrar shall forthwith notify to the Registrar-General the places appointed by the District Registrar as the residence, office, and station or stations for every registrar of his district.

9. The registrar shall attend at his office and at each such station on such days and during such hours as shall respectively be appointed by the District Registrar, and shall cause his name, with the addition of

Attendance of registrar at his office.

the words "Registrar of Marriages" with the name of the division for which he is registrar, and the days and hours of his attendance as appointed by the District Registrar, to be placed in legible characters in the Sinhala, Tamil and English languages in a conspicuous place on or near the entrance of his office and station.

Registration of place of worship for solemnization of marriage.

10. (1) The minister, proprietor, or trustee of a building used as a place of public Christian worship may apply to the Registrar-General that such building may be registered for solemnizing marriages therein.

(2) The application shall be in the form A in the First Schedule, and shall contain a declaration signed by at least twenty householders, and countersigned by the said minister, proprietor, or trustee, that they frequent or intend to frequent such place of worship.

(3) The Registrar-General may register such place of worship for the solemnization of marriages in a book to be kept by him for that purpose, and he shall thereupon give a certificate of such registry and of the date thereof under his hand, which certificate shall be in the form B in the First Schedule, and the Registrar-General shall give public notice of such registry by notification in the Gazette.

(4) No building shall be registered which is not used for public Christian worship.

(5) Any building already registered at the time when this Ordinance comes into operation shall be deemed to have been registered under the provisions of this Ordinance.

Registration of such place in thinly populated district.

11. Where the population in any district is so scattered that it is difficult to procure the signatures of twenty householders, it shall be lawful for the Registrar-General to issue his certificate upon a declaration signed by as many householders as live within convenient distance from the building, and countersigned by the minister, proprietor, or trustee, and upon such other evidence as the Registrar-General may require to satisfy him that the building is used for public Christian worship.

12. (1) If any building registered for the solemnization of marriages shall at any subsequent period cease to be used for the public Christian worship of the congregation on whose behalf it was registered, the minister, proprietor, or trustee for the time being of such building shall with all convenient speed notify the fact to the Registrar-General in form C in the First Schedule, and the Registrar-General shall cause the registry thereof to be cancelled.

Cancellation or substitution of registration of building.

(2) If it shall be proved to his satisfaction that the same congregation use some other such building for the purpose of public Christian worship, he may register such new place of worship instead of the disused building.

(3) Such cancellation or substitution when made shall be entered in the book kept for the registry of such buildings, and shall be certified and published in the manner prescribed in the case of the original registry of the disused building.

(4) After such cancellation or substitution as aforesaid it shall not be lawful to solemnize any marriage in such disused building, unless the same shall be again registered in the manner prescribed by section 10.

13. The Registrar-General may at any time correct or cause to be corrected any error in any entry made in the book kept under section 10 for the registration of buildings.

Rectification of errors.

14. The Registrar-General may from time to time publish in the Gazette a list of the Registrars of Marriages in Sri Lanka, with their names, the names of their divisions, offices, and stations, and a list of the buildings registered for the solemnization of marriages therein, and of which the registration has not been cancelled.

Publication of lists of registrars and registered buildings.

15. No marriage shall be valid, the male party to which has not completed sixteen years of age or the female twelve, or if a daughter of European or Burgher parents, fourteen years of age.

Prohibited age of marriage.

Prohibited degrees of relationship.

16. No marriage shall be valid—
- (a) where either party shall be directly descended from the other ; or
 - (b) where the female shall be sister of the male either by the full or the half-blood, or the daughter of his brother or of his sister by the full or the half-blood, or a descendant from either of them, or daughter of his wife by another father, or his son's or grandson's or father's or grandfather's widow ; or
 - (c) where the male shall be brother of the female either by the full or the half-blood, or the son of her brother or sister by the full or the half-blood, or a descendant from either of them, or the son of her husband by another mother, or her deceased daughter's or granddaughter's or mother's or grandmother's husband.

Marriage of persons within prohibited degrees of relationship an offence.

17. Any marriage or cohabitation between parties standing towards each other in any of the above-enumerated degrees of relationship shall be deemed to be an offence, and shall be punishable with imprisonment, simple or rigorous, for any period not exceeding one year.

Second marriage without legal dissolution of first marriage invalid.

18. No marriage shall be valid where either of the parties thereto shall have contracted a prior marriage which shall not have been legally dissolved or declared void.

Dissolution of marriage.

19. (1) No marriage shall be dissolved during the lifetime of the parties except by judgment of divorce *a vinculo matrimonii* pronounced in some competent court.

(2) Such judgment shall be founded either on the ground of adultery subsequent to marriage, or of malicious desertion, or of incurable impotency at the time of such marriage.

(3) Every court in Sri Lanka having matrimonial jurisdiction is hereby declared competent to dissolve a marriage on any such ground.

20. (1) No suit or action shall lie in any court to compel the solemnization of any marriage by reason of any promise or contract of marriage, or by reason of the seduction of any female, or by reason of any cause whatsoever.

Suits to compel marriage prohibited.

(2) No such promise, or contract, or seduction shall vitiate any marriage duly solemnized and registered under this Ordinance.

(3) Nothing herein contained shall prevent any person aggrieved from suing for or recovering in any court damages which are lawfully recoverable for breach of promise of marriage, for seduction, or for any other cause :

Provided that no action shall lie for the recovery of damages for breach of promise of marriage, unless such promise of marriage shall have been made in writing.

* 22. (1) (a) The father of any person under twenty-one years of age ; or

Who may give consent to marriage of a minor.

(b) if the father be dead or under legal incapacity, or in parts beyond Sri Lanka and unable to make known his will, the mother ; or

(c) if both father and mother be dead or under legal incapacity, or in parts beyond Sri Lanka and unable to make known their will, the guardian or guardians appointed over the party so under age by the father, or if the father be dead or under legal incapacity, by the mother of such party or by a competent court,

shall have authority to give consent to the marriage of such party, and such consent is hereby required for the said marriage :

Provided that no such consent shall be required in the case of a widow or widower or a person who shall have been previously married, and whose marriage shall have been legally dissolved.

(2) If there be no person authorized as aforesaid to give consent, or if the person so authorized unreasonably withholds or

* Section 21 is repealed by Act No. 3 of 1970.

refuses his or her consent, the Judge of the Family Court within whose jurisdiction the party so under age resides, may, upon the application of any party interested in such marriage, and after summary inquiry, give consent to the said marriage, and such consent is hereby required for the said marriage.

Preliminaries to be observed prior to a marriage.

23. In every case of marriage intended to be solemnized under the provisions of this Ordinance, the following preliminaries shall be observed:—

(1) If the parties to an intended marriage have been both resident in Sri Lanka for ten days, one of the parties shall give notice to a registrar of the division in which they have dwelt for not less than ten days then next preceding or to the District Registrar in whose district they have so dwelt.

(2) If both parties have not dwelt in the same division for ten days then next preceding, but in different divisions, then each party shall give notice to a registrar of the division in which he or she has dwelt for not less than ten days next preceding the giving of such notice or to the District Registrar in whose district he or she has so dwelt.

(3) If one of the parties to an intended marriage has not been resident in Sri Lanka for ten days next immediately preceding the giving of notice, notice shall be given by the other party who has been so resident to the registrar in whose division or to the District Registrar in whose district he has been resident ten days next preceding the giving of such notice.

(4) If neither party has been resident for ten days in Sri Lanka, notice may be given to the registrar in whose division or to the District Registrar in whose district one of the parties has been resident for not less than four days.

(5) The notice given by one party under subsections (3) or (4) shall be a sufficient notice of such intended marriage, and may be given in anticipation of the arrival of the other party from abroad.

24. (1) Every such notice may be given to the registrar at any place within his division, and shall be in the form D in the First Schedule, and shall state—

Form of notice and declaration.

(a) the name in full, race, age, profession, civil condition, and dwelling place of each of the parties intending marriage, and

(b) if the case be so, that the other party is absent from Sri Lanka or has not resided for ten days in any part of Sri Lanka (as the case may be), and also

(c) the name in full and rank or profession of the father of each such party.

(2) Such notice shall also bear on its face or shall have attached thereto the written consent of any person whose consent is required by law.

(3) The party giving the notice shall make and sign or subscribe a declaration in writing in the body or at the foot of such notice—

(a) that he or she believes that there is no impediment of kindred or alliance or other lawful hindrance to the said marriage,

(b) that he or she has for the space of ten clear days or other prescribed period immediately preceding the giving of such notice dwelt within the division of the registrar to whom such notice shall be so given, and

(c) that the consent of the person or persons whose consent is required by law has been given.

(4) Every such notice and declaration shall be so signed and subscribed in the presence of any one of the following persons, hereafter called an attesting officer, namely—

(a) the registrar of the division, or

(b) a Justice of the Peace, or

(c) a notary, or

(b) a minister,

and of two respectable witnesses.

The witnesses shall be personally acquainted with the party giving the notice and (in the event of the party not being known to the attesting officer) also with the attesting officer, and shall sign the notice. The full names, rank or profession, and place of abode of the witnesses shall be entered in the said notice.

(5) At the foot of the notice and declaration the attesting officer shall make a certificate substantially as in the final column of the form D in the First Schedule.

(6) Every notice to a District Registrar under subsections (1) or (2) and every notice under subsection (3) of section 23 shall bear a stamp of the value of ten rupees, and every notice under subsection (4) thereof shall bear a stamp of the value of thirty rupees. The stamp shall be supplied by the party giving the notice.

Publication of notice.

25. (1) Every registrar to whom notice of an intended marriage is duly given as aforesaid shall forthwith enter in the notice the date of its receipt and shall file and keep it with the records of his office, and shall forthwith enter the particulars of the notice in a book to be called "The Marriage Notice Book", which shall be kept in the form E in the First Schedule, and which shall be open at all reasonable times without fee to the inspection of all persons claiming to be interested in any entry therein.

(2) The registrar shall cause a true copy under his hand of the notice of marriage to be posted in some conspicuous place in his office during twelve successive days after the entry of such notice.

(3) If the parties to the intended marriage shall have given notice to different registrars under subsection (2) of section 23, each registrar shall also, upon receipt of the notice, forward a certified copy thereof to the other registrar, and give a like copy to the party giving such notice.

26. (1) At any time not less than twelve days (except as provided in section 27), nor more than three months (except as provided in section 31) from the entry of the notice, the registrar, or where notice has been given to two registrars, each of them, or, in any case referred to in section 28, the registrar nominated in that behalf by the Registrar-General or by the District Registrar, shall upon application of the party giving such notice, and on receipt of the certified copy of the notice, if any, given to the other registrar, issue a certificate substantially in the form F in the First Schedule:

Issue of certificate.

Provided that in the meantime no lawful impediment to the issuing of such certificate be shown to the registrar, and provided that the issuing of such certificate shall not have been forbidden or a caveat entered in the manner hereinafter provided.

(2) Every such certificate shall state—

- (a) the day on which it was entered,
- (b) that the issue of the certificate has not been forbidden by any person lawfully empowered in that behalf, and
- (c) that the full period of twelve days has elapsed since the entry of the notice, or where two notices have been given since the entry of both notices, or that the issue of the certificate has been authorized by licence under section 27.

27. (1) At any time after the entry of the notice, and upon the production of a certified copy of such notice, the District Registrar within whose district such notice has been given or the registrar to whom notice has been given, may issue, subject to the provisions of subsection (3), a licence under his hand substantially in form G in the First Schedule authorizing the District Registrar or the registrar to whom notice has been given or, in any case referred to in section 28 such other registrar as he may specify in the licence, to issue the certificate under section 26, if in the meantime no lawful impediment to the issue of such certificate is shown to the satisfaction of such registrar or if the issue of such certificate has not been forbidden or a caveat entered in the manner hereinafter provided.

Issue of licence. [S. 5, Law 41 of 1975.]

(2) Where the parties to the intended marriage have given notice to two registrars under subsection (2) of section 23, the District Registrar within whose district one or both of such notices have been given or either of the two registrars to whom notice has been given, may issue, upon the production of a certified copy of each such notice, and subject to the provisions of subsection (3) of this section, a licence to each of the registrars, or, in any case referred to in section 28, to such other registrar as may be specified therein, and such licence shall be substantially in the form H in the First Schedule.

(3) Before the issue of such licence one of the parties to the intended marriage shall appear personally before the District Registrar or the registrar, or where notice has been given to two registrars, before either of those two registrars and make and subscribe a written declaration that—

- (a) he or she believes that there is not any impediment of kindred or alliance, or of any other lawful cause, or other lawful hindrance, to the said marriage;
- (b) that the consent of any person or persons whose consent is required has been obtained; and
- (c) that the issue of the certificate has not been forbidden, nor any caveat entered, nor any suit is pending in any court to bar or hinder the said marriage.

(4) Where the declaration is made before the District Registrar it shall bear stamps to the value of thirty rupees to be supplied by the party making the declaration and where the declaration is made before the registrar of a division it shall be accompanied by a receipt issued by the District Registrar in proof of payment of a sum of thirty rupees.

(5) The registrar to whom the licence is issued shall, upon the receipt thereof, issue his certificate, and every such certificate shall state the particulars set forth in the notice and the day on which it was entered,

and that the issue of the certificate has been authorized by the licence of the District Registrar or the registrar.

28. (1) Where, by virtue of any Notification under section 5, any area which is situated within any registration division (hereinafter referred to as the "old division") becomes, with effect from a date specified in that Notification, a separate division or a part of any other existing division (hereinafter referred to as the "new division"), and where, before that date, notice of an intended marriage is given by a party resident within that area, but the certificate under section 26 is not issued before that date or the marriage is not solemnized before that date, then, notwithstanding anything in this Ordinance, that certificate may be issued, or that marriage may be solemnized, and any other act required by this Ordinance to be done in that connection by a registrar of the old division may be done, by a registrar of the old division or of the new division nominated in that behalf by the District Registrar within whose district that area is situated; and every such registrar shall comply with such directions as may be given to him by the District Registrar.

Issue of certificates and solemnization of marriages upon alteration of divisions.

(2) The provisions of subsection (1) shall apply in every case where one registration division is amalgamated with another registration division to form a new division in like manner as those provisions apply to a case where an area within any registration division becomes a separate division or a part of any other existing division.

29. Every person whose consent to a marriage is required by law may forbid the issue of the registrar's certificate by signing and subscribing, in the presence of the registrar and of two credible witnesses, who shall be personally acquainted with the person forbidding, and shall be known to the registrar or be resident within his jurisdiction, and by delivering to him a notice in writing in the form I in the First Schedule, with his or her name, place of abode, and the capacity in which he or she forbids the marriage.

Forbidding of issue of certificate.

30. (1) Any person may at any time before the issue of the certificate enter a caveat against its issue. Such caveat shall be in the form J in the First Schedule.

Caveat.

(2) The caveat shall contain a statement of the name and residence of the caveator, the names and residences of the parties to whose marriage he objects, and the grounds on which he objects to the marriage, and shall be written on paper bearing a stamp of ten rupees, and shall be signed in the presence of the registrar and of two credible witnesses (who shall be personally acquainted with the caveator, and shall be known to the registrar or be resident within his jurisdiction), and shall be delivered to the said registrar.

Proceedings on marriage being forbidden or caveat entered.

31. (1) In the event of a marriage being forbidden or of a caveat being entered as aforesaid, the registrar shall refuse to issue the certificate, and shall forthwith make report of the objection to the Judge of the Family Court of the district within which his division is situated. Such report shall be in the form K in the First Schedule, and shall be accompanied by a copy of the notice of marriage and of the notice forbidding the marriage or of the caveat entered.

(2) The Judge of the Family Court shall thereon proceed to make summary inquiry (in which the person forbidding the marriage or entering the caveat shall be respondent) into the grounds of objection to the marriage, and shall order the certificate to issue or not to issue as shall appear to him just, and he shall have power, if it be proved to his satisfaction in the course of the inquiry that the marriage was forbidden or caveat entered by such person on frivolous or vexatious grounds, to impose on him a fine not exceeding one thousand rupees.

(3) The order of the Judge of the Family Court shall be subject to appeal to the Court of Appeal.

(4) A copy of the order of the Judge of the Family Court, or of the Court of Appeal, certified under the hand of the Judge of the Family Court, shall be forwarded by him to the registrar, who shall thereon issue or refuse to issue the certificate as such order shall direct.

(5) The time taken up in disposing as aforesaid of the objection to the marriage shall not be taken into account in the calculation of the period of three months under section 26 or section 39.

*33. On the production of the certificate of the registrar, or, where notice has been given to two registrars, on the production of a certificate from each of the registrars, to a minister, or to a registrar (to whom either or both the parties shall have given notice, or, in any case referred to in section 28, who may be nominated in that behalf by the District Registrar), it shall be lawful for a marriage to be solemnized between the said parties—

Where may marriage be solemnized.

- (a) by or in the presence of the minister in a registered place of worship or other authorized place, or
- (b) by the registrar in his office, station, or other authorized place :

Provided that there be no lawful impediment to the marriage.

34. (1) A marriage in a registered place of worship shall be solemnized by or in the presence of the minister of such building or a minister thereto authorized by him, with open doors, between six o'clock in the morning and six o'clock in the afternoon in the presence of two or more credible witnesses, and according to the rules, customs, rites, and ceremonies of the church, denomination, or body to which such minister belongs.

Solemnization of marriage by minister.

(2) Immediately after the solemnization of a marriage the minister shall enter in duplicate, in a book to be kept for that purpose, a statement of the particulars of the marriage in the form L in the First Schedule. Every such entry shall be numbered consecutively.

(3) The statement shall be signed by the minister, by the parties to the marriage, and by two respectable witnesses who shall have been present at the solemnization thereof, and who shall be personally acquainted with the parties and (in the event of the parties

* Section 32 is omitted, as its operation is confined to marriages between British subjects resident in the United Kingdom and in Sri Lanka.

not being known to the minister) also with the minister, and whose full names, rank or profession, and places of residence shall be added to the statement by the minister.

(4) The minister shall see that the particulars entered in the book regarding the names, race, civil condition, age, profession or occupation, and residence of the parties to the marriage correspond with the particulars given in the registrar's certificate, and that the parties and witnesses sign their names legibly. If any party or witness signs illegibly, or affixes a mark or cross, the minister shall write the name of such party or witness immediately over such signature or mark, with the words "This is the signature of", or "This is the mark of", immediately preceding such name.

(5) The minister shall, within seven days from the date of the solemnization of the marriage, separate from the register book the duplicate statement of the marriage and transmit the same to the District Registrar within whose district the marriage was solemnized together with stamps of a value equal to the amount of the fee payable to such Registrar for the registration of such marriage.

[§49, 11 of 1963.]

[§ 5, Law 41 of 1975.]

(6) The District Registrar shall, upon receipt of the minister's duplicate statement, together with the stamps equal in value to the amount of the fee payable to such registrar for the registration of the marriage, forthwith send to the minister an acknowledgment of the same, and enter or cause to be entered the particulars thereof or of the copy prepared under section 37 (2) in triplicate, that is to say, the original, the second copy (hereinafter referred to as the "duplicate"), and a third copy in a marriage register book to be kept by him, in the form M in the First Schedule, and shall certify that the particulars have been obtained from the minister's statement, and shall carefully preserve the said minister's statement until despatched to the Registrar-General as in section 37 provided. The third copy shall bear an endorsement under the hand of the District Registrar to the effect that it is issued under section 35A.

(7) No minister shall be compelled to solemnize a marriage between persons either

of whom shall not be a member of the church, denomination, or body to which such minister belongs, nor otherwise than according to the rules, customs, rites, and ceremonies of such church, denomination, or body.

(8) A minister shall refuse to solemnize a marriage until the parties thereto have paid to him, for transmission to the District Registrar, the fee payable to such Registrar for the registration of the marriage. [§49, 11 of 1963.]

35. (1) A marriage in the presence of the registrar shall, except as hereinafter provided, be solemnized between the parties at his office or station with open doors, and between the hours of six o'clock in the morning and six o'clock in the afternoon, and in the presence of two or more respectable witnesses, and in the following manner :—

Solemnization of marriage by registrar.

(2) The registrar shall address the parties to the following effect :—

"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".

(3) 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) ”.

(4) If either of the parties be deaf or dumb as well as unable to write, the declaration and statement shall be interpreted to him or her; and his or her assent obtained by whatever means of communication are commonly used by him or her, and the registrar shall take special care to satisfy himself that the party understands, assents to, and adopts the declaration and statement.

[§5, Law 41 of 1975.]

(5) The registrar shall then enter in triplicate, that is to say, the original, the second copy (hereinafter referred to as the “duplicate”) and a third copy, a statement of the particulars of the marriage in his marriage register book in the form M in the First Schedule, and shall cause the entry to be signed by the parties and witnesses, and himself sign it in the manner prescribed in regard to a marriage solemnized by a minister. The third copy shall bear an endorsement under the hand of the registrar to the effect that it is issued under section 35A.

(6) Every such entry shall be numbered consecutively.

Copy of registration entry to be issued free. [§5, Law 41 of 1975.]

35A. The third copy referred to in the preceding section shall forthwith, free of charge, be delivered or transmitted by post to the female party to the marriage by the District Registrar or the registrar.

Addition of religious ceremony to marriage solemnized by registrar.

36. (1) Where a minister of any Christian church or persuasion reads or celebrates in a registered place of worship any marriage service or ceremony at the request of the parties to any marriage which has previously been solemnized by a registrar, such reading or celebration shall not—

(a) be deemed to supersede or to affect in any way the marriage previously solemnized as aforesaid ; or

(b) be entered as a marriage in the register book kept by the minister under section 34.

(2) No religious service or ceremony shall be read or celebrated at the office or station of a registrar in connexion with the solemnization of any marriage by the registrar.

37. (1) The duplicates of entries made by the registrar under section 35 shall be separated from the book by him and sent monthly to the District Registrar before the fifth day of the following month and by the District Registrar, together with the duplicates of any entries made by him as well as duplicates, if any, received from ministers under sections 34 and 40, to the Registrar-General, who shall cause the same to be filed and preserved in his office ; and if no marriage shall have been registered during any month, the said registrar shall certify such fact under his hand, and transmit such certificate in the manner prescribed in regard to the transmission of the duplicate entry.

Transmission to Registrar-General of duplicates of entries, substitution of original and duplicate entries, and reconstruction of original and duplicate entries.

(2) Where a duplicate of an entry in a marriage register made under section 34 or section 35 or section 40 is lost, damaged, has become illegible or is in danger of becoming illegible, the Registrar-General may, after such inquiry as he may consider necessary, cause such duplicate to be replaced by a copy of the original entry, certified by the District Registrar or, if the original entry is in the custody of the registrar or the minister, certified by such minister or registrar, as the case may be, and countersigned by the District Registrar after verification of the copy with the original, and shall cause such copy to be filed and preserved. Every copy so filed and preserved shall, for all purposes, be deemed to be a duplicate duly filed and preserved in the office of the Registrar-General, under subsection (1).

[§5, Law 41 of 1975.]

(3) Where an original of an entry in a marriage register made under section 34 or section 35 or section 40 is lost, damaged, has become illegible or is in danger of becoming illegible, and the duplicate is available, the Registrar-General may, after such inquiry as he may consider necessary,

[§5, Law 41 of 1975.]

cause to be substituted therefor a copy of the duplicate certified by him to have been made after verification with the duplicate and to be a true copy of the duplicate. Such copy shall replace the aforesaid original of the registration entry and shall, for all purposes, be deemed to be the original of the registration entry which was lost, damaged, had become illegible or was in danger of becoming illegible, as the case may be.

[§5, Law 41 of 1975.]

(4) Where both the original and the duplicate of an entry in a marriage register made under section 34 or section 35 or section 40 are lost, damaged, have become illegible or are in danger of becoming illegible, the provisions of section 13 of the Births and Deaths Registration Act shall, *mutatis mutandis*, apply to and in relation to the substitution of copies of such original and duplicate. Such copies shall, for all purposes, be deemed to be the original of the marriage registration entry and the duplicate, respectively.

Solemnization of marriage by minister or registrar under special licence.

38. (1) In case the female party to an intended marriage belongs to a class of people to whose customs it is contrary to require their females to appear in public before wedlock, it shall be lawful for the District Registrar, if he is satisfied after such inquiry as he may deem necessary that such female party has at all times observed and continues to observe the customs of that class with regard to such appearance in public, to issue a licence empowering a registrar to solemnize the marriage at such place and hour as the parties may prefer, and as may be named in the licence :

Provided that the requirements of this Ordinance in all other respects than the place and hour of marriage shall be fully complied with.

(2) In case the female party belongs to a class other than that described in the preceding subsection, or is, in the opinion of the District Registrar, not entitled to the benefits of that subsection, it shall be lawful for the District Registrar, upon the application of one of the parties to the intended marriage, and which application shall bear a stamp of the value of thirty rupees, to issue a licence empowering a

registrar to solemnize the marriage at such place and hour as the parties may prefer, and as may be named in the licence :

Provided that in every other respect than the place and hour of marriage the requirements of this Ordinance shall be fully complied with.

(3) Upon application by one of the parties to the proposed marriage or by the minister by or before whom it is intended to be solemnized to the District Registrar within whose district the marriage is to be solemnized, the District Registrar may issue a licence to the minister for the solemnization of the marriage at such place and at such hour as the parties may prefer :

Provided that in every other respect the requirements of this Ordinance shall be fully complied with, and provided further that the requirements of section 34, subsections (2), (3), (4), (5), and (6), shall apply to marriages solemnized hereunder.

39. Whenever a marriage shall not be had within three months, except as provided in section 31 (5), after the notice thereof shall have been entered by the registrar, or, if notices have been given to and entered by two registrars, after the earlier notice shall have been entered, the notice and any licence or certificate which may have been granted thereupon, and all other proceedings thereupon, shall be utterly void; and no such marriage shall be solemnized or registered until new notice shall have been given and certificate thereof issued in the prescribed manner.

New notice required after three months.

40. (1) It shall be competent for a minister to solemnize without the preliminaries required by this Ordinance, at any convenient place, a marriage between parties of whom one is believed to be on the point of death :

Death-bed marriages.

Provided that such person is of sound mind, memory, and understanding.

(2) The minister shall immediately enter a statement of the particulars of the marriage in the book and in the manner prescribed by section 34, and shall at the foot of such entry, which shall be made in

duplicate, make a certificate signed by himself and the witnesses to the solemnization, which certificate shall be substantially to this effect—

“We certify that *A. B.*, one of the parties to the above marriage, is to the best of our knowledge and belief at the point of death, but of sound mind, memory, and understanding”.

(3) Within twenty-four hours of such solemnization the minister shall send to the District Registrar the duplicate of such entry and certificate.

(4) The District Registrar shall, upon receipt of such duplicate and certificate, forward an acknowledgment of the same to the minister, and shall cause a copy of the same to be posted for twenty-one days in a conspicuous place in his own office and in the office of the registrar within whose division the marriage was solemnized.

(5) On the expiry of twenty-one days from the date of the first posting of the copy as aforesaid by the District Registrar, he shall enter the marriage in the marriage register book kept by him under section 34 :

Provided that no caveat shall have been lodged or other proceedings taken by way of prohibition under sections 29 and 30, and on the registration of such marriage it shall be deemed to be valid and effectual for all purposes as if the same had been solemnized by or in the presence of the minister upon a certificate issued by the proper registrar and the requirements of section 34, subsections (2), (3), (4), (5), and (6), had been complied with.

(6) In the event of any caveat being entered or proceedings being taken by way of prohibition under sections 29 and 30, the District Registrar shall not register the marriage till the order of the Family Court or of the Court of Appeal is made under section 31.

Entry made by registrar in marriage register the best evidence of marriage.

41. (1) The entry made by the registrar in his marriage register book under sections 34, 35, and 40 shall constitute the registration of the marriage, and shall be the

best evidence thereof before all courts and in all proceedings in which it may be necessary to give evidence of the marriage.

(2) The copy substituted under section 37(2) for the lost duplicate entry of a registrar shall for the purposes of this section be deemed an original entry made by the registrar.

42. After any marriage shall have been registered under this Ordinance it shall not be necessary, in support of such marriage, to give any proof of the actual dwelling or of the period of dwelling of either of the parties previous to the marriage within the division stated in any notice of marriage to be the place of his or her residence, or of the consent to any marriage having been given by any person whose consent thereto was required by law, or that the place or hour of marriage was the place or hour prescribed by this Ordinance, nor shall any evidence be given to prove the contrary in any suit or legal proceedings touching the validity of such marriage.

Proof of certain matters not necessary to validity of registered marriage.

43. (1) Where a marriage has been heretofore contracted or shall hereafter be contracted which, without fault of the parties thereto, may have been omitted to be registered, or may have been erroneously registered, either of the said parties, or in the case of his or her death the issue or other lawful representative of such party, may apply to the Family Court having jurisdiction over the division where the marriage was contracted to have such marriage duly registered, or the erroneous registration amended.

Mode of supplying omission and correcting error in registration.

(2) The court, after due notice to the Registrar-General and the registrar or minister before whom the marriage was contracted, and to such other parties as the court shall deem expedient, and after hearing such evidence as may be produced before it or as it may think fit to call, shall, if it be satisfied that such marriage has been duly contracted and not registered, or not correctly registered, without fault of the parties thereto, order the marriage to be correctly registered.

(3) The Registrar-General shall thereupon cause the marriage to be correctly registered according to the directions of the court.

Correction of clerical errors in registers.

44. Any clerical error which may from time to time be discovered in a marriage register may, after due inquiry, be corrected by any person authorized in that behalf by the Registrar-General, subject to the rules made under the provisions of this Ordinance.

Penalty on making false declaration or giving false notice.

45. (a) Any person who shall knowingly or wilfully make any false declaration or sign any false notice required by this Ordinance for the purpose of procuring the registration of any marriage, and

(b) every person who shall forbid the granting by any registrar of a certificate for marriage by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false,

shall be guilty of the offence of giving false evidence under Chapter XI of the Penal Code, and be liable to the penalties therein prescribed.

Circumstances in which a marriage will be null and void.

46. If both the parties to any marriage shall knowingly and wilfully intermarry under the provisions of this Ordinance in any place other than that prescribed by this Ordinance, or under a false name or names, or except in cases of death-bed marriages under section 40, without certificate of notice duly issued, or shall knowingly or wilfully consent to or acquiesce in the solemnization of the marriage by a person who is not authorized to solemnize the marriage, the marriage of such parties shall be null and void.

Solemnization of marriage by means of a false document.

47. (1) If any valid marriage shall be had under this Ordinance by means of any wilfully false notice, certificate, or declaration made by either party to such marriage as to any matter to which a notice, certificate, or declaration is required, it shall be competent for the proper Family Court to inquire therein, upon the application of either of the parties, or, if the marriage shall have been had without the consent of the person whose consent was by law required, upon the application of such person or of the Attorney-General.

(2) After due inquiry the court may order and direct that all estate and interest in any property accruing to the offending party by the force of such marriage shall be forfeited, and shall be secured under the direction of the court for the benefit of the innocent party or of the issue of the marriage or of any of them, in such manner as the said court shall think fit for the purpose of preventing the offending party from deriving any interest in any real or personal estate or pecuniary benefit from such marriage.

(3) If both the contracting parties shall in the judgment of the court be guilty of any such offence as aforesaid, it shall be lawful for the court to settle and secure such property or any part thereof immediately for the benefit of the issue of such marriage, subject to such provision for the offending party by way of maintenance or otherwise as the court may think fit.

(4) The order of the Family Court shall be subject to appeal to the Court of Appeal.

48. All agreements, settlements, and deeds entered into or executed by the parties to any such marriage in contemplation of, or before, or after, or in relation to, such marriage shall be absolutely void, and have no force or effect so far as the same shall be inconsistent with the provisions of the security and settlement made by the court as aforesaid.

Settlements and agreements in regard to such marriage void.

49. (1) The Registrar-General, District Registrars, registrars, and ministers, shall keep books for the purposes of this Ordinance, in such form as is prescribed by or under this Ordinance, and shall carefully preserve such books, and shall at no time allow such books or other documents kept under this Ordinance to remain out of their possession, except in obedience to an order of a competent court, or except as provided in this Ordinance, or by any rules made thereunder.

Books to be kept by the Registrar-General, District Registrar, &c.

(2) Every registrar and every minister of a registered place of worship shall, when called upon by the Registrar-General or by the District Registrar within whose district such registrar's division or such registered place of worship is situated, produce for

inspection all books, documents, and papers kept under this Ordinance which are in his possession as such registrar or minister.

(3) As each book of registers is completed by a registrar, he shall forward it, with all connected books, documents, and papers, to the District Registrar, who shall preserve them in his office.

issued under section 35A shall be received as prima facie evidence of the matter to which it relates, without any further or other proof of such entry.

53. In every case in which a registrar shall cease to hold office, all the books, documents, papers, and other articles in his possession as such registrar shall be delivered by him or by his legal representative as soon as conveniently may be, with a list thereof to the District Registrar who shall carefully arrange and preserve them in his office, save and except the incomplete books which were in actual use by the registrar at the time he ceased to hold office, and which shall be delivered by the District Registrar to the successor in office of the registrar.

Surrender of records on registrar ceasing to hold office.

Forms.

50. (1) The forms in the First Schedule to this Ordinance, or forms resembling the same, shall be used in all cases in which they are applicable, and when so used shall be valid in law.

(2) The Minister, by rule made under section 7, may alter from time to time all or any of the forms contained in the First Schedule to this Ordinance, or in any rule made thereunder, in such manner as may appear to him best for carrying into effect this Ordinance, or may prescribe new forms for that purpose.

(3) Every form when altered in pursuance of this section shall have the same effect as if it had been contained in the First Schedule to this Ordinance.

54. Notwithstanding anything to the contrary in this Ordinance, any District Registrar may cause any of the following documents, that is to say :—

Destruction of documents.

- (1) any notice referred to in section 23,
- (2) any marriage notice book referred to in section 25,
- (3) any certificate referred to in section 26,
- (4) any licence or declaration referred to in section 27,
- (5) any application or licence referred to in section 38,

which is forwarded or delivered to him in accordance with the provisions of this Ordinance, to be destroyed after a period of ten years from the date on which the document was received by him.

Search of registers and issue of certified copies or extracts.

51. (1) Any person shall be entitled, on making a written application to the Registrar-General, District Registrar, or registrar, and under such conditions and on the payment of such fees as shall be prescribed by the Minister, to refer to any book or document in the possession of such Registrar-General, District Registrar, or registrar, and kept under this Ordinance or under any enactment heretofore enacted relating to the registration of marriages, and to demand, on payment of such fees as the Minister may prescribe, a certified copy of or extract from every entry in such book or document.

[§5, Law 41 of 1975.]

(2) The applicant shall supply in respect of every written application and in respect of every certified copy or certified extract thereof a stamp or stamps of such value as may from time to time be prescribed.

Third copy, certified copy or extract to be prima facie evidence.
[§5, Law 41 of 1975.]

52. Such copy or extract if purporting to be made under the hand of the Registrar-General or the District Registrar or an Additional District Registrar or under the hand of the registrar or the third copy

55. If any person being, by virtue of his office as registrar or otherwise, in possession of books, documents, papers, and other articles specified in section 53, shall fail, neglect, or refuse to deliver them to the District Registrar, he shall be guilty of an offence punishable with simple or rigorous imprisonment for any term not exceeding two years, or with fine not exceeding one thousand rupees, or with both.

Penalty for non-delivery.

Penalty for losing or injuring a document.

56. Every person having the custody of any book or document made under this Ordinance, or certified copy of such book or document or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured while in his keeping, shall be guilty of an offence punishable with a fine not exceeding one hundred rupees, or with simple or rigorous imprisonment for a term not exceeding three months or with both such fine and such imprisonment.

Penalty for destruction of documents and for giving false certificates.

57. Every person who—

- (a) shall, save as provided in section 54, knowingly and wilfully tear, deface, destroy, or injure any notice, certificate, declaration, book, or any document whatsoever kept under this Ordinance, or under any enactment previously in force, or any part of such document or of certified copy thereof or of part thereof; or
- (b) shall knowingly and wilfully insert therein any false entry of any matter relating to any marriage or intended marriage; or
- (c) shall sign or issue any false certificate relating thereto; or
- (d) shall certify any writing to be a copy or extract of any such book or document, knowing such book or document to be false in any particular,

shall be guilty of an offence punishable with imprisonment, simple or rigorous, for a term not exceeding seven years, and with a fine not exceeding one thousand rupees.

Penalty for omission to register.

58. Every registrar who without reasonable cause refuses or omits to register a marriage, or to accept or enter a notice of marriage, or any particulars concerning which information has been tendered to him, and which he ought to accept and enter, shall be liable to a fine not exceeding one hundred rupees.

59. Any minister—

Offences by minister.

- (a) by or before whom, except in the case of a death-bed marriage under section 40, shall be solemnized a marriage before the delivery to him of the certificate or certificates required by this Ordinance; or
- (b) who shall fail to enter duly in the marriage register the statement of a marriage on the day in which it was solemnized by him, or to transmit within seven days from the date of the solemnization of the marriage the duplicate statement of the marriage to the District Registrar; or
- (c) who shall enter in the marriage register any marriage not solemnized in accordance with the provisions of this Ordinance; or
- (d) who shall fail to perform any act required of him by this Ordinance; or
- (e) who shall perform any act forbidden or declared unlawful by this Ordinance,

shall be guilty of an offence punishable by a fine not exceeding one hundred rupees.

60. (a) Any person who shall knowingly and wilfully solemnize or pretend to solemnize a marriage not being legally competent to do so, or between parties not legally competent to contract the same, or, except in case of a death-bed marriage under section 40, before the issue of the certificate or certificates required by this Ordinance, or in any place or at any time not authorized by the provisions of this Ordinance, or who shall knowingly and wilfully solemnize a marriage declared to be not valid or to be null and void by this Ordinance; and

Undue solemnization of marriage and issue of certificate.

- (b) any registrar who shall knowingly and wilfully issue a certificate before or after the expiration of the prescribed period, or, if the marriage shall have been

forbidden or a caveat entered under this Ordinance, before the disposal of such objection by a competent court; and

- (c) any registrar or minister who shall knowingly disobey any direction of the law as to the way in which he is to conduct himself, intending to cause or knowing it to be likely to cause injury to any person or to the Government,

shall be guilty of an offence, and punishable with imprisonment, simple or rigorous, for any term not exceeding two years, or with a fine not exceeding one thousand rupees, or with both.

Notices, informations, declarations, certificates, &c., how transmitted.

61. All notices, informations, declarations, certificates, requisitions, returns, and other documents required or authorized by this Ordinance to be delivered, sent, or given to or by the Registrar-General, or a District Registrar, or a registrar, or a minister, may be sent by post (according to the prescribed rules of the Department of Posts) either in a prepaid letter or free on State service, and the date at which they would be delivered to the person to whom they are sent in the ordinary course of post shall be deemed to be the date at which they were received; and in proving such receipt it shall be sufficient to prove that the letter was prepaid, or (if it be a letter that might according to the rules of the Department of Posts be sent free on State service) sent free on State service, and that it was properly addressed and put into the post.

Fees payable. [§49, 11 of 1963.]

62. (1) Subject to the provisions of section 34, the fees enumerated in the Second Schedule shall be payable by and to the persons therein mentioned and for the duties therein specified. In default of payment of such fee, the person to whom it is payable shall, subject to the prescribed rules, refuse, until payment, to perform the duty for which such fee is payable.

(2) In addition to the fees payable under subsection (1), whenever a registrar enters a notice of marriage or solemnizes a marriage

at any place other than his office, there shall be paid to him by the person requiring him to enter such notice or solemnize such marriage as expenses incurred by him in travelling from his residence to such place and returning from such place to his residence, a sum equal to the fare that would be payable under any law for the time being in force in the area for a motor cab in respect of a journey of the same length and duration, and if there is no such law for the time being in force in that area, then a sum calculated at such rate as may be prescribed.

63. All proceedings in a Court of Justice under this Ordinance shall be exempt from stamp duty unless otherwise specially provided. Proceedings in courts to be exempt from stamp duty.

64. In this Ordinance, unless the context otherwise requires— Interpretation.

“district” means administrative district;

“District Registrar” in any section (other than section 8 or section 9) in which any power, duty or function of that officer is prescribed or referred to, includes an Additional District Registrar;

“marriage” means any marriage, save and except marriages contracted under and by virtue of the Kandyan Marriage Ordinance, 1870,* or the Kandyan Marriage and Divorcé Act, and except marriages contracted between persons professing Islam;

“minister” means any person ordained or set apart for the ministry of the Christian religion according to the customs, rules, ceremonies, or rites of the church, denomination, or body to which such person belongs;

“prescribed” means prescribed by rule made under section 7.

“Registrar-General” includes a Deputy Registrar-General. [§§2 and 3, Law 23 of 1978.]

* Repealed by Act No. 44 of 1952.

MARRIAGES (GENERAL)

[Cap. 131]

FIRST SCHEDULE

Form A

APPLICATION BY MINISTER, OR PROPRIETOR, OR TRUSTEE TO REGISTER A PLACE OF PUBLIC WORSHIP FOR THE SOLEMNIZATION OF MARRIAGES, WITH DECLARATION BY HOUSEHOLDERS

[Section 10 (2).]

To the Registrar-General.

I,, Minister (or Proprietor, or Trustee) of the under-mentioned building, certify that it is used as a place of public Christian worship, and I hereby apply to have it registered for the solemnization of marriages.

Description	Situation		District	Religious Denomination on whose behalf the Building is to be registered
	Village or Street and Division of Town	Pattu, Korale, or other Division of the District		

Witness my hand at, this day of, 19

.....
Minister, or Proprietor, or Trustee.

Declaration

We, the undersigned householders residing in, in the of the District, hereby declare that we intend to frequent the above-described building as a place of public Christian worship.*

Dated at, this day of, 19

Countersigned by

Signed :

.....
Proprietor or Trustee.

.....
.....
.....

Signed :

Householders.

* If application be made under section 11, add : " and that the population in the district is so scattered that it is difficult to procure the signatures of twenty householders "

Form B

CERTIFICATE OF REGISTRY OF BUILDING FOR THE SOLEMNIZATION OF MARRIAGES

[Section 10
(3).]

No. of Certificate :—

In pursuance of the application and declaration made under section 10 of the Marriage Registration Ordinance, I hereby certify that the building, used as a place of public Christian worship, described below, has been duly registered for the solemnization of marriages.*

Description	Situation		District	Proprietors or Trustees	Religious Denomination on whose behalf the Building is registered
	Village or Street and Division of Town	Pattu, Korale, or other Division of the District			

Witness my hand at, this day of, 19

.....
Registrar-General.

* In certificates of substitution add: "in lieu of the building registered under certificate No. of the day of 19, which is no longer used for the public worship of the congregation on whose behalf it was registered".

[Section 12.]

Form C

I do hereby declare that the under-mentioned building has ceased to be used for public Christian worship of the congregation on whose behalf it was registered.

Witness my hand at, this day of, 19

.....
Minister, or Proprietor, or Trustee.

Description	Situation		District	Number and Date of Certificate of Registry	Name of Proprietor or Trustee in whose name registered	Religious Denomination on whose behalf registered
	Village or Street and Division of Town	Pattu, Korale, or other Division of the District				

MARRIAGES (GENERAL)

[Cap. 131]

Form D

NOTICE OF MARRIAGE

[Section 24.]

To the Registrar of Marriages of the division of in the District of

I, the undersigned,, hereby give you notice that a marriage is intended to be had at, * within three calendar months from the date hereof, between me and the other party herein named and described, that is to say—

1 Name in full of each Party	2 Civil Condition †	3 Race and Rank or Profession	4 Age last birthday	5 Dwelling Place	6 Division and District	7 Length of Residence in Division	8 Father's Name in full, and Rank or Profession	9 Consent, if any, by whom given ‡	10 Signature of the person, or reference to the document, giving consent

1. And I hereby solemnly declare that to the best of my knowledge and belief the several particulars stated in the above notice are true and correct, and that there is no impediment of kindred or alliance or other lawful hindrance to the said marriage.

2. And I further declare that I am not a minor under the age of twenty-one years, and that the other party herein named and described is not a minor under the age of twenty-one years (or as the case may be).

3. And I further declare that I and (if the case be so) the other party herein named, for the space of days immediately preceding the giving of this notice, had my or our (as the case may be) usual place of abode and residence within the above-mentioned division of

4. And I further declare that the consent of the person or persons named in column 9 above, and whose consent to the said marriage is required by law, has been duly given; or (if the case be so) that both I and the other party herein named being majors, no such consent is required to the said marriage.

5. And I make the foregoing declaration, solemnly and sincerely believing the same to be true, pursuant to the provisions of the Marriage Registration Ordinance, well knowing that every person who shall knowingly or wilfully make and sign or subscribe any false declaration, or who shall sign any false notice for the purpose of procuring any marriage under the provisions of the said Ordinance, shall suffer the penalties of giving false evidence under Chapter XI of the Penal Code.

In witness whereof I have hereunto set and subscribed my hand at / **at the Registrar's Office at this day of, 19, in the presence of the following witnesses and attesting officer :

(Signature)

Full Names	Rank or Profession	Place of Residence	Signature	Certificate of Registrar, Justice of the Peace, Minister, or Notary
Attesting Witnesses. { 1 2				I,, of §, Registrar of Marriages of, (or Justice of the Peace, or Minister or Notary Public) certify that the party who has given the above notice of his (or her) intended marriage is known to me (or not known to me, as the case may be), and that the witnesses §§ who are known to me have declared to me that they are personally acquainted with the said party. I further certify that the above notice and declaration were signed by the said party and witnesses in my presence at / **at my office at <div style="text-align: right;"> Attesting Officer. </div>

* Here insert the name of church, registrar's office, or other place where the marriage is to be solemnized.

† I.e., e.g., bachelor or widower, spinster or widow. In the case of divorced persons—(a) the man's condition should be described in this manner—The divorced husband of, formerly, spinster (or "widow", as the case may be); (b) the woman's condition should be described in this manner—The divorced wife of

‡ Here insert the name and capacity of person giving consent.

§ Here state the postal town.

§§ Where the party giving notice is known to the attesting officer, the words "who are known to me" should be deleted.

** Delete whichever is inapplicable.

MARRIAGES (GENERAL)

Form E

[Section 25.]

MARRIAGE NOTICE BOOK OF THE DIVISION OF IN THE DISTRICT OF

1	2	3	4	5	6	7	8	9	10	11	12
No.	Date of giving of Notice	Names of the Parties	Civil Condition	Race and Rank or Profession	Age	Dwelling Place	Consent, if any, by whom given	If the Notice was attested by the Registrar, state whether it was attested at his Office or outside	Date of Issue of Certificate	Remarks	Signature of Registrar

Form F

[Section 26.]

REGISTRAR'S CERTIFICATE

I,, Registrar of Marriages of the division of, do hereby certify that on the day of, 19, notice was duly entered in the Marriage Notice Book of the said division of, the marriage intended between the parties herein named and described, delivered under the hand of, one of the parties, that is to say—

Names in full of the Parties	Civil Condition	Race and Rank or Profession	Age in Years	Dwelling Place	Father's Name and Surname	Rank or Profession of Father

I further certify that the issue of this certificate has not been forbidden by any person authorized to forbid the issue thereof [and that the full period of twelve days has elapsed since the entry of the notice given to me and of the notice given to the Registrar of]*.

Witness my hand this day of, 19

.....
Registrar.

Except in the case of a marriage to be solemnized in the United Kingdom of Great Britain and Northern Ireland this certificate† will be void unless the marriage is solemnized on or before the day of, 19

* Where the issue of the certificate is authorized by licence, substitute for the words within brackets the following words: "and is authorized by licence of the District Registrar."

† Where the parties have given notice to two different registrars, the three months after which the notice becomes void should be reckoned from the day on which the earlier notice was entered.

Form G

LICENCE FOR ISSUE OF REGISTRAR'S CERTIFICATE

[Section 27 (1.)

Whereas on the ... day of ..., 19 ..., notice was given to the *Registrar of Marriages of the division of ... † within the ... District of which I am the District Registrar/for which I am an Additional District Registrar, of a marriage intended to be had between ... and ... therein mentioned, and the said ... desires to obtain a licence for the immediate issue of a certificate of such notice, and has made before the District Registrar of the ... District (or an Additional District Registrar for the ... District) the declaration required for that purpose by subsection (3) of section 27 of the Marriage Registration Ordinance :

Now, therefore, in pursuance of the provisions of the said Ordinance, I do hereby authorize the said registrar to issue the said certificate at any time hereafter, and within three calendar months of the said ... day of ..., 19

Given under my hand this ... day of ..., 19

District Registrar, or Additional District Registrar.

* Where the notice has been given to the District Registrar or to an Additional District Registrar, substitute "to the District Registrar of the ... District" or "to an Additional District Registrar for the ... District", as the case may be.

† Strike out the words which are inapplicable.

Form H

LICENCE FOR ISSUE OF REGISTRAR'S CERTIFICATE

[Section 27 (2.)

Whereas in pursuance of section 23 of the Marriage Registration Ordinance on the ... day of ..., 19 ..., notice was given to ..., Registrar of Marriages of the division of ..., of a marriage intended to be had between ... and ... therein mentioned, and a like notice on the ... day of ..., 19 ..., was given to ..., Registrar of Marriages of the division of ...;

And the said ... desires to obtain a licence for the immediate issue of a certificate, and has made before the District Registrar of the ... District (or an Additional District Registrar for the ... District) the declaration required for that purpose by subsection (3) of section 27 of the said Ordinance :

Now, therefore, in pursuance of the provisions of the said Ordinance, I do hereby authorize the Registrar of the division of ... to issue a certificate of the notice given to him at any time hereafter, and within three calendar months of the said ... day of ..., 19

Given under my hand this ... day of ..., 19

District Registrar, or Additional District Registrar.

MARRIAGES (GENERAL)

Form I

[Section 29.]

NOTICE FORBIDDING ISSUE OF CERTIFICATE.

To the Registrar of Marriages of

Take notice that I, A. B., of Colombo, being father (or mother, or lawfully appointed guardian) of C. D., of Colombo, do hereby, under section 29 of the Marriage Registration Ordinance, forbid the issue of a certificate for the solemnization of the marriage intended to be had between him (or her) and E. F., of Colombo, as the said C. D. is under twenty-one years of age, and has not obtained my consent to the said marriage as required by section 22 of the aforesaid Ordinance.

Dated at, this day of, 19

Witnesses:

..... (Signature)

Form J

[Section 30.]

CAVEAT FORBIDDING ISSUE OF CERTIFICATE

To the Registrar of Marriages of the division of Colombo.

I, A. B., of Colombo, do hereby enter a caveat against the grant of certificate for the marriage intended to be had between C. D., of Colombo, and E. F., of Colombo, the parties named in the notice entered in the Marriage Notice Book of the division of Colombo on the, on the ground (here state ground).

Signed at, this day of, 19, in the presence of:

- (1) Witness:
(2) Witness:
(3) Registrar:

A. B.

Form K

[Section 31.]

REPORT BY THE REGISTRAR TO THE JUDGE OF THE FAMILY COURT WHEN ISSUE OF CERTIFICATE IS FORBIDDEN

To the Judge of the Family Court of

A. B., of Colombo, having entered a caveat (or delivered a notice), of which copy is annexed, forbidding the issue of the certificate for the marriage intended to be had between C. D., of Colombo, and E. F., of Kalutara, the parties named in the annexed copy of notice duly entered in the Marriage Notice Book on the, I, G. H., Registrar of Marriages for the division of Colombo, do hereby apply to you for adjudication and decision thereon, as provided by section 31 of the Marriage Registration Ordinance.

Dated at, this day of, 19

G. H., Registrar.

(Hereto annex a certified copy of the notice of the intended marriage and of the notice or caveat forbidding issue of certificate.)

MARRIAGES (GENERAL)

[Cap. 131

Form L

REGISTER OF MARRIAGE SOLEMNIZED BY OR IN THE PRESENCE OF A MINISTER

[Section 34
(2).]

No:

Names in full of Parties	Age	Civil Condition	Race and Rank or Profession	Residence	Father's Name in full	Rank or Profession of Father	Name and Division of Registrar upon whose Certificate the Marriage was solemnized	Place of solemnization of Marriage

Solemnized by me (or in my presence) this day of, 19.....

.....
Minister.

This marriage was solemnized between us (*signatures of parties*) in the presence of:

1. Name in full, residence, and rank or profession of witness:

Signature of Witness:

2. Name in full, residence, and rank or profession of witness:

Signature of Witness:

Signed before me,

Minister.

Form M

REGISTER OF MARRIAGE IN THE DIVISION OF THE DISTRICT

[Sections 34 (6)
and 35 (5).]
[§11, 34 of
1946.]

	Male Party	Female Party
1. Names in full of parties		
2. Age		
3. Civil condition		
4. Rank or profession and race		
5. Residence		
6. Father's full name		
7. Rank or profession of father		
8. Name and division of registrar who issued certificate		
9. Place of solemnization of marriage		

Solemnized by me (or in my presence) this day of, 19.....

.....
Registrar or Minister.

MARRIAGES (GENERAL)

This marriage was solemnized between us, in the presence of :

- 1 { Signature of witness :
Name in full, rank or profession, and residence of witness :
- 2 { Signature of witness :
Name in full, rank or profession, and residence of witness :

Signed before me,,
Registrar or Minister.

* I certify that the above is a true copy of the statement No., furnished to me under section 34 of the Marriage Registration Ordinance, of a marriage solemnized by or in the presence of minister.

Date of entry in District Registrar's Register :

.....
Registrar.

* To be filled up only when entering a marriage solemnized by or in the presence of a minister.

SECOND SCHEDULE

[Section 62.]
[§5, Law 41 of
1975.]

Payable to whom	For what duty	Payable by whom	Amount Rs. c.
Registrar	Entering a notice of marriage at his office	Applicant	0 50
Do.	Entering a notice of marriage at any other place	do.	2 50
Do.	Issuing certificate of notice of marriage	do.	0 50
Do.	For every marriage solemnized in his office	Parties to marriage	1 50
Do.	For every marriage solemnized outside his office under section 38 (1)	do.	5 00
District Registrar	For every marriage solemnized outside his office under section 38 (2)	do.	75 00
Additional District Registrar	do.	do.	50 00
Registrar	do.	do.	20 00
District Registrar	Registration of marriage solemnized in a registered place of public worship	do.	1 50

CHAPTER 132

MARRIAGE AND DIVORCE (KANDYAN)

Acts
Nos. 44 of 1952,
34 of 1954,
22 of 1955,
Law
No. 41 of 1975.

AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO KANDYAN MARRIAGES AND DIVORCES, AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[1st August, 1954.]

- | | | |
|---|--|---|
| Short title. | 1. This Act may be cited as the Kandyan Marriage and Divorce Act. | (a) the male party thereto is under the lawful age of marriage; or |
| Application of Act. | 2. The provisions of this Act shall not, unless otherwise expressly provided therein, apply to marriages contracted before the appointed date. | (b) the female party thereto is under the lawful age of marriage; or
(c) the male and female parties thereto are both under the lawful age of marriage. |
| Marriages between persons subject to Kandyan law. | 3. (1) Subject to the provisions of this Act—
(a) a marriage, between persons subject to Kandyan law, shall be solemnized and registered under this Act or under the Marriage Registration Ordinance; and
(b) any such marriage which is not so solemnized and registered shall be invalid.
(2) The fact that a marriage, between persons subject to Kandyan law, is solemnized and registered under the Marriage Registration Ordinance shall not affect the rights of such persons, or of other persons claiming title from or through such persons, to succeed to property under and in accordance with the Kandyan law. | (2) Notwithstanding anything in subsection (1), a Kandyan marriage shall be deemed not to be or to have been invalid under that subsection by reason of one party and one party only thereto being, at the time of marriage, under the lawful age of marriage—
(a) if both parties thereto cohabit as husband and wife, for a period of one year after the party aforesaid has attained the lawful age of marriage; or
(b) if a child is born of the marriage before the party aforesaid has attained the lawful age of marriage.
(3) Notwithstanding anything in subsection (1), a Kandyan marriage shall be deemed not to be or to have been invalid under that subsection by reason of both parties thereto being, at the time of marriage, under the lawful age of marriage—
(a) if both such parties cohabit as husband and wife for a period of one year after they both have attained the lawful age of marriage; or |

PART I

VALIDITY OF KANDYAN MARRIAGES AND LEGITIMIZATION OF ILLEGITIMATE CHILDREN

- | | |
|-------------------------|--|
| Lawful age of marriage. | 4. (1) No Kandyan marriage shall be valid if, at the time of marriage— |
|-------------------------|--|

(b) if a child is born of the marriage before both or either of them have attained the lawful age of marriage.

Prohibited degrees of relationship.

5. (1) No Kandyan marriage shall be valid—

(a) if either party thereto is directly descended from the other ; or

(b) if the female party thereto is the sister of the male party thereto either by the full or the half-blood, or the daughter of his brother or of his sister by the full or the half-blood, or a descendant from either of them, or the daughter of his wife by another father, or his son's or grandson's or father's or grandfather's widow ; or

(c) if the male party thereto is the brother of the female party thereto either by the full or the half-blood, or the son of her brother or of her sister by the full or the half-blood, or a descendant from either of them, or the son of her husband by another mother, or her deceased daughter's or granddaughter's or mother's or grandmother's husband.

(2) No marriage or cohabitation shall take place between persons who, being subject to Kandyan law, stand towards each other in any of the degrees of relationship specified in paragraph (a) or paragraph (b) or paragraph (c) of subsection (1) of this section ; and in the event of any marriage or cohabitation between such persons, each such person shall be guilty of an offence under this Act.

Second marriage without legal dissolution of first marriage invalid.

6. No Kandyan marriage shall be valid—

(a) if one party thereto has contracted a prior marriage ; and

(b) if the other party to such prior marriage is still living,

unless such prior marriage has been lawfully dissolved or declared void.

Legitimization of illegitimate children.

7. A valid Kandyan marriage shall render legitimate any children who may

have been procreated (whether before or after the appointed date) by the parties thereto previous to such marriage and children so legitimized shall be entitled to the same and the like rights as if they had been procreated by the parties thereto subsequent to such marriage.

PART II

CONSENT TO MARRIAGE

8. (1) The consent of a competent authority is hereby required to the marriage under this Act of a minor subject to Kandyan law.

Consent required to marriage of minor.

(2) For the purposes of this Act, the expression "competent authority", in relation to a minor, means—

(a) the father of the minor ; or

(b) if the father is dead, or is under any legal incapacity, or is unable to give or refuse his consent by reason of absence from Sri Lanka, the mother of the minor ; or

(c) if both the father and mother of the minor are dead, or are under any legal incapacity, or are unable to give or refuse consent by reason of absence from Sri Lanka, the guardian or guardians of the minor appointed by the father or, if the father is dead, or is under any legal incapacity, by the mother or, if the mother is dead, or is under any legal incapacity, by a competent court ; or

(d) if both the father and mother of the minor are dead, or are under any legal incapacity, or are unable to give or refuse consent by reason of absence from Sri Lanka, and if further—

(i) no guardian or guardians of the minor has or have been appointed by the father, mother or a competent court ; or

(ii) the guardian or guardians so appointed is or are dead, or is or are under any legal

incapacity, or is or are unable to give or refuse consent by reason of absence from Sri Lanka,

the District Registrar for the district in which the minor resides.

Authority to give or refuse consent.

9. Any competent authority whose consent to the marriage of a minor is required under the last preceding section may give or refuse such consent as to such authority may seem fit.

Consent of District Registrar.

10. (1) A District Registrar shall, if he is a competent authority in relation to a minor, entertain any application made under this section for his consent to the marriage of that minor under this Act.

(2) The application shall be made by means of a written petition either by the minor or by any other person interested in the marriage of the minor.

(3) The petition shall bear a stamp or stamps of the prescribed value which shall be supplied by the applicant.

(4) The petition—

(a) shall be in the prescribed form;

(b) shall state the name and address of the applicant;

(c) shall state in what capacity he makes the application;

(d) shall, if the applicant is merely a person interested in the marriage of the minor, state the name and address of the minor;

(e) shall contain such other particulars as may be prescribed; and

(f) shall be signed by the applicant.

(5) Upon the receipt of the petition, the District Registrar shall forthwith cause a notice to be served upon the applicant and, if the applicant is merely a person interested in the marriage of the minor, upon the minor.

(6) The notice—

(a) shall indicate that at a time and date specified in the notice the District Registrar will attend at his office or at such other place as may be specified therein for the purpose of disposing of such application; and

(b) shall call upon the person to whom the notice is addressed to appear before the Registrar along with his witnesses, if any, on the date and at the time and place so indicated.

(7) The District Registrar shall attend on the date and at the time and place indicated in the notice and shall dispose of the application after such summary inquiry as he may deem necessary either on that date or on any other date to which he may adjourn or postpone the inquiry. The Registrar shall communicate his decision in writing to the applicant and, if the applicant is merely a person interested in the marriage of the minor, to the minor.

(8) Before disposing of the application the District Registrar shall give the applicant and, if the applicant is merely a person interested in the marriage of the minor, the minor and their respective witnesses, if any, an opportunity of being heard.

(9) The District Registrar shall keep a record in writing of all proceedings taken by him under this section for the purpose of disposing of the application.

11. (1) An appeal against the refusal of a competent authority to give his consent to the marriage of a minor under this Act shall lie to the District Court having jurisdiction in the area in which the minor resides. Appeals.

(2) The appeal shall be preferred by means of a written petition either by the minor or by any other person interested in the marriage of the minor:

Provided, however, that no appeal against the refusal to give his consent by a District Registrar in his capacity as a competent authority in relation to the minor may be preferred by any person who is merely a

person interested in the marriage of the minor unless the application for such consent was made by that person.

(3) The petition of appeal shall bear a stamp or stamps of the prescribed value which shall be supplied by the appellant.

(4) The petition of appeal—

(a) shall be in the prescribed form;

(b) shall state the name and address of the appellant;

(c) shall state the name and address of the competent authority against whose decision the appeal is preferred;

(d) shall state in what capacity he makes the appeal;

(e) shall, if the appellant is merely a person interested in the marriage of the minor, state the name and address of such minor;

(f) shall contain such other particulars as may be prescribed; and

(g) shall be signed by the appellant.

(5) Where an appeal is preferred under this section against the decision of a District Registrar in his capacity as a competent authority, the petition of appeal shall in the first instance be forwarded to that Registrar. Such Registrar shall forthwith, upon the receipt of the petition, forward it to the District Court along with the relevant record kept by him under section 10.

Power of court on appeals.

12. (1) Subject to the provisions of subsection (2), a District Court may, in its absolute discretion, on any appeal against the refusal of a competent authority to give his consent to the marriage of a minor under this Act, make order—

(a) confirming the decision of such authority; or

(b) setting aside that decision and consenting to the marriage.

(2) No order shall be made by a District Court under subsection (1) (b) of this section unless the court is satisfied that the refusal of a competent authority to consent to the marriage of a minor under this Act is unreasonable.

(3) The District Court shall cause a copy of the order to be served upon the appellant, the competent authority and, if the appellant is merely a person interested in the marriage of the minor, upon the minor.

(4) The decision of a District Court under this section on any appeal shall be final and conclusive and shall not be subject to appeal.

13. Before disposing of any appeal under this Part, a District Court shall give the parties thereto including the minor to whose marriage the appeal relates and their respective witnesses, if any, an opportunity of being heard.

Parties to be given an opportunity of being heard.

14. At the hearing of any appeal to a District Court under this Part, the procedure to be followed shall, save as hereinbefore provided and subject to any rules made by the Supreme Court for the purposes of this Act, be such as the court may direct either generally or in any particular case.

Procedure at hearing of appeals.

15. Where, on any appeal under this Part, a District Court makes order setting aside the decision of a competent authority and consenting to the marriage of a minor, the consent of that authority required by this Act for the marriage of that minor shall be deemed for all the purposes of this Act to have been given with effect from the date of the order.

Effect of order of court.

PART III

REGISTRATION OF KANDYAN MARRIAGES

16. Every prospective Kandyan marriage shall be notified to the appropriate Registrar hereinafter specified by the service of notice thereof on such Registrar as hereinafter provided:—

Notice of prospective Kandyan marriage.

(1) Where both parties thereto have resided in the same division for a period of not less than ten days reckoned from the date of service of the notice, one party thereto shall serve notice thereof on the Divisional Registrar for that division or on the District Registrar for the district in which that division is situated.

(2) Where both parties thereto have resided in different divisions for the period referred to in paragraph (1) of this section, each party thereto shall serve notice thereof on the Divisional Registrar for the division in which that party so resided or on the District Registrar for the district in which that division is situated :

Provided that where both such divisions are situated in the same district, notice of the marriage shall, instead of being served by each party thereto on the District Registrar for that district under the preceding provisions of this section, be served by one such party on that District Registrar.

(3) Where only one party thereto has resided in any division for the period referred to in paragraph (1) of this section, that party shall serve notice thereof on the Divisional Registrar for that division or on the District Registrar for the district in which that division is situated.

(4) Where both parties thereto have not resided in any division for the period referred to in paragraph (1) of this section, one such party, being a party who has resided in a division for a period of not less than four days reckoned from the date of service of the notice, shall serve notice thereof on the Divisional Registrar for that division or on the District Registrar for the district in which that division is situated.

(5) In the event of the absence from Sri Lanka of one party thereto the other party may give notice thereof under paragraph (3) or paragraph (4) of this section in anticipation of the arrival in Sri Lanka of such party.

(6) The notice shall be substantially in the prescribed form, and—

(a) shall state—

(i) the name in full (including, if it is different, the name by which the party is commonly known), age, occupation or calling, civil condition (whether unmarried, widowed or divorced) and place of residence of each party thereto ;

(ii) the nature of the marriage (whether in *binna* or *diga*) ; and

(iii) the length of residence of each party thereto in the district or division, as the case may be, of that Registrar ;

(b) shall bear on its face or have attached thereto the written consent of any person whose consent to the marriage is required by this Act ;

(c) shall contain a declaration made under paragraph (7) of this section and a certification by endorsement made under paragraph (9) of this section ;

(d) shall bear a stamp or stamps of the prescribed value which shall be supplied by the party serving the notice ; and

(e) shall be signed by that party.

(7) Before the notice is served on a Registrar by a party thereto, that party shall appear in person before the Registrar and, in the presence of the Registrar and two witnesses, make and subscribe a declaration to the following effect :—

(a) that to the best of that party's knowledge and belief the particulars stated in the notice are true and correct ;

- (b) that there is no lawful impediment or other lawful hindrance to the marriage;
- (c) that neither party thereto is a minor or that both parties thereto are minors or that one party thereto is a minor; and
- (d) that the consent of any person thereto is required by this Act and that such consent has been obtained or that the consent of any person thereto is not required by this Act.

(8) The witnesses to the declaration shall be persons who are personally known to the party and, if the party is not known to the Registrar, to the Registrar. The name in full, occupation or calling and place of residence of each witness shall be entered at the foot of the declaration.

(9) After the declaration has been made and subscribed by a party thereto, the Registrar shall certify by endorsement at the foot of the declaration—

- (a) that the party is not known to the Registrar and that the witnesses are known to the Registrar or that such party is known to the Registrar;
- (b) that the witnesses have declared to him that they are personally known to such party; and
- (c) that the declaration was made and subscribed by the party in the presence of the Registrar.

Entry and publication of notice of Kandyan marriage.

17. A Registrar shall, on the service on him of notice of a prospective Kandyan marriage, forthwith comply with the following provisions:—

- (a) The Registrar shall file such notice and keep it with the records of his office.
- (b) The Registrar shall enter in his Marriage Notice Register such of the particulars specified in the notice as may be prescribed (hereinafter referred to as the "marriage notice entry").

(c) The Registrar shall publish the notice by exhibiting or causing to be exhibited a true copy of the notice or of a prescribed extract thereof at some conspicuous place in his office for a continuous period of at least twelve days reckoned from the date of the marriage notice entry.

(d) Where both parties to the marriage resided in different divisions for the period referred to in paragraph (2) of section 16, the Registrar shall—

- (i) if he is a Divisional Registrar; or
- (ii) if he is a District Registrar and if any one of such divisions is not situated in his district,

furnish a certified copy of the notice to the party by whom the notice was served.

18. The following provisions shall apply in any case where notice of a prospective Kandyan marriage has been served on a Registrar under this Act:—

Issue of certificates in respect of Kandyan marriages.

- (1) Subject as hereinafter provided, the Registrar shall, upon application made in that behalf by a party thereto, issue to that party a certificate (hereinafter referred to as a "marriage notice certificate") in respect of the marriage.
- (2) The Registrar shall not issue the marriage notice certificate—

- (a) if any lawful impediment or other lawful hindrance to the issue thereof has been shown to him; or
- (b) if, being a District Registrar, any objection to the issue thereof has been made to him under this Act, unless an order overruling that objection has been made by him under section 21; or
- (c) if, being a Divisional Registrar, any such objection

has been made to him, except upon the receipt by him of a certified copy of an order under section 21 overruling that objection.

(3) Where the provisions of paragraph (1) or paragraph (3) or paragraph (4) of section 16 apply in the case of the marriage, the Registrar—

(a) if he is a District Registrar, shall not issue the marriage notice certificate—

(i) before the expiry of a period of twelve days reckoned from the date of the marriage notice entry made by him in respect thereof, unless a party thereto makes application in that behalf and also makes and subscribes the declaration required by paragraph (5) of this section; or

(ii) after the expiry of a period of three months reckoned from that date; and

(b) if he is a Divisional Registrar, shall not issue the marriage notice certificate—

(i) before the expiry of a period of twelve days reckoned from the date of the marriage notice entry made by him in respect thereof, except under the authority of a special licence issued under section 19; or

(ii) after the expiry of a period of three months reckoned from that date.

(4) Where the provisions of paragraph (2) of section 16 apply in the case of the marriage, the Registrar—

(a) if he is a District Registrar in whose district both parties thereto resided for the period referred to in that paragraph, shall not issue the marriage notice certificate—

(i) before the expiry of a period of twelve days reckoned from the date of the marriage notice entry made by him in respect thereof, unless a party thereto makes application in that behalf and also makes and subscribes the declaration required by paragraph (5) of this section; or

(ii) after the expiry of a period of three months reckoned from that date; and

(b) if he is a Divisional Registrar, shall not issue the marriage notice certificate—

(i) except upon the production of a certified copy of the notice thereof served on any other Registrar under that paragraph; or

(ii) before the expiry of a period of twelve days reckoned from the date of the marriage notice entry made by him in respect thereof or from the date of the marriage notice entry made by such other Registrar in respect thereof, whichever date is later, except under the authority of a special licence issued under section 19 or upon the production of a marriage notice certificate issued by such

- other Registrar in respect of the marriage; or
- (iii) after the expiry of a period of three months reckoned from the earlier of the two dates referred to in the last preceding sub-paragraph of this paragraph; and
- (c) if he is a District Registrar in whose district only one party thereto resided for the period referred to in that paragraph, shall not issue the marriage notice certificate—
- (i) except upon the production of a certified copy of the notice thereof served on any other Registrar under that paragraph; or
- (ii) before the expiry of a period of twelve days reckoned from the date of the marriage notice entry made by him in respect thereof or from the date of the marriage notice entry made by such other Registrar in respect thereof, whichever date is later, unless a party thereto makes application in that behalf and also makes and subscribes the declaration required by paragraph (5) of this section or produces a marriage notice certificate issued by such other Registrar in respect of the marriage; or
- (iii) after the expiry of a period of three months reckoned from the earlier of the two dates referred to in the last preceding sub-paragraph.
- (5) Any party to the marriage who desires to obtain a marriage notice certificate from a District Registrar before the expiry of the period referred to in paragraph (3) (a) (i) or paragraph (4) (a) (i) or paragraph (4) (c) (ii) of this section shall appear in person before that Registrar and make and subscribe a declaration to the following effect:—
- (i) that there is no lawful impediment or other lawful hindrance to the marriage; and
- (ii) that the consent of any person to the marriage is required by this Act and that such consent has been obtained or that the consent of any person to the marriage is not required by this Act.
- The declaration shall bear a stamp or stamps of the prescribed value which shall be supplied by the party making the declaration.
- (6) A marriage notice certificate issued by a Registrar under this section—
- (a) shall be in the prescribed form;
- (b) shall contain the prescribed particulars; and
- (c) shall be signed by the Registrar.
19. (1) The following provisions shall apply in the case of a prospective Kandyan marriage in respect of which a special licence is required for the issue of a marriage notice certificate before the expiry of the period referred to in paragraph (3) (b) (i) of section 18:—
- (a) Where notice of the marriage has been served upon the Divisional Registrar for a division under paragraph (1) or paragraph (3) or paragraph (4) of section 16, a party to the marriage may apply to the District Registrar in whose district that division is situated or to such

Special licences for issue of marriage notice certificates. [§6, Law 41 of 1975.]

Divisional Registrar for a special licence authorizing such District Registrar or Divisional Registrar to issue a certificate before the expiry of that period.

(b) Subject as hereinafter provided, the District Registrar or such Divisional Registrar shall, upon the receipt of the application, issue the licence.

(c) The District Registrar or such Divisional Registrar shall not issue the licence—

(i) if any lawful impediment or other lawful hindrance to the issue of the certificate has been shown to him ; or

(ii) if any objection has been made under this Act to the issue of the certificate, unless an order has been made under section 21 overruling that objection.

(d) The District Registrar or such Divisional Registrar shall not issue the licence except upon the production of a certified copy of the notice served on the Divisional Registrar.

(e) The District Registrar or such Divisional Registrar shall not issue the licence unless the applicant therefor makes and subscribes the declaration required by subsection (3) of this section.

(2) The following provisions shall apply in the case of a prospective Kandyan marriage in respect of which a special licence is required for the issue of marriage notice certificates before the expiry of the period referred to in paragraph (4) (b) (ii) of section 18 :—

(a) Where notice of the marriage has been served upon two Divisional Registrars under paragraph (2) of section 16, a party to the marriage may apply to the District Registrar in whose district the division of either such Divisional Registrar is situated, or to either of such

Divisional Registrars, for a special licence authorizing each such Divisional Registrar to issue a certificate before the expiry of that period.

(b) Subject as hereinafter provided, the District Registrar or either of such Divisional Registrars shall, upon the receipt of the application, issue the licence.

(c) The District Registrar or such Divisional Registrar shall not issue the licence—

(i) if any lawful impediment or other lawful hindrance to the issue of either such certificate has been shown to him ; or

(ii) if any objection has been made under this Act to the issue of either such certificate, unless an order has been made under section 21 overruling that objection.

(d) The District Registrar or such Divisional Registrar shall not issue the licence except upon the production of a certified copy of the notice served on each such Divisional Registrar.

(e) The District Registrar or such Divisional Registrar shall not issue the licence unless the applicant therefor makes and subscribes the declaration required by subsection (3) of this section.

(3) Before a special licence is issued, one of the parties to the intended marriage shall appear in person before the Divisional Registrar or the District Registrar, or where notice has been given to two Divisional Registrars, before either of the two Registrars and make and subscribe a written declaration to the following effect :—

(a) that there is no lawful impediment or other lawful hindrance to the marriage ;

(b) that the consent of any person to the marriage is required by this Act and

that such consent has been obtained or that the consent of any person to the marriage is not required by this Act; and

(c) that no objection to the issue of the certificate has been made under this Act or that any such objection has been made but has been overruled by order made under section 21.

(4) Where the declaration is made before the District Registrar it shall bear stamps to the value of thirty rupees to be supplied by the party making the declaration and where the declaration is made before the Divisional Registrar it shall be accompanied by a receipt issued by the District Registrar in proof of payment of a sum of thirty rupees.

Objections to issue of marriage notice certificates.

20. (1) Any person—

(a) being a person whose consent to a Kandyen marriage is required by this Act; or

(b) being a person who is interested in such marriage,

may object in writing to the issue of a marriage notice certificate in respect thereof.

(2) Every objection to the issue of such a certificate—

(a) shall be made to the Registrar who is empowered by this Act to issue the certificate;

(b) shall be substantially in the prescribed form;

(c) shall state—

(i) the name and address of the objector;

(ii) whether the objector makes the objection in his capacity as a person whose consent to the marriage is required by this Act or as a person who is interested in the marriage; and

(iii) the ground or grounds on which the objection is made; and

(d) shall be signed, in the presence of such Registrar, by the objector and two credible witnesses who are known to such objector.

21. (1) Upon the receipt of an objection to the issue of a marriage notice certificate, a Registrar shall, if he is a Divisional Registrar, forthwith forward such objection to the District Registrar for the district in which his division is situated.

Inquiries into objections to issue of marriage notice certificates.

(2) Upon the receipt of an objection to the issue of a marriage notice certificate in respect of any prospective Kandyen marriage, made or forwarded to him under section 20 or under this section, a District Registrar shall forthwith cause a notice to be served upon each party to the marriage and the objector.

(3) The notice—

(a) shall state the nature of the objection to the issue of the certificate;

(b) shall indicate that at a time and date specified in the notice the District Registrar will attend at his office or at such other place as he may specify in the notice for the purpose of hearing such objection; and

(c) shall call upon the person to whom the notice is addressed to appear before the District Registrar along with his witnesses, if any, on the date and at the time and place so indicated.

(4) The District Registrar shall attend on the date and at the time and place indicated in the notice and shall make order upholding or overruling the objection after such summary inquiry as he may deem necessary either on that date or on any other date to which he may adjourn or postpone the inquiry.

(5) The District Registrar shall cause a certified copy of the order to be served on each party to the inquiry and, if the

objection was forwarded to him by a Divisional Registrar under this section, on the Divisional Registrar.

(6) Before disposing of the objection, the District Registrar shall give the objector, each party to the marriage and their respective witnesses, if any, an opportunity of being heard.

(7) A District Registrar shall keep a record in writing of all proceedings taken by him under this section for the purpose of disposing of an objection to the issue of a marriage notice certificate.

Solemnization of Kandyan marriages.

22. (1) A Registrar, on whom notice of a prospective Kandyan marriage has been served under this Act, shall, unless there is any lawful impediment or other lawful hindrance to the marriage, solemnize the marriage in the manner hereinafter provided upon the production by the parties to the marriage of the following document or documents, as the case may be:—

- (a) where the provisions of paragraph (1) or paragraph (3) or paragraph (4) of section 16 apply in the case of the marriage, upon the production of the marriage notice certificate issued by such Registrar;
- (b) where such Registrar is a District Registrar and where both parties to the marriage resided in different divisions (being divisions situated in his district) for the period referred to in paragraph (2) of section 16, upon the production of the marriage notice certificate issued by him;
- (c) where such Registrar is a District Registrar and where both parties to the marriage resided in different divisions (one of which is not situated in his district) for the period referred to in paragraph (2) of section 16, upon the production of the following marriage notice certificates, namely, the marriage notice certificate issued by such Registrar and the marriage notice certificate issued by any other

Registrar on whom notice of the marriage was served under that paragraph;

(d) where such Registrar is a Divisional Registrar and where the provisions of paragraph (2) of section 16 apply in the case of the marriage, upon the production of the following marriage notice certificates, namely, the marriage notice certificate issued by such Registrar and the marriage notice certificate issued by any other Registrar on whom notice of the marriage was served under that paragraph.

(2) The marriage shall be solemnized by the Registrar—

- (a) in the presence of both parties to the marriage and two witnesses;
- (b) in any authorized place;
- (c) at any time between the authorized hours on any day; and
- (d) in accordance with the provisions of subsection (3) of this section.

(3) Such marriage shall be solemnized—

- (a) by the Registrar asking the male party to the marriage, and at the same time causing such party to take the female party by the hand, "Do you take this woman (her name in full must be mentioned) to be your wedded wife?"; and
- (b) after such male party has answered the question in the affirmative, by the Registrar asking the female party to the marriage, and at the same time causing her to take the male party by the hand, "Do you take this man (his name in full must be mentioned) to be your wedded husband?"; and
- (c) by the female party answering the question in the affirmative.

Registration of Kandyan marriages.

23. (1) Immediately after the solemnization of a Kandyan marriage by a Registrar under section 22, the Registrar shall comply with the following provisions:—

(a) The Registrar shall register accurately in his Marriage Register the following particulars relating to the marriage:—

(i) the name in full, age, civil condition (whether unmarried, widowed or divorced), occupation or calling and place of residence of each party to the marriage;

(ii) the nature of the marriage (whether in *binna* or *diga*) which the Registrar is hereby required to ascertain from the parties thereto prior to making the entry; and

(iii) the name in full, occupation or calling and place of residence of each witness to the marriage.

(b) The Registrar shall cause the marriage registration entry consisting of the particulars registered in his Marriage Register under the preceding provisions of this section (hereinafter referred to as the "marriage registration entry") to be signed by both parties and the witnesses to the marriage.

(c) After the marriage registration entry has been signed by both parties and the witnesses to the marriage, the Registrar 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 or certificates, as the case may be, issued under this Act in respect of the marriage, append his own signature to the entry.

(d) If the signature of any person in the marriage registration entry appears to the Registrar to be illegible, or if

any person instead of signing such entry has affixed his thumb impression, the Registrar shall write the name of such person above such signature or thumb impression, as the case may be.

(2) The marriage registration entry—

[§6, Law 41 of 1975.]

(a) shall be prepared in triplicate, that is to say, the original, the second copy (hereinafter referred to as the "duplicate"), and a third copy which shall bear an endorsement under the hand of the registrar to the effect that it is issued under section 23A; and

(b) shall be made—

(i) in the presence of both parties and the witnesses to the marriage;

(ii) in any authorized place; and

(iii) at any time between the authorized hours on any day.

(3) The marriage registration entry made under this section in respect of the marriage shall for all purposes constitute the registration of the marriage.

23A. The third copy referred to in the preceding section shall forthwith, free of charge, be delivered or transmitted by post to the female party to the marriage by the registrar.

Issue of copy of marriage registration entry free. [§6, Law 41 of 1975.]

24. (1) For the purposes of this Act, a Kandyan marriage shall be deemed to be solemnized and registered in an authorized place and between the authorized hours on any day—

What constitutes solemnization and registration of Kandyan marriages in authorized places and between authorized hours.

(a) if the marriage is solemnized and registered by a District Registrar—

(i) in his office at any time between the hours of 6 a.m. and 6 p.m. on that day; or

[§6, Law 41 of 1975.]

(ii) in such other place at any time on that day as he may in his absolute discretion determine

so to do upon written application made in that behalf by a party to the marriage; or

(b) if the marriage is solemnized and registered by a Divisional Registrar—

(i) in his office at any time between the hours of 6 a.m. and 6 p.m. on that day; or

(ii) in such other place at any time on that day as the District Registrar in whose district notice of the marriage has been given may authorize the Divisional Registrar so to do upon written application made in that behalf by a party to the marriage.

(2) Every application authorized to be made under the preceding provisions of this section shall bear a stamp or stamps of the prescribed value.

Resolution of doubts. [§6, Law 41 of 1975.]

24A. For the resolution of any doubts, it is hereby declared, that, notwithstanding anything to the contrary in section 24, where any Kandyan marriage has, before the 1st day of November, 1978, been solemnized and registered between the hours of 6 a.m. and 6 p.m. at any place outside the office of a District Registrar or Divisional Registrar, such solemnization and registration shall be deemed to be as valid and effectual, as if it has been solemnized and registered between the hours of 6 a.m. and 6 p.m. in the office of the District Registrar or the Divisional Registrar.

Transmission of duplicates of entries made by Registrars.

25. (1) Every Divisional Registrar shall, in respect of each month, send to the Registrar-General through the District Registrar in whose district his division is situated for custody in the office of the Registrar-General—

(a) the duplicate of every marriage registration entry made by such Divisional Registrar during that month; and

(b) if no such registration entry was made by him during that month, a certificate to that effect:

Provided that a Divisional Registrar shall send that duplicate or certificate direct to the Registrar-General, if such Registrar is so directed in writing by the Registrar-General.

(2) Every District Registrar shall, in respect of each month, send to the Registrar-General for custody in his office—

(a) the duplicate of every marriage registration entry made by such District Registrar during that month; and

(b) if no such entry was made during that month, a certificate to that effect.

(3) The Registrar-General shall, upon the receipt of any document sent to him under the preceding provisions of this section, cause such document to be filed and preserved in his office.

26. (1) Where the original of a marriage registration entry under this Act is lost, damaged, has become illegible or is in danger of becoming illegible, and the duplicate is available, the Registrar-General may, after due inquiry, cause to be substituted therefor, a copy of the duplicate certified by him to have been made after verification with the duplicate and to be a true copy of the duplicate. Every such copy shall replace the original and shall, for all purposes, be deemed to be the original of the marriage registration entry.

Replacement of original or duplicate marriage registration entry in certain circumstances. [§6, Law 41 of 1975.]

(2) Where the duplicate of a marriage registration entry under this Act is lost, damaged, has become illegible or is in danger of becoming illegible and the original is in the custody of a Registrar, the Registrar-General may, after due inquiry, cause to be substituted therefor a copy of the original, certified by the Registrar to have been made after verification with the original and to be a true copy of the original and, if such Registrar is a Divisional Registrar countersigned by the District Registrar in whose district the division of such Divisional Registrar is situated. Every

such copy shall replace the duplicate and shall, for all purposes, be deemed to be the duplicate of the marriage registration entry.

(3) Where both the original and the duplicate of a marriage registration entry under this Act are lost, damaged, have become illegible or are in danger of becoming illegible, the provisions of section 13 of the Births and Deaths Registration Act shall, *mutatis mutandis*, apply to and in relation to the substitution of copies of such original and duplicate. Such copies shall replace the original and duplicate and shall, for all purposes, be deemed to be the original marriage registration entry and the duplicate of the marriage registration entry, respectively.

Consequences of delay in solemnization and registration of Kandyan marriages.

27. (1) Where a prospective Kandyan marriage is not solemnized and registered—

- (a) before the expiry of a period of three months reckoned from the date of the marriage notice entry in respect thereof made by a Registrar under this Act; or
- (b) if a marriage notice entry in respect thereof has been made by each of two Registrars under this Act, before the expiry of a period of three months reckoned from the date of the earlier of such entries,

the notice or notices and entry or entries, as the case may be, in respect thereof, and every certificate, licence and other document granted or issued in pursuance thereof, shall be null and void and of no effect for the purposes of this Act.

(2) The time taken up in disposing of any objection made under this Act against the issue of a marriage notice certificate shall not be taken into account for the purpose of the computation of the period of three months referred to in subsection (1) of this section or in section 18.

Registration to constitute best evidence of marriage.

28. (1) The registration under this Act of a Kandyan marriage shall be the best evidence of the marriage before all courts and in all proceedings in which it may be necessary to give evidence of the marriage. Where the marriage registration entry, which under section 23 (3) constitutes such

registration, does not indicate whether the marriage was contracted in *binna* or *diga*, the marriage shall be presumed to have been contracted in *diga* until the contrary is proved.

(2) For the purposes of subsection (1) of this section—

- (a) the copy, substituted under subsection (1) of section 26, for the original entry made by a Registrar in his Marriage Register; and
- (b) the copy, substituted under subsection (2) of section 26, for the duplicate entry made by a Registrar in his Marriage Register,

shall be deemed to be an original entry made by the Registrar in such register.

29. After the solemnization and registration of a Kandyan marriage—

Proof of certain matters not required once Kandyan marriage is registered.

- (1) it shall not be necessary, in support thereof, to prove—
 - (a) that any party thereto actually resided in any division or district specified in the notice of marriage or that any such party so resided for the period so specified;
 - (b) the consent thereto of any person whose consent was required by this Act; and
 - (c) that the marriage was solemnized and registered in an authorized place and at any time between the authorized hours on any day;

and

- (2) no evidence shall be given in any suit or other proceedings touching the validity of such marriage to prove—
 - (a) that any party thereto did not actually reside in the division or district specified in the notice of marriage or that any such party did not so reside for the period so specified;
 - (b) that the consent of any person whose consent thereto was required by this Act was not obtained; and

(c) that the marriage was not solemnized and registered in an authorized place and at any time between the authorized hours on any day.

(5) In disposing of the application the Registrar-General shall make order allowing or disallowing the application. Such order shall—

(i) if the application is for the registration of the marriage, require a Divisional Registrar or District Registrar for the division or district, as the case may be, in which the marriage was contracted to register the marriage; or

(ii) if the application is for the correct registration of the marriage, direct a Divisional Registrar or District Registrar for the division or district, as the case may be, in which the marriage was incorrectly registered to correctly register the marriage.

(6) No application for the registration or correct registration, as the case may be, of a Kandyan marriage shall be allowed by the Registrar-General under this section unless he is satisfied that the marriage was otherwise duly contracted and that the omission to register, or the incorrect registration of, the marriage was not due to any act, default or neglect of either party thereto.

(7) Every Registrar shall comply with any order issued to him by the Registrar-General under this section.

(8) The Registrar-General shall keep a record in writing of all proceedings taken by him under this section for the purpose of disposing of any application.

(9) The powers conferred on the Registrar-General by the preceding provisions of this section may be exercised by any District Registrar generally or specially authorized in that behalf by the Registrar-General.

31. (1) Where, by virtue of any Order under section 40, any area which is situated within any division (hereinafter referred to as the "old division") becomes, with effect from the date specified in that Order, a separate division or a part of any other existing division (hereinafter referred to as the "new division"), and where, before that

Issue of marriage notice certificates and solemnization and registration of Kandyan marriages upon alteration of divisions.

Mode of rectifying failures to register, and errors in registration of, Kandyan marriages.

30. (1) Where a Kandyan marriage has not been registered or has been incorrectly registered, a party thereto may apply to the Registrar-General to have the marriage registered or correctly registered, as the case may be. Such application shall be verified by an affidavit made by that party.

(2) Upon the receipt of an application under subsection (1) of this section, the Registrar-General shall cause a notice to be served upon the applicant and upon such other persons as he may deem fit. Such notice shall—

(a) indicate that at a time and date specified in such notice the Registrar-General will attend at his office or at such other place as he may specify in the notice for the purpose of hearing the application; and

(b) calling upon the person to whom the notice is addressed to appear before him on the date and at the time and place so indicated.

The Registrar-General shall also cause to be published, in a conspicuous place at his office, a notice specifying the particulars set out in paragraph (a) and calling upon all persons interested in the application, if they so desire, to appear before him on the date and at the time and place indicated in the notice.

(3) The Registrar-General shall attend on the date, and at the time and place, indicated in the notice and dispose of the application after such summary inquiry as he may deem necessary, either on that date or on any other date to which he may adjourn or postpone the inquiry.

(4) Before disposing of the application, the Registrar-General shall give each party on whom notice of the application has been served and his witnesses, if any, as well as each person who appears in response to the notice published under subsection (2) an opportunity of being heard.

date, notice of a prospective Kandyan marriage is given by a party resident in that area, but the marriage notice certificate is not issued under section 18 before that date or the marriage is not solemnized and registered before that date, then, notwithstanding anything in this Act, that certificate may be issued, or that marriage may be solemnized and registered, and any other act required by this Act to be done in that connection by a Registrar of the old division may be done, by a Registrar of the old division or of the new division nominated in that behalf by the Registrar-General or the District Registrar within whose district that area is situated and the provisions of this Act shall apply accordingly; and every such Registrar shall comply with such directions as may be given to him by the Registrar-General or the District Registrar, as the case may be.

(2) The provisions of subsection (1) shall apply in every case where one division is amalgamated with another division to form a new division in like manner as those provisions apply to a case where an area within a division becomes a separate division or a part of any other existing division.

PART IV

DIVORCES

Grounds for divorce.

32. The dissolution of a Kandyan marriage shall be granted on any of the following grounds:—

- (a) Adultery by the wife after marriage.
- (b) Adultery by the husband, coupled with incest or gross cruelty.
- (c) Complete and continued desertion by the wife for two years.
- (d) Complete and continued desertion by the husband for two years.

(e) Inability to live happily together, of which actual separation from bed and board for a period of one year shall be the test.

(f) Mutual consent.

33. (1) The male party to a Kandyan marriage may apply for a dissolution of the marriage on any ground specified in paragraph (a) or paragraph (e) or paragraph (e) of section 32 and the female party to a Kandyan marriage may apply for a dissolution thereof on any ground specified in paragraph (b) or paragraph (d) or paragraph (e) of that section. Such application shall be made to the District Registrar for the district in which the party applicant resides, or in a case where the party applicant resides outside the Kandyan provinces to the District Registrar for the district in which the respondent resides or in which the marriage was registered.

Divorce. [§ 6, Law 41 of 1975.]

(2) Both parties to a Kandyan marriage may jointly apply to the District Registrar for the district in which either of the parties resides or in a case where both parties reside outside the Kandyan provinces, to the District Registrar for the district where the marriage was registered for a dissolution of the marriage on the ground specified in paragraph (f) of section 32.

[§ 6, Law 41 of 1975.]

(3) The application shall be in writing and shall state—

- (a) the name in full and address of each party to the marriage;
- (b) the nature of the marriage (whether in *binna* or *diga*) and the number of surviving children;
- (c) the ground or grounds upon which the application is made; and

shall be signed by the applicant, or in the case of a joint application, by both the applicants.

(4) The District Registrar shall forthwith, on the receipt of the application, cause a notice to be served upon each party to the marriage. The notice—

- (a) shall state the ground or grounds upon which the application is made;
- (b) shall indicate that at a time and date specified in the notice the District Registrar will attend at his office or at such other place as he may specify in the notice for the purpose of disposing of such application; and
- (c) shall call upon the person to whom the notice is addressed to appear before such Registrar along with his witnesses, if any, on the date and at the time and place so indicated.
- (5) The District Registrar shall attend on the date and at the time and place indicated in the notice and shall dispose of the application after such summary inquiry as he may deem necessary either on that date or on any other date to which he may adjourn or postpone the inquiry.
- (6) In disposing of the application the District Registrar shall, in his discretion, make order—
- (a) granting the dissolution of the marriage in respect of which the application was made; or
- (b) refusing to grant the dissolution of such marriage.
- (7) In making an order under this section granting the dissolution of a Kandyan marriage, the District Registrar—
- (i) shall, if both parties to the marriage have agreed upon any compensation to be made to either or both of the parties on account of the dissolution thereof, embody the terms of the agreement in his order at the request of the parties;
- (ii) may, in his discretion, provide in the order that the husband shall pay a certain sum of money periodically or make other provision for the maintenance of his wife (if, but only if, the order does not embody any agreement under paragraph (i) of this subsection for compensation to be made to her); and
- (iii) may, in his discretion, provide in the order that the husband shall pay a certain sum of money periodically or make other provision for the maintenance of his children.
- (8) Before disposing of any application under this section, the District Registrar shall give each party to the marriage and his or her witnesses, if any, an opportunity of being heard.
- (9) The District Registrar shall cause a copy of his order to be served upon each party to the marriage.
- (10) Subject to the provisions of subsection (11), an order granting the dissolution of a Kandyan marriage whether made by the District Registrar under this section or by the District Court on appeal shall be entered by the District Registrar in his Divorce Register. The entry aforesaid shall for all purposes constitute the registration of the dissolution of the marriage and accordingly the date on which such entry is made shall for the purposes aforesaid be the date of such registration as well as the date of such dissolution.
- (11) No order granting the dissolution of a Kandyan marriage made by the District Registrar under this section shall be entered by him in his Divorce Register—
- (a) until the time limit for an appeal expires; and
- (b) where an appeal is preferred, until the District Court confirms the order.
- Where the District Court makes an order confirming the order of the District Registrar subject to any variations or modifications, the order as so varied or modified shall be entered in the Divorce Register.

[§6, Law 41 of 1975.] (12) (a) It shall be the duty of the District Registrar to make the entry in his Divorce Register in respect of such order in accordance with the provisions of this section.

(b) Every such entry shall be prepared in triplicate, that is to say, the original (which shall be retained by the District Registrar), the second copy (hereinafter referred to as the "duplicate"), and a third copy which shall bear an endorsement that it is issued under the hand of the District Registrar under this section.

(c) The third copy shall forthwith, free of charge, be delivered or transmitted by post to the party applicant and in the case of a joint application, to the female party.

(13) A District Registrar shall keep a record in writing of all proceedings taken by him under this section for the purpose of disposing of the application for the dissolution of a Kandyan marriage.

[§6, Law 41 of 1975.] (14) Every District Registrar shall, in respect of each month, by such date as may be fixed by the Registrar-General, send to the Registrar-General for custody in his office—

(a) the duplicate of every registration entry made under subsection (10) by such District Registrar during that month; and

(b) if no such entry was made during that month, a certificate to that effect.

[§6, Law 41 of 1975.] (15) Where the original of the registration entry referred to in subsection (10) is lost, damaged, has become illegible or is in danger of becoming illegible, and the duplicate is available, the Registrar-General may, after such inquiry as he may deem necessary, cause such original to be replaced by a copy of the duplicate certified by him to have been made after verification of the copy with the duplicate. Every such copy shall replace the original and shall, for all purposes, be deemed to be the original of the registration entry made under subsection (10).

[§6, Law 41 of 1975.] (16) Where the duplicate of a registration entry made under subsection (10) is lost, damaged, has become illegible or is in danger of becoming illegible and the original is in the custody of the District Registrar, the Registrar-General may, after such inquiry as he may deem necessary, cause to be substituted therefor a copy of the original certified by the District Registrar to have been made after verification with the original and to be a true copy of the original. Every such copy shall replace the duplicate of the registration entry and shall, for all purposes, be deemed to be the duplicate of the original registration entry made under subsection (10).

[§6, Law 41 of 1975.] (17) Where both the original of the registration entry made under subsection (10) and the duplicate sent to the Registrar-General under subsection (14) are lost, damaged, have become illegible or are in danger of becoming illegible, the provisions of section 13 of the Births and Deaths Registration Act shall, *mutatis mutandis*, apply to and in relation to the substitution of copies of such original and duplicate. Such copies shall replace the original and duplicate and shall, for all purposes, be deemed to be the original of the divorce registration entry and the duplicate of the original divorce registration entry, respectively.

34. (1) Any party to a Kandyan marriage who is aggrieved by the order made by a District Registrar on the application for a dissolution of the marriage may appeal against such order in the manner hereinafter provided to the District Court of the district in which such party resides. Appeals.

(2) The appeal shall be preferred by means of a written petition verified by an affidavit made by the party appellant within thirty days of the service on such party of the order of the District Registrar.

(3) The petition of appeal shall bear a stamp or stamps of the prescribed value which shall be supplied by the appellant.

(4) The petition of appeal—

(a) shall be in the prescribed form;

- (b) shall state the names and addresses of the appellant and the other party to the marriage;
- (c) shall state the ground or grounds on which the appeal is made;
- (d) shall contain such other particulars as may be prescribed; and
- (e) shall be signed by the appellant.

(5) The petition of appeal shall be forwarded in the first instance to the District Registrar against whose order the appeal is preferred. Such Registrar shall, on the receipt of the petition, immediately forward it to the District Court along with the relevant record kept by him under section 33.

(6) The District Court may, on any appeal under this section, make order—

- (a) confirming the order of a District Registrar; or
- (b) confirming such order subject to such variations or modifications as the District Court may deem necessary; or
- (c) setting aside such order and, if such order is an order refusing to grant the dissolution of the marriage, granting the dissolution of the marriage.

(7) Subject to such rules as may be made in that behalf by the Supreme Court, the procedure to be followed on any appeal to the District Court under this section shall be such as may be determined by the court.

(8) The District Court shall cause a copy of any order made by the court under this section to be served upon the District Registrar and it shall be the duty of that Registrar to comply with such order.

Special provisions relating to orders for the dissolution of Kandyan marriages.

35. (1) Save as otherwise expressly provided in subsection (2), an order for the dissolution of a Kandyan marriage made under this Act may, in so far and in so far only as it makes provision for any matter specified in paragraph (ii) or paragraph (iii)

of subsection (7) of section 33, be enforced, discharged, modified or suspended and, if discharged or suspended, be revived, by a District Court as though it were a like order made by that court under Chapter XLII of the Civil Procedure Code.

(2) No order for the dissolution of a Kandyan marriage made under this Act shall, in so far and in so far only as it makes provision for the wife in respect of any matter specified in paragraph (ii) of subsection (7) of section 33, be discharged except upon proof that she has been habitually cohabiting with any man since the date of dissolution of the marriage.

36. The registration under this Act of the dissolution of a Kandyan marriage shall be the best evidence of such dissolution before all courts and in all proceedings in which it may be necessary to give evidence of such dissolution.

Registration to constitute best evidence of divorce.

PART V

ADMINISTRATIVE ARRANGEMENTS

37. (1) The person for the time being holding office as the Registrar-General of Marriages for Sri Lanka shall be the Registrar-General of Kandyan Marriages for the purposes of this Act.

Registrar-General.

(2) The Registrar-General shall supervise and control the solemnization and registration of Kandyan marriages and the registration of dissolutions thereof under this Act and all other persons appointed for or engaged in carrying out the provisions of this Act.

38. Every person for the time being holding office as an Assistant Registrar-General of Marriages for Sri Lanka shall be an Assistant Registrar-General of Kandyan Marriages for the purposes of this Act.

Assistant Registrar-General.

39. (1) For each district which includes within its limits any part of the Kandyan provinces there shall be a District Registrar of Kandyan Marriages.

District Registrars.

(2) For any district referred to in subsection (1) the Government Agent of that district shall be the District Registrar.

(3) Every Additional Government Agent, Assistant Government Agent, Additional Assistant Government Agent and Office Assistant to a Government Agent, of a district shall be an Additional District Registrar for that district.

(4) In the case of any district referred to in subsection (1) any person may be appointed to be the District Registrar in place of the officer specified in subsection (2), and any person, other than an officer specified in subsection (3), to be an Additional District Registrar.

(5) Every District Registrar shall, subject to the provisions of section 42, supervise and control the solemnization and registration of Kandyan marriages and the registration of divorces under this Act in his district and all other persons appointed for or engaged in carrying out the provisions of this Act in his district.

Division of Kandyan provinces into divisions.

40. The Minister may from time to time, by Order published in the Gazette, divide each district which includes within its limits any part of the Kandyan provinces into such number of divisions for the purposes of this Act as he may deem necessary, and may at any time by a like Order abolish, or vary the limits of, any such division.

Appointment of Registrars of Kandyan Marriages.

41. (1) There may from time to time be appointed a fit and proper person or each of two or more such persons to be or to act as a Registrar of Kandyan Marriages for each division.

(2) In the event of the death, sudden illness or incapacity of a Divisional Registrar for a division or in the event of any other emergency, the Registrar-General or the District Registrar in whose district that division is situated may, by writing under his hand, appoint a fit and proper person to act in place of such Divisional Registrar so, however, that no such appointment shall be made by a District Registrar for any period exceeding thirty days at any one time.

(3) Every appointment of a Divisional Registrar made by the Registrar-General or the District Registrar under the provisions of subsection (2) shall be forthwith entered

under his hand in a book which he shall keep for the purpose.

42. (1) In the exercise, performance or discharge of the powers, duties or functions conferred or imposed by or under this Act— Powers and duties of officers.

(a) each Assistant Registrar-General shall be subject to the general supervision and control of the Registrar-General;

(b) each District Registrar shall be subject to the general supervision and control of the Registrar-General; and

(c) each Divisional Registrar shall be subject to the general supervision and control of the District Registrar for the district in which his division is situated.

(2) Subject to any directions issued by the Minister and subject to the general supervision and control of the Registrar-General—

(a) each Assistant Registrar-General may exercise, perform or discharge the powers, duties or functions conferred or imposed by or under this Act upon the Registrar-General; and

(b) each District Registrar may exercise, perform or discharge the powers, duties or functions conferred or imposed by or under this Act on a Divisional Registrar.

43. (1) Save as hereinafter provided, every Divisional Registrar shall— Residence, office and additional offices of Divisional Registrars.

(a) reside and establish his office in such convenient place in his division as shall be appointed by the District Registrar for the district in which such division is situated; and

(b) if so directed by that District Registrar, establish in his division such number of additional offices as may be approved by the District Registrar:

Provided that a District Registrar may, in the special circumstances of any case and with the prior approval of the Registrar-General, authorize a Divisional Registrar for any division which is situated in his district to reside or to have his office or to establish any additional office at a place outside his division.

(2) Every District Registrar shall forthwith notify to the Registrar-General the places appointed by him as the residence, office and additional office or offices (if any) of every Divisional Registrar in his district.

Attendance of Divisional Registrar at office, &c.

44. Every Divisional Registrar shall—

- (a) attend his office and each additional office (if any) on such days and during such hours as shall, respectively, be appointed by the District Registrar for the district in which his division is situated ; and
- (b) cause his name, with the words "Registrar of Kandyan Marriages", the name of his division, and the days and hours of his attendance as appointed by the District Registrar, to be placed in legible characters in Sinhala and English on a conspicuous place near the entrance of his office and each additional office (if any).

Books to be kept by Registrars.

45. (1) Every Registrar shall keep—

- (a) a book to be called the "Marriage Notice Register" substantially in the prescribed form ;
- (b) a book to be called the "Marriage Register" substantially in the prescribed form ; and
- (c) such other books as he may be required to keep by or under the provisions of this Act.

(2) Every District Registrar shall keep a book to be called the "Divorce Register" substantially in the prescribed form.

(3) Every entry made by a Registrar in his Marriage Notice Register, Marriage Register and by a District Registrar in his Divorce Register shall be numbered consecutively.

(4) The Registrar-General and each District Registrar shall keep, for the purposes of this Act, such books as may be prescribed in such form as may be prescribed.

(5) Save as otherwise provided by or under this Act, the Registrar-General and every Registrar shall not allow any book or other documents kept by him under this Act to leave his possession except in compliance with the order of a competent court.

Publication of lists of Divisional Registrars and their offices, &c.

46. The Registrar-General may from time to time publish in the Gazette a list of the Divisional Registrars in Sri Lanka, with their names and the names of their divisions, offices and additional offices (if any).

Power to make rules.

47. (1) The Minister may from time to time make rules for the direction of the Registrar-General, the District Registrars, Divisional Registrars, and all persons whomsoever in the discharge of their duties under this Act, for all matters required by this Act to be prescribed, and generally for carrying out the principles and provisions of this Act.

(2) No rule made under this section shall have effect until it is approved by Parliament and notification of such approval is published in the Gazette.

(3) Upon the publication in the Gazette of a notification to the effect that a rule made by the Minister has been approved by Parliament, that rule shall be as valid and effectual as if it were herein enacted.

PART VI

GENERAL

Production of books, &c., for inspection.

48. (1) Every Divisional Registrar shall, if called upon to do so by the Registrar-General or the District Registrar, produce for the inspection of the Registrar-General or District Registrar, as the case may be, any book or other document which is in his possession in his capacity as Divisional Registrar.

(2) Every book or other document kept by the Registrar-General or a Registrar under this Act shall be open to the inspection of any person on payment of the prescribed fee.

Custody of registers, &c.

49. (1) Every Divisional Registrar shall transmit every register which is completed by him to the District Registrar.

(2) Every District Registrar shall preserve in his office every register which is completed by him as well as every register which is transmitted to him under subsection (1).

Surrender of records by Registrar on his ceasing to hold office.

50. A person shall, on his ceasing to hold office as a Divisional Registrar for a division, transmit as soon as possible to the District Registrar in whose district that division is situated all books, documents and other papers which were in his possession in his capacity as Registrar. The District Registrar shall carefully preserve in his office all the books, documents and other papers so transmitted, and in the event of the appointment of a successor to such retiring Registrar, transmit such books, documents and other papers to such successor.

Correction of clerical errors in registers.

51. The Registrar-General or any other person authorized in that behalf by the Registrar-General may, after such inquiry, as he may deem necessary, correct any clerical error which may from time to time be discovered in any register kept under this Act.

Destruction of documents.

52. Notwithstanding anything in this Act, a District Registrar may cause any Marriage Notice Register, certificate, licence, application, notice or declaration which is served on him, or forwarded or transmitted to him, under this Act to be destroyed after a period of ten years from the date of the last entry in such register or from the date of the certificate, licence, application, notice or declaration, as the case may be.

Powers in relation to inquiries.

53. (1) For the purposes of any inquiry under this Act, the Registrar-General or any District Registrar may—

- (a) by summons in writing, require the production before him of all documents and papers which he may deem necessary and may require any person holding or accountable for any such documents or papers to appear before him at such inquiry and to make and sign a declaration in respect of the same;

- (b) by summons in writing, require the attendance before him at such inquiry of any person whom he may desire to examine on oath; and

- (c) administer an oath or affirmation to any person referred to in paragraph (b).

(2) Any person who—

- (a) neglects or refuses to produce any documents or papers, or to make or sign a declaration, when required to do so under subsection (1); and

- (b) neglects or refuses to attend any inquiry when required to do so under subsection (1); or

- (c) gives false evidence at any inquiry under this Act,

shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding one hundred rupees.

54. Such fee as may be prescribed shall be payable in advance—

- (a) to a District Registrar for the solemnization and registration of a prospective Kandyan marriage whether at his office or at any other authorized place; or

- (b) to a Divisional Registrar for the solemnization and registration of such marriage at any authorized place outside his office,

by the person requiring such Registrar to solemnize and register the marriage; and notwithstanding anything in this Act, if such fee is not so paid in advance such Registrar may refuse to solemnize and register the marriage.

PART VII

MISCELLANEOUS

55. In connexion with the preliminary arrangements necessary for bringing this Act into operation, either generally or with reference to any special matter or matters, Adjustments of special matters.

either throughout the Kandyan provinces or in any specified part thereof, the Minister, by Order published in the Gazette, may issue all such directions as he may deem necessary with a view to providing for any unforeseen or special circumstances, or to determining or adjusting any question or matter, for the determination or adjustment of which no provision or effective provision is made by this Act.

Registrar shall be deemed to be duly served, issued, forwarded or transmitted if delivered at or sent by registered post to the office of the Registrar-General or Registrar, as the case may be.

58. All expenses incurred in the administration of this Act shall be paid out of such moneys as may be voted by Parliament for the purpose. Expenses.

Certified copies of books, &c.

56. (1) A person may on application made in that behalf and on payment of the prescribed fee, obtain from the Registrar-General or any Registrar a certified copy of or an extract from, any entry in a book or document in the possession of the Registrar-General or Registrar, as the case may be.

59. All sums paid or recovered by way of stamp fees, fees or fines under this Act, other than any sum paid to a Divisional Registrar as a fee under section 54, shall be credited to the Consolidated Fund. Disposal of fees.

[§ 6, Law 41 of 1975.]

(2) Such copy or extract, if purporting to be made under the hand of the Registrar-General or an Assistant Registrar-General or the District Registrar or an Additional District Registrar or the Divisional Registrar and the third copy issued under sections 23A and 33 (12) shall be received as prima facie evidence of the matters to which it relates without any further proof of the entry.

Service of notices, &c.

57. (1) Any notice, certificate, order, application or other document required or authorized for the purposes of this Act to be served on, or issued or forwarded or transmitted to, any person may be so served, issued, forwarded or transmitted—

- (a) by delivering it to that person ;
- (b) by leaving it at the usual or last known place of abode of that person or, in the case of the Registrar-General or a Registrar, at his office ; or
- (c) by sending it by post addressed to that person at his usual or last known place of abode or, in the case of the Registrar-General or a Registrar, at his office.

(2) Any notice, certificate, order, application or other document required or authorized for the purposes of this Act to be served on or issued or forwarded or transmitted to the Registrar-General or a

PART VIII

OFFENCES, PENALTIES AND INTERPRETATION

60. Any person who— False declarations, &c.
- (a) for the purpose of procuring the solemnization or registration of a Kandyan marriage knowingly or wilfully makes and subscribes any false declaration or signs any false notice under this Act ; or
 - (b) for the purpose of making an objection under this Act to the issue of a marriage notice certificate in respect of a Kandyan marriage, falsely represents himself to be a person whose consent to such marriage is required by this Act, knowing such representation to be false,

shall be guilty of an offence under this Act.

61. Any person who— Destruction of documents, &c.
- (a) save as provided in section 52, knowingly and wilfully, tears, defaces or destroys any notice, certificate, declaration, register, book or other document kept under this Act or any part of such notice, certificate, declaration, register, book or document or any certified copy of such notice, certificate, declaration, register, book or document or of any part thereof kept under this Act ; or

- (b) knowingly and wilfully inserts in any such notice, certificate, declaration, register, book or document any false statement ; or
- (c) signs or issues under this Act any false certificate relating to any such notice, declaration, register, book or document ; or
- (d) certifies any writing to be a copy of or extract from any such notice, certificate, declaration, register, book or document, knowing that such copy or extract, as the case may be, is not a true and correct copy thereof or extract therefrom,

shall be guilty of an offence under this Act.

Undue solemnization of marriages, &c.

62. Any person who—
- (a) knowingly and wilfully solemnizes or registers a Kandyan marriage when he is not authorized so to do by or under this Act ; or
 - (b) knowingly and wilfully solemnizes or registers a Kandyan marriage between persons one or both of whom is or are, as the case may be, not legally competent to contract a marriage,

shall be guilty of an offence under this Act.

Offences by Registrars.

63. Any Registrar who—
- (a) knowingly and wilfully solemnizes or registers a Kandyan marriage in contravention of any provision of this Act or of any rule made thereunder ; or
 - (b) knowingly and wilfully issues or grants any certificate, licence or other document under this Act in contravention of any provision of this Act or of any rule made thereunder ; or
 - (c) knowingly disobeys any provision of this Act or of any rule made thereunder intending to cause or knowing it to be likely to cause injury to any person or to the Government,

shall be guilty of an offence under this Act.

64. Every offence under this Act shall, save as otherwise expressly provided therein, be punishable with a fine not exceeding one thousand rupees or with imprisonment of either description for a term not exceeding two years or with both such fine and imprisonment. Penalties.

65. All offences under this Act shall be cognizable offences for the purposes of the application of the provisions of the Code of Criminal Procedure Act, notwithstanding anything contained in the First Schedule of that Act, and shall be triable summarily by a Magistrate's Court. Offences triable by Magistrate's Court.

66. In this Act, unless the context otherwise requires— Interpretation.

"appointed date" means the 1st day of August, 1954 ;

"Additional District Registrar" means a person for the time being holding office as an Additional District Registrar of Kandyan Marriages for any district ;

"Assistant Registrar-General" means a person for the time being holding office as an Assistant Registrar-General of Kandyan Marriages for the purposes of this Act ;

"district" means administrative district ;

"District Registrar" means a person for the time being holding office as a District Registrar of Kandyan Marriages for any district and includes an Additional District Registrar ;

"division" means any division into which the Kandyan provinces are divided under this Act ;

"Divisional Registrar" means a person for the time being holding office as a Divisional Registrar of Kandyan Marriages for a division ;

"Kandyan marriage" means a marriage, under this Act, between persons subject to Kandyan law ;

“Kandyan provinces” means the provinces specified in Part I of the Schedule to this Act and includes the areas specified in Part II of that Schedule;

“lawful age of marriage”—

(a) in relation to the male party to a marriage, means sixteen years of age;

(b) in relation to the female party to a marriage, means twelve years of age;

“minor” means a male person under eighteen years of age or a female person under sixteen years of age;

“office”, in relation to a Divisional Registrar, includes any additional office established by him under this Act;

“prescribed” means prescribed by rule made under this Act;

“Registrar” means any District Registrar or Divisional Registrar; and

“Registrar-General” means the person for the time being holding office as the Registrar-General of Kandyan Marriages for the purposes of this Act, and includes a Deputy Registrar-General.

[§§ 2 & 3, Law 23 of 1978.]

PART IX

TRANSITORY PROVISIONS, &c.

Registers, &c., kept, and regulations made, under the Kandyan Marriage Ordinance.

67. (1) Notwithstanding the repeal of the Kandyan Marriage Ordinance* every register or other book kept under that Ordinance and in existence on the day immediately preceding the appointed date shall be deemed to be a register or other book, as the case may be, kept under the corresponding provisions of this Act, and every entry made in such register or other book shall be deemed to be an entry made under the corresponding provisions of this Act:

Provided, however, that any question as to the correctness of any such entry shall, notwithstanding such repeal, be determined in the manner in which it would have been determined if that Ordinance had not been repealed.

(2) Notwithstanding the repeal of the Kandyan Marriage Ordinance* any regulation made under that Ordinance and in force on the day immediately preceding the appointed date shall be deemed to be a rule made under this Act and accordingly may be varied, amended or revoked under this Act.

68. Notwithstanding the repeal of the Kandyan Marriage Ordinance* and the Kandyan Marriage (Removal of Doubts) Ordinance,* the following provisions shall apply in the case of marriages as defined in the Kandyan Marriage Ordinance:—

Special provisions applicable to certain marriages.

(1) The provisions of the Kandyan Marriage Ordinance shall continue in force for the purpose of the registration of any such marriage of which notice had been given under that Ordinance before the appointed date and for the purpose of the determination of any question as to the validity of any such marriage which is so registered.

(2) The provisions of the Kandyan Marriage Ordinance shall continue in force for the purpose of the disposal of any application for the dissolution of any such marriage which had been made under that Ordinance before the appointed date and for the purpose of the determination of any question as to the validity of any order of dissolution made on such application.

(3) The provisions of the Kandyan Marriage Ordinance shall continue in force for the purpose of the completion of any act which had been commenced, but not completed, under that Ordinance before the appointed date.

* Repealed by Act No. 44 of 1952.

(4) The provisions of the Kandyan Marriage Ordinance and the Kandyan Marriage (Removal of Doubts) Ordinance shall continue in force for the purpose of the determination of any question as to the validity of any such marriage contracted before the appointed date.

(5) The provisions of the Kandyan Marriage Ordinance shall continue in force for the purpose of the determination of any question as to the validity of the dissolution, before the appointed date, of any such marriage.

(6) The provisions of section 27 of the Kandyan Marriage Ordinance shall continue in force for the purpose of the determination of any question as to the legitimacy of, and the rights vested in, any child procreated by the parties to any such marriage prior to its registration under that Ordinance.

(7) The fact that any such marriage was solemnized or registered before the

appointed date under the Marriage Registration Ordinance or under any enactment repealed by that Ordinance, shall not affect the rights of the parties thereto or of persons claiming title from or through such parties to succeed to property under and in accordance with the Kandyan law.

69. Notwithstanding anything in any other provision of this Act, a marriage registered under the Kandyan Marriage Ordinance may be dissolved on all or any of the grounds specified in section 32 of this Act; and accordingly for that purpose and that purpose only the provisions of Part IV of this Act shall apply in like manner and to the same extent as they apply to Kandyan marriages.

Application of Part IV to certain marriages.

70. Nothing in subsection (2) of section 4 of the Kandyan Succession Ordinance shall authorize or be deemed or construed to authorize the solemnization or registration under this Act of a marriage between persons either of whom is not a person subject to Kandyan law.

Kandyan Succession Ordinance not to apply to marriages under this Act.

[Section 66.]

SCHEDULE

KANDYAN PROVINCES

PART I

The provinces specified hereunder :—

- (1) The Central Province.
- (2) The North-Central Province.
- (3) The Province of Uva.
- (4) The Province of Sabaragamuwa.

PART II

The areas specified hereunder :—

- (1) Chinnacheddikulam East and West Korale and Kilakkumulai South Korale in the Vavuniya District, of the Northern Province.
- (2) Bintenne Pattu, Wegam Pattu, and Panama Pattu in the Batticaloa District, and Kaddukulam Pattu in the Trincomalee District, of the Eastern Province.
- (3) The Kurunegala District, and Demala Hat Pattu in the Puttalam District, of the North-Western Province.

CHAPTER 133

KANDYAN SUCCESSION

Ordinance
No. 23 of 1917.

AN ORDINANCE TO DECLARE THE LAW APPLICABLE TO THE ISSUE OF CERTAIN KANDYAN MARRIAGES.

[9th November, 1917.]

Short title.

1. This Ordinance may be cited as the Kandyan Succession Ordinance.

Issue of certain marriages declared subject to Kandyan law.

2. The issue of the following marriages, that is to say:—

(a) a marriage contracted between a man subject to the Kandyan law and domiciled in the Kandyan provinces and a woman not subject to the Kandyan law;

(b) a marriage contracted in *binna* between a woman subject to the Kandyan law and domiciled in the Kandyan provinces and a man not subject to the Kandyan law,

shall be deemed to be and at all times to have been persons subject to the Kandyan law.

Saving as to property dealt with on the basis of the decision in *Mudiyanse v. Appuhamy* (16 N. L. R., 117-120).

3. (1) Nothing in this Ordinance shall affect—

(a) the mutual rights of the parties in the case of *Mudiyanse v. Appuhamy et al.* (D. C. Kegalla, 3,236), as declared by the decision of the Supreme Court in that case, or of persons claiming through the said parties respectively;

(b) the mutual rights of the parties in any other suit in which the said decision has been followed, or of persons claiming through the said parties respectively;

(c) any disposition of property, or any transaction or family arrangement dealing with property which shall have been duly effected according

to law between the date of the said decision and the date of the commencement of this Ordinance on the basis of the law as declared by the said decision;

(d) any case in which the major heirs of any person who shall have died between the said dates in the administration or management of the rents, profits, produce, or income derivable from any property of the deceased in respect of which he shall have died intestate shall, with the concurrence of the curator (if any) who shall have been appointed in respect of the estate of any minor heir, have acted upon the law as declared by the said decision:

Provided that—

(i) the fact that such property has been so dealt with has been declared by a memorandum in writing duly executed according to law within one year from the date of the commencement of this Ordinance by all the said major heirs (or, if any of the said heirs shall have meanwhile died, by their respective legal representatives), and by such curator, if any; or

(ii) it shall have been declared by a competent court in an action instituted within one year from the date of the

commencement of this Ordinance that the major heirs of such deceased person and such curator, if any, in the administration or management of the rents, profits, produce, or income derivable from the said property, have in fact acted upon the basis of the law as declared by the said decision.

(2) The title to any property within paragraphs (c) and (d) of the last preceding subsection shall be governed by the law which would have been applied in accordance with the said decision if this Ordinance had not been passed :

Provided, however, that the devolution of the title of any such property by way of inheritance from the persons in whom it is treated as vested under this section shall be governed by the law as declared by this Ordinance.

"Kandyan provinces" means those districts of Ceylon which are Kandyan provinces within the meaning of the Kandyan Marriage Ordinance;*

"marriage contracted in *binna*" includes any marriage contracted in such circumstances that if both parties were subject to the Kandyan law such marriage would be a marriage contracted in *binna* ;

"domiciled" shall be interpreted in the same manner as it would be interpreted if the Kandyan provinces constituted a separate country.

(2) For the purpose of the Kandyan Marriage Ordinance,* the Kandyan Marriage and Divorce Act, and the Kandyan Marriages (Removal of Doubts) Ordinance,* the parties to the marriages referred to in section 2 of this Ordinance shall be deemed to be and at all times to have been persons lawfully entitled to contract marriages under the said first-mentioned Ordinance or Act.

Interpretation. 4. (1) For the purposes of this Ordinance—

* Repealed by Act No. 44 of 1952.

CHAPTER 134

MARRIAGE AND DIVORCE (MUSLIM)

AN ACT TO MAKE PROVISION WITH RESPECT TO THE MARRIAGES AND DIVORCES OF MUSLIMS IN SRI LANKA AND, IN PARTICULAR, WITH RESPECT TO THE REGISTRATION OF SUCH MARRIAGES AND DIVORCES.

Acts
Nos. 13 of 1951,
31 of 1954,
22 of 1955,
1 of 1965,
5 of 1965,
32 of 1969,

Law
No. 41 of 1975.

[1st August, 1954.]

Short title. 1. This Act may be cited as the Muslim Marriage and Divorce Act.

Application of Act. 2. This Act shall apply only to the marriages and divorces, and other matters connected therewith, of those inhabitants of Sri Lanka who are Muslims.

office by the Minister, hold office for such period not exceeding three years as may be specified by the Minister at the time of the nomination of that member.

(2) A nominated member who vacates his office by effluxion of time shall be eligible for rénomination to the board.

PART I

PRELIMINARY

Supervisory powers of Registrar-General and District Registrars. 3. The Registrar-General shall, subject to the directions of the Minister, have the general control and superintendence of the registration of marriages and divorces under this Act, and every District Registrar shall, subject to the directions of the Registrar-General, have the control and supervision of the registration of such marriages and divorces within his district.

(3) The Minister may remove any nominated member from office if he is satisfied that such member, without leave of the board first obtained, has failed to attend three consecutive meetings of the board :

Provided that the preceding provisions of this subsection shall not be deemed in any way to limit the power of the Minister to remove a nominated member from office for any other cause.

The Muslim Marriage and Divorce Advisory Board. 4. (1) For the purposes of this Act, there shall be established a board, to be called "The Muslim Marriage and Divorce Advisory Board".

6. It shall be the function of the Muslim Marriage and Divorce Advisory Board to advise the Registrar-General on all such matters relating to or connected with the administration of this Act as may be referred by the Registrar-General to the board for such advice or in respect of which the board may think fit to tender advice.

(2) The board shall consist of the person for the time being holding the office of Registrar-General, who shall be the Chairman of the board, and of not less than four nor more than nine Muslims (hereinafter referred to as "nominated members") nominated by the Minister.

7. (1) The Chairman of the Muslim Marriage and Divorce Advisory Board shall preside at all meetings of the board at which he is present. In the absence of the Chairman from any meeting of the board the members present shall elect one of themselves to preside at that meeting.

Nominated members of the board. 5. (1) Every nominated member of the Muslim Marriage and Divorce Advisory Board shall, unless he earlier resigns his office as a member or is removed from

(2) Four members of the board shall form the quorum for any meeting of the board.

(3) The Registrar-General may appoint an officer of his department to be or to act as the secretary of the board and it shall be the duty of the secretary to keep minutes of each meeting of the board.

(4) Subject to the provisions of this Act and any regulations made thereunder, the board may regulate its own procedure.

Registrars of Muslim Marriages.

8. (1) The Registrar-General may, on application made in that behalf, appoint as a Registrar of Muslim Marriages any male Muslim who, in the opinion of the Registrar-General, is a fit and proper person to register marriages under this Act, and may, on payment of the prescribed fee, issue to him a certificate of appointment.

(2) The number of registrars that may be appointed under this section for any district shall be in the discretion of the Registrar-General.

(3) Every certificate of appointment under this section shall be made out in foil and counterfoil, substantially in form I set out in the First Schedule, and shall specify the particular area in which the person named in the certificate is authorized to register marriages under this Act.

(4) The prescribed fee for a certificate of appointment under this section shall be paid in stamps, which shall be supplied by the applicant and shall be affixed to the counterfoil and duly cancelled by the Registrar-General.

(5) A list of the registrars appointed under this section shall be made and preserved in the office of the Registrar-General.

(6) Every registrar appointed under this section shall reside within the area specified in his certificate of appointment as the area in which he is authorized to register marriages.

(7) The Registrar-General may, in his discretion, by order cancel any appointment

made under this section and recall the certificate relating to such appointment.

9. (1) Where a registrar appointed under section 8 is temporarily absent from the area in which he is authorized to register marriages or is temporarily incapacitated for the performance of his duties under this Act by reason of illness or by any other sufficient cause, or is dead or has resigned or retired from office, the District Registrar may issue a certificate of appointment to any other fit and proper male Muslim to act as a temporary registrar in place of the aforesaid registrar for such period as may be specified in the certificate. Temporary Registrars. [§2, 32 of 1969.]

(2) Every certificate of appointment issued under this section shall be free of stamp duty and shall be valid only for the period specified therein.

10. (1) Whenever there is a special necessity for the appointment of a registrar otherwise than under section 8 or section 9, the Registrar-General may, on application made in that behalf, appoint as a special registrar any male Muslim who, in the opinion of the Registrar-General, is a fit and proper person to register marriages under this Act, and may, on payment of the prescribed fee, issue to him a certificate of appointment in the prescribed form. Special registrars.

(2) A special registrar may be appointed under this section either for the whole of Sri Lanka or for a special area thereof; but the exercise of the authority conferred by each appointment shall be limited to such cases or circumstances or be subject to such restrictions and conditions as may be specified by the Registrar-General in respect of that appointment.

(3) Every certificate of appointment issued under this section shall be made out in foil and counterfoil and shall specify the area for which the appointment is made and the cases or the circumstances in which or the conditions and restrictions subject to which the authority conferred by the appointment is to be exercised.

(4) The prescribed fee for a certificate of appointment under this section shall be paid in stamps, which shall be supplied by the

applicant and shall be affixed to the counterfoil and duly cancelled by the Registrar-General.

(5) A list of the special registrars appointed under this section shall be made and preserved in the office of the Registrar-General.

(6) A special registrar appointed under this section shall not register any marriage in any case or in any circumstance other than the cases or circumstances, or otherwise in accordance with the conditions and restrictions, specified in his certificate of appointment.

(7) Any appointment made under this section may be cancelled, and the certificate relating thereto may be recalled, by the Registrar-General in his discretion.

Registration of marriages outside area of appointment.

11. Subject as hereinafter provided, no registrar appointed under section 8 or section 9 shall register any marriage contracted outside the limits of the area specified in the certificate of appointment issued to him :

Provided that the Registrar-General may in his discretion, on application made for that purpose in respect of any particular marriage in any area by the bridegroom and, where a *wali* is necessary according to the Muslim law governing the sect to which the bride belongs, by the *wali* of the bride, and on payment of the prescribed fee, authorize by letter a registrar appointed for any other area to register that marriage.

Quazis. [§2, 1 of 1965.]

12. (1) The Judicial Service Commission may appoint any male Muslim of good character and position and of suitable attainments to be a Quazi.

(2) Save as otherwise provided in section 13 or section 14, more than one person shall not be appointed to be a Quazi for the same area ; and the area for which each Quazi is appointed shall be so fixed or delimited as to avoid any intersection with or overlapping of any other such area.

(3) Every appointment of a Quazi shall be notified in the Gazette.

(4) In the notification relating to the appointment of each Quazi the area for which he is appointed shall be specified.

(5) Every Quazi shall reside within the area for which he is appointed.

(6) The Judicial Service Commission [§2, 1 of 1965.] may, in its discretion, cancel the appointment of any Quazi by notification in the Gazette.

(7) Every Quazi shall, unless he earlier resigns his office or his appointment is cancelled by the Judicial Service Commission, hold office for such period as may be specified in the notification relating to his appointment. [§2, 1 of 1965.]

13. (1) Where a Quazi appointed for any area temporarily leaves the area or is temporarily incapacitated for the performance of his duties under this Act by reason of illness or by any other sufficient cause, the Judicial Service Commission may appoint a suitable person to act as a temporary Quazi for that area. [§3, 1 of 1965.]

Temporary Quazis.

(2) The Judicial Service Commission [§3, 1 of 1965.] may by Order published in the Gazette delegate to the Secretary to the Commission the power to make appointments under subsection (1), subject to such limitations as may be specified in the Order.

14. (1) Whenever there is a special necessity for the appointment of a Quazi otherwise than under section 12 or section 13, it shall be lawful for the Judicial Service Commission to appoint any male Muslim of good character and position and of suitable attainments to be a special Quazi. [§4, 1 of 1965.]

Special Quazis.

(2) A special Quazi may be appointed under this section either for the whole of Sri Lanka or for any area thereof.

(3) In appointing a special Quazi, the Judicial Service Commission may specify [§4, 1 of 1965.] the conditions or restrictions subject to which such Quazi shall perform his duties and functions under this Act ; and such Quazi shall not act otherwise than in accordance with such conditions or restrictions.

(4) Every appointment of a special Quazi shall be notified in the Gazette.

regulations thereunder or by a decision of the Board of Quazis not inconsistent with any such provision.

[§4, 1 of 1965.]

(5) The Judicial Service Commission may in its discretion cancel the appointment of a special Quazi by notification in the Gazette.

Board or Quazis.
[§5, 1 of 1965.]

15. (1) The Judicial Service Commission may appoint a Board of Quazis, consisting of five male Muslims resident in Sri Lanka, who are of good character and position and of suitable attainments, to hear appeals from the decisions of the Quazis under this Act.

(2) The appointment of the members of the Board of Quazis shall be notified in the Gazette.

(3) (a) Three members of the Board of Quazis shall form a quorum of that board.

(b) No appeal shall be heard by the Board of Quazis unless a quorum is present.

(c) The decision of a majority of the members of the Board of Quazis who are present at the hearing of an appeal shall for all purposes be deemed to be the decision of the board.

[§5, 1 of 1965.]
[§3, 32 of 1969.]

(4) The Judicial Service Commission may, in any special circumstances, terminate the appointment of any member of the Board of Quazis by notification in the Gazette.

[§5, 1 of 1965.]

[§3, 32 of 1969.]

(5) Where the appointment of a member of the Board of Quazis is terminated by the Judicial Service Commission or any such member dies or resigns his office or, without the consent of the Judicial Service Commission leaves Sri Lanka for a period exceeding three months, the Judicial Service Commission may appoint a suitable person to fill the vacancy.

(6) The Registrar-General may appoint a person to be or to act as the secretary to the Board of Quazis, and the person so appointed shall perform all such duties and functions as may be assigned to the secretary by the provisions of this Act or the

PART II

REGISTRATION OF MARRIAGES

16. Nothing contained in this Act shall be construed to render valid or invalid, by reason only of registration or non-registration, any Muslim marriage or divorce which is otherwise invalid or valid, as the case may be, according to the Muslim law governing the sect to which the parties to such marriage or divorce belong.

Validity or invalidity of Muslim marriages.

17. (1) Save as otherwise hereinafter expressly provided, every marriage contracted between Muslims after the commencement of this Act shall be registered, as hereinafter provided, immediately upon the conclusion of the *Nikah* ceremony connected therewith.

Duty of causing marriage to be registered.

(2) In the case of each such marriage, the duty of causing it to be registered is hereby imposed upon the following persons concerned in the marriage :—

(a) the bridegroom ; and

(b) in every case where the consent of the *wali* has not been dispensed with under section 47 and is required by the Muslim law governing the sect to which the bride belongs, the *wali* of the bride ; and

(c) the person who conducted the *Nikah* ceremony connected with the marriage.

(3) For the purpose of causing the marriage to be registered, it shall be the duty of the person specified in subsection (2)—

(a) to give to the registrar information of the date on which and the time and place at which the *Nikah* ceremony is to take place, and to request him to attend the ceremony for the purpose of registering the marriage ; and

- (b) immediately upon the conclusion of the *Nikah* ceremony, to call upon the registrar to register the marriage, and for that purpose to render him all such assistance and take all such other measures as may be necessary.
- (4) Where the registrar, notwithstanding that the acts or measures required by subsection (3) have been done or taken, neglects or refuses to register the marriage, it shall be the duty of the persons specified in subsection (2) to send to the District Registrar, within the seven days next succeeding the date of the *Nikah* ceremony, a written report setting out the following particulars relating to the marriage:—
- (a) the names of the parties to the marriage,
 - (b) the date on which and the time and place at which the *Nikah* ceremony was conducted,
 - (c) the name of the *wali*, if any,
 - (d) the name of the person who conducted the *Nikah* ceremony.
- (5) Where any marriage which is required by this Act to be registered is not registered owing to default in doing or taking any act or measure required by any of the preceding provisions of this section, every person on whom the duty of doing or taking that act or measure is imposed by that provision shall be deemed to have failed to cause the marriage to be registered.
- (6) The court convicting any person of the offence of failing to cause a marriage to be registered or of failing to send the District Registrar a report as to any marriage which the registrar has neglected or refused to register, shall send to the District Registrar, as early as may be after the close of the proceedings in respect of the offence, a report setting out such particulars relating to the marriage as are required by subsection (4).

(7) It shall be the duty of the District Registrar, on receipt of any report under subsection (4) or subsection (6), to satisfy

himself by such inquiry or investigation as may appear to him to be adequate, that the marriage has taken place and that it has not been registered, to verify the particulars furnished in the report and amend them if they are not correct, and to make order directing that the marriage be registered with the particulars verified or amended; and it shall be the duty of the registrar specified in the order to register the marriage accordingly.

18. (1) Before the registration of a marriage, there shall be made and signed in the presence of the registrar—

Declaration and form of registration.

- (a) a declaration by the bridegroom substantially in form II set out in the First Schedule; and
- (b) a declaration by the *wali* of the bride substantially in form III set out in that Schedule:

Provided that the declaration by a *wali* shall not be required in any case where the consent of a *wali* has been dispensed with under section 47 or where no *wali* is necessary according to the Muslim law governing the sect to which the bride belongs;

Provided further that where the *wali* making a declaration is a person other than her father or paternal grandfather, the bride shall also sign the declaration made by such *wali*.

It shall be the duty of the registrar to require the bridegroom, and, where necessary under the preceding provisions, the *wali* and the bride, to sign such declarations.

(2) After the signing of the declarations referred to in subsection (1), the registrar shall enter, in Sinhala or in Tamil, a statement of the particulars of the marriage, in triplicate, that is to say, the original, the second copy (hereinafter referred to as the "duplicate"), and a third copy, in a marriage register, which he is hereby required to keep for that purpose substantially in form IV set out in the First Schedule. The third copy shall bear an

[S7, Law 41 of 1975.]

endorsement under the hand of the registrar to the effect that it is issued under section 19A.

commencing with the first page for the first marriage to be registered ; and

[§7, Law 41 of 1975.]

(3) The prescribed fee shall be paid in stamps which shall be supplied by the bridegroom. Such stamps shall be affixed to the duplicate of the entry relating to the marriage and shall be duly cancelled by the registrar.

(b) be numbered consecutively in that register, in the order of time in which the registrar is called upon to register those marriages.

Entries of marriage to be signed and attested. [§7, Law 41 of 1975.]

19. (1) The statement of particulars entered in the register in respect of each marriage shall be signed in the original, the duplicate and the third copy, by—

21. It shall be the duty of a registrar appointed for any area under section 8 or section 9 to attend the solemnization of a marriage between Muslims within that area for the purpose of registering the marriage, on being required so to do by the bridegroom or the *wali* of the bride or the person by whom the *Nikah* ceremony is to be conducted :

Attendance of registrar at marriage.

- (a) the bridegroom ; and
- (b) in every case where the consent of the *wali* has not been dispensed with under section 47 and is required by the Muslim law governing the sect to which the bride belongs, the *wali* of the bride ; and
- (c) the person who conducted the *Nikah* ceremony connected with the marriage ; and
- (d) two witnesses, being persons present at the *Nikah* ceremony ; and
- (e) the registrar.

Provided that nothing in the preceding provisions of this section shall affect or be construed to affect the right of a registrar to refuse to register any marriage sought to be registered in contravention of the provisions of this Act or of any regulation made thereunder ;

Provided further that where a registrar is required to attend as aforesaid at two or more places at the same time or on the same date, he shall be entitled to stipulate for a readjustment of the time or the date of any of the marriages concerned, or, if such readjustment is not possible, to decline to be present at any one or more of such marriages.

(2) Where the registrar has himself conducted the *Nikah* ceremony at any marriage, it shall be 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.

22. Notwithstanding anything in section 17, a marriage contracted by a Muslim woman during her period of *iddat* shall not be registered under this Act.

Marriage during *iddat* not to be registered.

Issue of copy of registration entry free. [§7, Law 41 of 1975.]

19A. The third copy referred to in the preceding section shall forthwith, free of charge, be delivered or transmitted by post to the female party to the marriage by the registrar.

23. Notwithstanding anything in section 17, a marriage contracted by a Muslim girl who has not attained the age of twelve years shall not be registered under this Act unless the Quazi for the area in which the girl resides has, after such inquiry as he may deem necessary, authorized the registration of the marriage.

Marriage of girl who has not attained the age of twelve not to be registered without Quazi's permission.

Marriages to be registered and numbered consecutively.

20. The marriages to be registered under this Act in the marriage register kept by each registrar shall—

- (a) be entered, each on a page, on consecutive pages of that register,

24. (1) Where a married male Muslim living with or maintaining one or more wives intends to contract another marriage, he shall, at least thirty days before contracting such other marriage, give notice

Second or subsequent marriages.

of his intention to the Quazi for the area in which he resides, and to the Quazi or Quazis for the area in which his wife or each of his wives resides, and to the Quazi for the area in which the person whom he intends to marry resides.

(2) Every notice required by subsection (1) shall be in the prescribed form and shall contain the full names and addresses of the person giving the notice and of his wife or each of his wives and of the person with whom he intends to contract a marriage.

(3) It shall be the duty of every Quazi to whom notice is given under subsection (1) to cause a copy of such notice to be exhibited at each of the Jumma mosques within his area, and in some conspicuous place at each address (being an address within his area) which is specified in such notice.

(4) Notwithstanding anything in section 17, no marriage contracted by any male Muslim of the description set out in subsection (1), without giving the notices required by that subsection shall be registered under this Act.

Declaration of Shaffie law as to marriage of women of that sect.

25. (1) For the avoidance of doubt it is hereby declared that no contract of marriage of a woman belonging to the Shaffie sect is valid under the law applicable to that sect, unless—

(a) a person entitled to act as her *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 thereof; or

(b) the Quazi has under section 47, authorized the marriage and dispensed with the necessity for the presence and the approval of a *wali*.

(2) A marriage which is invalid under the law referred to in subsection (1) shall not be registered under this Act.

26. (1) No person shall knowingly act as *wali* at the marriage of a Muslim woman, unless he is entitled according to the Muslim law governing the sect to which the bride belongs, to act as *wali* to that bride. Wali of bride.

(2) No marriage at which any person has acted as *wali* in contravention of the provisions of subsection (1) shall be registered under this Act.

PART III

REGISTRATION OF DIVORCES

27. Where a husband desires to divorce his wife the procedure laid down in the Second Schedule shall be followed. Divorce by husband.

28. (1) Where a wife desires to effect a divorce from her husband, without his consent, on the ground of ill-treatment or on account of any act or omission on his part which amounts to a "fault" under the Muslim law governing the sect to which the parties belong, the procedure laid down in the Third Schedule shall be followed. Divorce by wife.

(2) Where a wife desires to effect a divorce from her husband on any ground not referred to in subsection (1), being a divorce of any description permitted to a wife by the Muslim law governing the sect to which the parties belong, the procedure laid down in the Third Schedule shall be followed so far as the nature of the divorce claimed in each case renders it possible or necessary to follow that procedure.

29. (1) The Quazi who is required in accordance with the Second Schedule or Third Schedule to register a divorce shall enter, in Sinhala or in Tamil, a statement of the particulars of the divorce in triplicate, that is to say, the original, the second copy (hereinafter referred to as the "duplicate") and a third copy, in a divorce register, which he is hereby required to keep for that purpose substantially in form V set out in the First Schedule. The third copy shall bear an endorsement under the hand of the Quazi to the effect that it is issued under section 29 (5). Registration of divorce. [§7, Law 41 of 1975.]

(2) The entries relating to any divorce in the divorce register shall be signed in the

original, and in the duplicate and in the third copy by the Quazi and by the husband and wife if present at the time the entries are made.

(3) The divorces to be registered under subsection (1) in the divorce register shall—

(a) be entered, each on a page, on consecutive pages of that register, commencing with the first page for the first divorce to be registered, and

(b) be numbered consecutively in that register, in the order of time in which the Quazi registers those divorces.

(4) The party applying for a divorce shall pay the prescribed fee to the Quazi as soon as the proceedings for the divorce are commenced. The prescribed fee shall be paid in stamps and such stamps shall be affixed to the duplicate of the entries relating to the divorce and shall be duly cancelled by the Quazi.

(5) Upon the registration of a divorce the third copy referred to in this section shall forthwith, free of charge, be delivered or transmitted by post to the party applying for the divorce by the Quazi.

PART IV

SPECIAL PROVISION FOR EARLIER DIVORCES AND REMARRIAGES

30. Where, in any proceedings before a Quazi under this Act, a Muslim husband states that he has at any time earlier (whether before or after the commencement of this Act) divorced his wife, but is unable to prove that a divorce was in fact effected, the statement of the husband at such proceedings shall be deemed to be the pronouncement of a *talak* under the Muslim law and shall be recorded accordingly under the rules in the Second Schedule, and the provisions of those rules relating to the procedure to be followed after the pronouncement of a *talak* is recorded shall *mutatis mutandis* apply in that case :

Provided that the divorce shall not be registered in any such case until the expiry

of a period of three months from the date on which the pronouncement of the *talak* is recorded as aforesaid, or, if the wife is pregnant at the expiry of that period, until she is delivered of the child.

31. Every divorce or remarriage duly registered in the manner required by section 23 of the Muslim Marriage and Divorce Registration Ordinance, 1929,* shall be deemed to be valid and to have been duly effected or contracted, as the case may be, on the original date of such divorce or remarriage, and all children born of such remarriage shall be deemed to be legitimate children of such remarriage.

32. (1) Where a marriage or divorce contracted or effected on or after the 1st day of January, 1937, has not been registered or has been registered with erroneous particulars, it shall be lawful for either of the parties to the marriage or the divorce, or, where either of them is dead, for the issue or other lawful representative of any such party, to apply to the District Registrar of the district in which such marriage or divorce was contracted or effected to have such marriage or divorce registered or the erroneous particulars rectified, as the case may be. On receipt of such application the District Registrar shall cause the officiating or other priest or registrar or Quazi before whom the marriage or divorce, as the case may be, was contracted or effected and any other persons whom he may consider it expedient to hear, to be served with a notice to show cause why such application should not be granted. If no sufficient cause is shown to the contrary and the District Registrar is satisfied, after hearing such evidence as may be adduced, that such marriage or divorce was in fact contracted or effected and that it has not been registered or has been registered with erroneous particulars, he shall by order under his hand direct the marriage or divorce to be registered or the erroneous particulars to be rectified, as the case may require.

(2) To every application made under subsection (1), stamps of the prescribed value shall be affixed by the applicant.

Effect of registration of divorce or remarriage.

Power to register marriages and divorces omitted to be registered and to rectify errors in registration.

Registration of divorces in cases where proof of divorce is inadequate.

* Repealed by Act No. 13 of 1951.

Certain powers of District Registrar under section 32 exercisable by Registrar-General. [§4, 32 of 1969.]

33. The powers conferred on a District Registrar under section 32 in relation to the rectification of erroneous particulars relating to a marriage or divorce, may be exercised by the Registrar-General.

38. (1) Where, in any proceedings under this Act for *mahr* or *kaikuli*, a woman claimant is represented by some other person under section 37, all moneys received by a Quazi to which that woman is entitled as the claimant shall, notwithstanding anything in section 53, be deposited by the Quazi in the *kachcheri* in the name of such claimant.

Disposal of moneys received by Quazi in claims where party is represented under section 37.

PART V

PROVISIONS RELATING TO MAINTENANCE, "MAHR" AND "KAIKULI"

Claims for wife's maintenance.

34. A wife or any person on behalf of a wife shall not be entitled to claim or to receive maintenance in respect of any period during which the wife lives or has lived with her husband whether on the orders of a Quazi or otherwise.

(2) No money deposited by a Quazi in a *kachcheri* under subsection (1) shall be withdrawn by any person unless the Quazi has in writing authorized such withdrawal; and the Quazi shall not authorize the withdrawal of the whole or any part of any money deposited as aforesaid unless he is satisfied that such money will be used for the maintenance or benefit of the woman on whose behalf the claim was made.

Claims for child's maintenance.

35. (1) A child or any person on behalf of a child shall not be entitled to claim or to receive maintenance in respect of any period during which the child is or was living with or supported by the father.

39. The time for the prescription or limitation of a suit or action for the whole or part of a woman's *mahr* shall not begin to run until the dissolution of the marriage by death or divorce, and such suit or action shall be maintainable if commenced within three years from the date of such dissolution of marriage.

Prescription of action for *mahr*.

(2) In allowing any claim for maintenance by or on behalf of a child a deduction shall be made of the sums which may have been paid by the father for the use or support of the child between the date of the claim and the date of the order allowing the claim.

PART VI

POWERS AND DUTIES OF REGISTRAR-GENERAL, DISTRICT REGISTRARS, BOARD OF QUAZIS, QUAZIS AND REGISTRARS

Orders for payment of maintenance from date of claim.

36. Subject to the provisions of sections 34 and 35, where an order is made allowing a claim for maintenance by or on behalf of a wife or child, the authority making the order may specify therein that the order shall have effect from the date of the claim, and, in every such case, maintenance, in accordance with the order, shall be payable from the date on which such claim was made.

40. The Registrar-General or any District Registrar may inspect or cause to be inspected from time to time the books and registers required to be kept under this Act by the Quazis and registrars, and may hear any complaints respecting any such books or registers, or the conduct of any of the registrars.

Power of Registrar-General and District Registrars to inspect registers, &c. [§5, 32 of 1969.]

Representation of woman in claiming for *mahr* or *kaikuli*.

37. Where it is proved to the satisfaction of a Quazi that a woman claiming or intending to claim *mahr* or *kaikuli* is, through sickness, infirmity or other reasonable cause, unable to appear in person, the Quazi may permit any fit and proper person authorized in that behalf by the claimant and approved by the Quazi, to institute proceedings or to appear on behalf of the claimant.

41. All moneys paid to a District Registrar by a Quazi in pursuance of the provisions of the second proviso to section 52 (1) shall be disposed of by the District Registrar in such manner as may be prescribed.

Power of District Registrar to dispose of money paid under section 52.

42. Every District Registrar shall cause to be bound together in a general register all copies of entries sent to him by Quazis in pursuance of the provisions of section 54.

Duty of District Registrar to cause copies of Quazis' entries to be bound.

power of Board of Quazis to call for records.

43. The Board of Quazis may call for and examine the record of any proceedings before a Quazi under this Act in respect of any matter (whether such matter has been tried or inquired into or is pending trial or inquiry) for the purpose of satisfying itself as to the legality or propriety of any order passed therein or as to the regularity of the proceedings.

Devisory powers of Board of Quazis.

44. (1) The Board of Quazis may, in respect of any proceedings before a Quazi the record of which has been called for, in its discretion exercise any of the powers conferred upon it for the purposes of its appellate jurisdiction.

(2) No order under this section shall be made by the Board of Quazis to the prejudice of any person unless he has had an opportunity of being heard either in person or by his representative.

(3) Every order made by the Board of Quazis under this section shall have the same effect as an order made on appeal from an order made by a Quazi.

Duty of Board of Quazis to furnish Registrar-General with opinions on questions of Muslim law.

45. The Board of Quazis shall, at the written request of the Registrar-General, furnish him with a written opinion on any question of Muslim law which may arise in connection with the administration of this Act or of any regulation made thereunder.

Duty of Board of Quazis to advise on questions of law submitted by a Quazi.

46. (1) Any Quazi may if he thinks fit reserve for the consideration of the Board of Quazis any question of Muslim law which arises in any proceedings before him, and, where any question of law is so reserved, no further steps shall be taken in such proceedings until the opinion of the board is communicated to him.

(2) Every Quazi reserving a question of Muslim law under subsection (1) shall submit the question in writing in the form of a special case, and shall state shortly the facts, if any, which are relevant to the consideration of the question.

(3) The Board of Quazis shall, as soon as may be, determine every question of law reserved for its consideration under

subsection (1) and communicate its opinion thereon to the Quazi who referred the question; and such Quazi shall, in the proceedings in which the question arose, be bound by such opinion.

47. (1) The powers of the Quazi under this Act shall include the power to inquire into and adjudicate upon—

General powers of Quazis.

- (a) any claim by a wife for the recovery of *mahr*;
- (b) any claim for maintenance by or on behalf of a wife;
- (c) any claim for maintenance by or on behalf of a legitimate child; [§6, 1 of 1965.]
- (cc) notwithstanding anything to the contrary in section 2, any claim for maintenance by or on behalf of an illegitimate child, where the mother of such child and the person from whom maintenance is claimed are Muslims; [§6, 1 of 1965.]
- (d) any claim by a divorced wife for maintenance until the registration of the divorce or during her period of *iddat*, or, if such woman is pregnant at the time of the registration of the divorce, until she is delivered of the child;
- (e) any claim for the increase or reduction of the amount of any maintenance ordered under this section or under section 21 of the Muslim Marriage and Divorce Registration Ordinance, 1929;*
- (f) any claim for *kaikuli*;
- (g) any claim by a wife or a divorced wife for her lying-in expenses;
- (h) any application for mediation by the Quazi between a husband and wife;
- (i) any application for a declaration of nullity of marriage either by a husband or by a wife;

* Repealed by Act No. 13 of 1951.

(f) any application for authority to register the marriage of a girl who has not passed the age of twelve years:

Provided that no variation or alteration of any maintenance ordered under this section or under section 21 of the Muslim Marriage and Divorce Registration Ordinance, 1929,* shall be made except upon good and sufficient cause shown to the Quazi and after notice to all the parties concerned.

(2) A Quazi may inquire into and deal with any complaint by or on behalf of a woman against a *wali* who unreasonably withholds his consent to the marriage of such woman, and may if necessary make order authorizing the marriage and dispensing with the necessity for the presence or the consent of a *wali*.

(3) Where a woman has no *wali*, a Quazi may, after such inquiry as he may consider necessary, make order authorizing the marriage and dispensing with the necessity for the presence or the consent of a *wali*.

(4) Where an order is made under subsection (2) or subsection (3) authorizing any marriage, a permit authorizing the registration thereof shall be issued by the Quazi, but no such permit shall be issued until the expiry of a period of ten days from the date of the order, or, where an appeal is preferred against such order, unless such order is confirmed by the Board of Quazis, or, in the event of a further appeal, by the Court of Appeal.

(5) In this section "divorced wife" includes a wife against whom the *talak* has been pronounced, and who has not been taken back by the husband.

(6) Every inquiry under this section shall be held as nearly as possible in accordance with the rules in the Fourth Schedule, but no Muslim assessors shall be empanelled for the purpose of assisting the Quazi at such inquiry.

48. Subject to any special provision in that behalf contained in this Act, the jurisdiction exercisable by a Quazi under section 47 shall be exclusive and any matter falling within that jurisdiction shall not be tried or inquired into by any other court or tribunal whatsoever.

Quazi to have exclusive jurisdiction to inquire into matters specified in section 47.

49. Every Quazi shall take an oath of office in the prescribed form as soon as may be after his appointment and before he commences to exercise any powers or perform any duties or functions under this Act.

Quazis' oath of office.

50. Every Quazi is hereby empowered to administer oaths to witnesses or to Muslim assessors in the course of any inquiry or other proceedings held or taken by him under this Act.

Power of Quazi to administer oaths.

51. (1) Every Quazi shall, before he commences to perform any of the functions of his office, enter into a bond in the sum of one thousand rupees conditioned for the due and faithful discharge of his duties.

Quazis to enter into security bonds.

(2) In the case of a Quazi appointed under section 12 or section 13 the bond shall be executed before the District Registrar, and in the case of a Quazi appointed under section 14 the bond shall be executed before the Registrar-General or any District Registrar authorized for the purpose by the Registrar-General.

(3) The aforesaid sum shall be secured to the State, either by the hypothecation of immovable property or by deposit of movable property, or by the guarantee of two or more sufficient sureties in that behalf to the satisfaction of the District Registrar or Registrar-General, as the case may be.

(4) Each such bond shall be filed in the office of the District Registrar or of the Registrar-General, as the case may be.

52. (1) A record of each sum of money received by a Quazi under any of the provisions of this Act or the regulations thereunder shall forthwith be made by him in the prescribed book and such money shall forthwith be paid by him to the person entitled thereto:

Quazis to keep record of moneys received and paid by them.

* Repealed by Act No. 13 of 1951.

Provided that where the person entitled to any money is a child under fourteen years of age such payment may be made by the Quazi in his discretion to the person who from time to time has the custody of that child;

Provided further that where the person entitled to any money cannot be found or does not claim the money within the period of one month after the date on which the Quazi received such money, the Quazi shall pay such money to the District Registrar.

(2) A record of each sum of money paid by a Quazi in pursuance of the provisions of subsection (1) shall forthwith be made by him in the prescribed book and every such payment must be supported by a receipt in the prescribed form signed by the payee.

53. Every Quazi who deposits any money in or authorizes the withdrawal of any money from a kachcheri in pursuance of the provisions of section 38 shall forthwith report to the District Registrar the amount so deposited or to be withdrawn, the date on which the deposit was made or the withdrawal was authorized, the name of the claimant and any other particulars which may be prescribed.

54. Unless otherwise provided by regulation, every Quazi shall, at the close of each month, send to the District Registrar copies, verified on oath in the prescribed form, of all entries made by him in his books or registers or in the indexes thereto during that month.

The preceding provisions of this section shall not apply to the records of proceedings before a Quazi or to entries in the divorce register.

55. Every Quazi and every registrar shall keep, in the prescribed form, a current index of the contents of every book and register kept by him, except where it is otherwise provided by regulation; and every entry in such index shall be made, so far as practicable, immediately after he has made an entry in the book or register.

56. (1) Except in such cases or on such occasions as may be prescribed or except on the orders of a competent court, no Quazi or registrar shall permit any other person to take possession or to have the custody of any register, book, or other document required to be kept by such Quazi or registrar under this Act.

(2) Every Quazi and every registrar shall keep all registers, books, and indexes until they are filled up and shall then forward them for record to the District Registrar.

(3) Where a Quazi or registrar leaves the area for which he is appointed, or resigns his office, or where his appointment is cancelled, he, or in the event of his death, his legal representative, shall forthwith deliver his books, registers, and indexes to the District Registrar; and on failure of such delivery, the District Registrar shall take possession of them.

(4) No person other than a Quazi or a registrar shall keep any book or register which is or purports to be a register of Muslim marriages or divorces, or any record of proceedings relating to divorces effected or purporting to have been effected by any other person, under the provisions of this Act or the Muslim Marriage and Divorce Registration Ordinance, 1929.*

57. Every Muslim assessor who is empanelled for the purposes of this Act shall take an oath in the prescribed form before he functions as an assessor.

58. (1) The registrar who registers a marriage or the Quazi who registers a divorce shall detach the duplicate from the marriage register or the divorce register, as the case may be, and send such duplicate and in the case of a marriage, the declarations under section 18 (1), on or before the fifth day of the month following that in which the marriage or divorce was registered, to the District Registrar.

(2) Where a marriage is registered by a registrar authorized under the proviso to section 11, he shall, in addition to complying with the requirements of subsection (1), send certified copies of the statement of particulars entered in the marriage register, of the declarations, and of

Custody of registers, &c., by Quazis and registrars.

Muslim assessor's oath.

Duty to send to District Registrar duplicates from marriage and divorce registers.

Quazis to report to District Registrar sums deposited or withdrawn under section 38.

Quazis to send copies of entries and indexes to District Registrar each month.

Quazis and registrars to keep indexes of books and registers.

* Repealed by Act No. 13 of 1951.

the letter authorizing him to register the marriage, to the District Registrar having jurisdiction over the area in which the marriage is registered.

(3) All duplicates and declarations sent to the District Registrar in accordance with the provisions of subsection (1) shall be forwarded by him to the Registrar-General who shall cause such duplicates and declarations to be filed and preserved in his office.

Fees chargeable by registrars.

59. (1) Every registrar shall be entitled to demand and to receive as his own remuneration a fee at the prescribed rate from the prescribed persons for the performance of each of his duties under this Act.

(2) Every registrar shall keep posted in a conspicuous part of his house, a table setting out, in Sinhala, Tamil and English, the fees prescribed for the performance of each of the duties of a registrar under this Act.

PART VII

APPEALS

Appeals from Quazis' orders.

60. (1) Any party aggrieved by any final order made by a Quazi under the rules in the Third Schedule or in any inquiry under section 47 shall have a right of appeal to the Board of Quazis:

Provided that there shall be no appeal from an order absolute made in accordance with the rules in the Fourth Schedule in any inquiry under section 47.

(2) All appeals under this section shall be heard and disposed of in accordance with the rules in the Fifth Schedule.

Appeals from the Registrar-General's or District Registrars' orders. [§6, 32 of 1969.]

61. Every order made by the Registrar-General refusing or cancelling or recalling a certificate of appointment under section 8 shall be subject to appeal to the Minister, and every order made by a District Registrar under section 32 shall be subject to appeal to the Registrar-General, and every such appeal shall be preferred within fourteen days after the order appealed from is notified to the party or parties concerned.

62. (1) Any party aggrieved by any order of the Board of Quazis on any appeal under section 60 may, with the leave of the Court of Appeal first had and obtained, appeal to that court from such order.

Appeals to Court of Appeal.

(2) The Supreme Court may, from time to time, make such general rules as to it shall seem meet for regulating the mode of applying for leave to appeal and of prosecuting appeals from orders of the Board of Quazis and for regulating any matters relating to the costs of such applications for leave to appeal and of appeals.

63. Notwithstanding anything in any rule in the Fifth Schedule or in any regulation under this Act relating to appeals against orders made by Quazis, it shall be competent for the Board of Quazis—

Appeal notwithstanding lapse of time, &c.

(a) where any appeal is filed out of time, to entertain the appeal if the board is satisfied that the appeal could not be filed in time owing to illness, accident, misfortune or other unavoidable cause; or

(b) where a petition of appeal is not stamped or is insufficiently stamped, to entertain the appeal if the petitioner pays in stamps an amount equal to twice the value of the stamps that should have been affixed or twice the deficiency, as the case may be.

PART VIII

ENFORCEMENT OF ORDERS

64. (1) Any sum claimed in any proceedings under section 47 (other than proceedings for the recovery of *mahr* or *kaikuli*) and allowed by the Quazi, or on appeal, by the Board of Quazis, or, in the case of a further appeal, by the Court of Appeal, may in case of default of payment be recovered as though it were a fine imposed under this Act, on application made to the Magistrate having jurisdiction in the area within which the person liable to pay such sum is for the time being resident.

Recovery of sums due on claims, &c., under section 47 other than claims for *mahr* or *kaikuli*.

(2) Every application under subsection (1) shall be made by the Quazi and shall be

supported by a certificate under his hand stating the amount of the sum due, the name of the person liable to pay such sum, the name or names of the person or persons entitled thereto, and whether the proceedings in which the order requiring the payment was made were *inter partes* or *ex parte*.

(3) Every sum referred to in subsection (1) may be recovered as a fine notwithstanding that such sum exceeds the amount of the maximum fine which the Magistrate may in his ordinary jurisdiction impose, and when recovered shall be remitted to the Quazi for payment in due course to the person thereto entitled.

Recovery of sums due on claims for *mahr* or *kaikuli*.

65. (1) In allowing any claim under section 47 for the recovery of *mahr* or *kaikuli* the Quazi, or on appeal, the Board of Quazis, or in the case of a further appeal, the Court of Appeal, may make order that the sum so allowed shall be paid to the Quazi in such instalments and on such dates as may be specified in the order.

(2) Where default is made in the payment of any instalment specified in an order made under subsection (1), the Quazi may, in his discretion, by notice under his hand served on the person liable to make such payment, require such person to pay to the Quazi, within such period as may be specified in the notice, the aggregate of all such instalments then outstanding; and where such person fails to comply with such notice within the specified period, the Quazi may send to the Primary Court having jurisdiction within the area for which he is appointed, a certificate under his hand specifying the aggregate amount outstanding, the name of the person liable to pay such amount, the name of the person entitled to such amount and such other particulars as may be prescribed.

No such certificate shall be made out except upon payment to the Quazi, by the person entitled to such amount of the prescribed stamp duty.

(3) Every certificate sent under subsection (2) shall be registered by the Judge of the Primary Court and shall be deemed to be a decree to pay money entered

by such court on the date of such registration, notwithstanding that the aggregate amount specified in such certificate may exceed the maximum amount which that court may award in the exercise of its ordinary jurisdiction, and shall be binding on all parties concerned and may be enforced in the same manner as a decree of such court. All further proceedings in the Primary Court in connexion with such certificate shall be liable to stamp duty as if they were proceedings in an action for the amount specified in such certificate:

Provided that where such amount exceeds one thousand five hundred rupees, stamp duty shall be leviable as though such amount were one thousand five hundred rupees.

(4) There shall be no appeal to the Court of Appeal from any order made by the Judge of a Primary Court in any proceeding taken under the preceding provisions of this section.

66. Where any person against whom an order for maintenance is made by a Quazi under this Act fails or neglects to comply with the order, the Magistrate to whom application is made by the Quazi under section 64 may for every breach of the order issue a warrant directing the amount due to be levied in the manner provided by law for levying fines imposed by Magistrates, and may sentence such person, in respect of the whole or any part of any monthly allowance remaining unpaid by such person after the execution of the warrant, to imprisonment of either description for any term not exceeding one month:

Procedure on failure to comply with orders for maintenance.

Provided that if the Quazi has certified that the proceedings in which the order was made were *ex parte* and the person against whom the order was made informs the Magistrate that he desires to have such proceedings reopened, the Magistrate shall release such person on his executing a bond in a reasonable sum conditioned for his appearance in the Magistrate's Court on a date to be fixed by the Magistrate, or if the application to reopen such proceedings is dismissed by the Quazi, within three days of the dismissal of such application whichever date is the earlier.

PART IX

GENERAL

Transfer of proceedings from one Quazi to another. [§7, 32 of 1969.]

67. Where it appears to the Judicial Service Commission, on the application of any party to, or any person interested in, any proceedings instituted or to be instituted under this Act before a Quazi, that a fair and impartial inquiry cannot be had before such Quazi, or where a Quazi himself makes an application in that behalf to the said Commission, the Commission may order that such proceedings be instituted before and heard by a special Quazi appointed in that behalf by the Commission under section 14 and, in the event of any such order being made, any proceedings taken before the first-mentioned Quazi in respect of the matter to which such application relates shall be of no effect.

Registers and indexes to be open to inspection.

68. The records of any proceedings pending before the Board of Quazis or before any Quazi, and the general register and the books, registers and indexes of Quazis and registrars (whether kept under this Act or the Muslim Marriage and Divorce Registration Ordinance, 1929*), shall be open to inspection at all reasonable hours upon the payment of the prescribed fee by any person applying for permission to inspect them; and the Registrar-General or a District Registrar or the secretary to the Board of Quazis or a Quazi or a registrar shall, at the request of any person and upon payment of the prescribed fee, issue to that person a copy of any entry therein, certified under his hand to be a true copy.

Records kept under earlier law to be open to inspection.

69. All documents which were required to be kept under the Mohammedan Marriage Registration Ordinance, 1886, † and which are in the custody of any District Registrar shall be open to inspection at all reasonable hours, upon the payment of the prescribed fee by any person applying for permission to inspect the same; and the District Registrar shall, at the request of any person and upon payment of the prescribed fee, issue to that person a copy of any such document or of any entry therein, certified under his hand to be a true copy.

70. Every book or register of a Quazi or of a registrar, and every general register, and every copy of every entry in any such book or register and every extract therefrom, certified under the hand of the Registrar-General or a District Registrar or the Secretary to the Board of Quazis or a Quazi or a registrar to be a true copy or extract, and every document referred to in section 69 and every copy of any such document or any entry in any such document certified under the hand of the District Registrar to be a true copy issued under section 19A and section 29 (5) shall be prima facie evidence in all courts of the dates and facts contained or set out in such book, register, general register, copy or extract.

Registers and copies to be evidence. [§7, Law 41 of 1975.]

71. A certified copy of the entry in the register of marriages kept under section 18 or in the register of divorces kept under section 29 of this Act or in any register heretofore kept under the Mohammedan Marriage Registration Ordinance, 1886, † or under the Muslim Marriage and Divorce Registration Ordinance, 1929,* shall be accepted and received in all courts as the best evidence of the marriage or divorce, as the case may be, to which the entry relates.

Entry in the register of marriages or in the register of divorces to be best evidence.

72. Blank books for registers and blank books for all other records required to be kept by Quazis and registrars shall be furnished free of charge by the District Registrar on the application of any Quazi or registrar.

Books, &c., to be supplied free. [§7, Law 41 of 1975.]

73. Every member of the Board of Quazis, the secretary to that board, and every Quazi, shall be deemed to be a public servant within the meaning of the Penal Code, and all proceedings before the Board of Quazis or before a Quazi under the provisions of this Act shall be deemed to be judicial proceedings within the meaning of Chapter XI of the Penal Code.

Members of the Board of Quazis, secretary to the Board of Quazis and Quazis deemed to be public servants.

74. No attorney-at-law shall be entitled or permitted to appear on behalf of any party or witness in any proceedings before a Quazi under this Act.

Representation of parties and witnesses before Quazis.

* Repealed by Act No. 13 of 1951.

† Repealed by Ordinance No. 27 of 1929.

The preceding provisions of this section shall not apply in the case of any proceedings before the Board of Quazis.

other document kept for the purposes of this Act or in any register or other document which was required to be kept under the Muslim Marriage and Divorce Registration Ordinance, 1929,* or under the Mohammedan Marriage Registration Ordinance, 1886, † may, after due inquiry, be corrected by the Registrar-General or by any person authorized in that behalf by the Registrar-General, in such circumstances and in accordance with such conditions and procedure as may be prescribed.

Duty of police officers and grama seva niladhari to assist Quazis.

75. It shall be the duty of every police officer or grama seva niladhari to aid and assist the Board of Quazis and the Quazis in the exercise of the powers and jurisdiction or the performance of the duties conferred or imposed on them by this Act.

Damage of duplicate and original entries, and reconstruction of duplicate and original entries. [§7, Law 41 of 1975.]

76. (1) Where the original of any marriage or divorce entry made by a registrar or a Quazi is lost, damaged, has become illegible or is in danger of becoming illegible, the Registrar-General may, if the duplicate is available, cause the missing document to be replaced by a copy of such duplicate, such copy being certified by the Registrar-General to be a true copy. Every such copy so certified shall replace the original and shall, for all purposes, be deemed to be the original of such entry.

78. For the purposes of this Act the Forms set out in the First Schedule shall be used with such variations as may be necessary for any particular case.

PART X

OFFENCES AND PENALTIES

(2) Where the duplicate of any marriage or divorce entry made by a registrar or a Quazi is lost, damaged, has become illegible or is in danger of becoming illegible, the Registrar-General may, if the original of such entry is available, cause the missing document to be replaced by a copy of such original, such copy being certified by the registrar or the Quazi to be a true copy and countersigned by the District Registrar. Every such copy so certified and countersigned shall, for all purposes, be deemed to be the duplicate of such entry.

(3) Where both the duplicate and the original of a marriage or divorce entry made by a registrar or a Quazi are lost, damaged, have become illegible, or are in danger of becoming illegible, the provisions of section 13 of the Births and Deaths Registration Act shall, *mutatis mutandis*, apply to and in relation to the substitution of copies of such duplicate and original. Such copies shall replace the original and duplicate entries and shall, for all purposes, be deemed to be the original and duplicate entries, respectively.

79. Every person who—
- (a) wilfully destroys or injures, or causes to be destroyed or injured, any record of proceedings, register, book, permit or other document kept or issued under this Act or under the Mohammedan Marriage Registration Ordinance, 1886, † or under the Muslim Marriage and Divorce Registration Ordinance, 1929,* or
 - (b) falsely makes, fabricates or counterfeits in whole or in part any such register, book, permit or document or any document purporting to be a certified copy of any such register, book, permit or document, or part thereof or extract therefrom, or
 - (c) wilfully inserts any false entry in any such register, book, permit, document, or any certified copy thereof or extract therefrom,

Penalty for destruction of registers, &c.

shall be guilty of an offence, and shall be liable on conviction to imprisonment of either description for a term not exceeding three years.

Correction of clerical errors in registers.

77. Any clerical error which may from time to time be discovered in any register or

* Repealed by Act No. 13 of 1951.

† Repealed by Ordinance No. 27 of 1929.

Penalty for incestuous marriage, &c.

80. (1) Every male Muslim who enters into any contract purporting or intended to be a contract of marriage, or has or attempts to have carnal intercourse, with a woman who to his knowledge is—

- (a) his daughter or other lineal descendant ; or
- (b) his mother or other lineal ascendant ; or
- (c) his sister by the full or the half-blood ; or
- (d) the daughter of his brother or sister by the full or the half-blood, or a descendant from either of them ; or
- (e) the sister by the full or the half-blood of his mother, father, or other lineal ascendant ; or
- (f) his wife's mother or grandmother ; or
- (g) the daughter or granddaughter of his wife by another father ; or
- (h) his son's, grandson's, father's, or grandfather's wife or widow or divorced wife ; or
- (i) his wife's sister, his wife being then alive.

shall be guilty of an offence, and shall be liable on conviction to imprisonment of either description for any period not exceeding three years.

For the purposes of this subsection it is immaterial that the carnal intercourse was had, or that the attempt was made, with the consent of the woman.

(2) Every Muslim woman of or above the age of twelve years who enters into any contract purporting or intended to be a contract of marriage with any man, or permits any man to have carnal intercourse with her, knowing such man to be—

- (a) her son or other lineal descendant ; or
- (b) her father or other lineal ascendant ; or

- (c) her brother by the full or the half-blood ; or
- (d) the son of her brother or sister by the full or the half-blood, or a descendant from either of them ; or
- (e) the brother by the full or the half-blood of her father, mother, or other lineal ascendant ; or
- (f) her husband's father or grandfather ; or
- (g) the son or grandson of her husband by another mother ; or
- (h) her daughter's, granddaughter's, mother's or grandmother's husband or widower or divorced husband,

shall be guilty of an offence, and shall be liable on conviction to imprisonment of either description for any period not exceeding three years.

It shall be a defence for a woman charged with an offence under this subsection to prove that she was at the time of the offence under the coercion of the person having carnal intercourse with her.

(3) Nothing contained in this section or in any judgment or order given or made in any proceedings relating to an offence under this section shall be construed to make valid a marriage which would otherwise be invalid according to the Muslim law applicable to the parties thereto.

81. Every person—

- (a) upon whom a duty is imposed by this Act to register a marriage or to cause a marriage to be registered and who fails to register such marriage or to cause such marriage to be registered ; or
- (b) who aids or assists any Muslim to obtain or effect or register a divorce otherwise than in accordance with the provisions of this Act, or abets that offence in any other manner ; or
- (c) who contravenes any of the provisions of section 56 (1) or section 56 (4),

Penalty for offences relating to marriage, divorce, &c.

shall be guilty of an offence and shall be liable on a first conviction to a fine not exceeding one hundred rupees, and on a second or subsequent conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and such imprisonment.

Penalty for registering marriage in contravention of section 22, section 23 or section 24 (4).

82. Every registrar who knowingly registers, and every other person who aids or abets the registration of, any marriage in contravention of the provisions of section 22, section 23 or section 24 (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and such imprisonment.

Penalty for unauthorized registration of marriage, divorce, &c.

83. Every person who, not being a Quazi, issues or professes to issue any permit or to register a divorce under this Act, or who not being a registrar, registers or professes to register any marriage under this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and such imprisonment.

Penalty for Quazi's failure to pay money to person entitled.

84. Subject to the provisions of section 38, every Quazi, who fails without reasonable cause forthwith to pay to the person entitled thereto any sum of money received by him under section 64 or section 65, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and such imprisonment.

Penalty for making false statement in declaration.

85. Every person who wilfully or knowingly makes a false statement in any declaration signed by him under section 18 (1) shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and such imprisonment.

86. Every registrar who—

Penalty for breach of duty by registrars.

- (a) upon being required under this Act to register a marriage fails or refuses without reasonable cause to register that marriage ; or
- (b) except in the cases referred to in section 11, registers any marriage contracted or effected outside the limits of the area for which he is appointed ; or
- (c) having been appointed under section 10, registers any marriage in breach of the restrictions or conditions contained in his certificate of appointment ; or
- (d) registers any marriage at which he was not present ; or
- (e) wilfully neglects to carry out at or in connection with the registration of any marriage any duty imposed upon him by section 18, section 19, or section 58 ; or
- (f) wilfully contravenes any regulation made under this Act,

shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees.

87. Every Muslim woman who during her period of *iddat* contracts a marriage or participates as the bride in any ceremony purporting to be a marriage ceremony, and every person who aids or abets the contracting of any such marriage or the performance of any such ceremony, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees.

Penalty for registration of marriage contracted during *iddat*.

88. Every person who refuses or omits to deliver any book, register, or index, to the District Registrar as required by section 56 (3) and every person who is found without lawful excuse in possession of any book, register, or index, which is required by that section to be delivered to the District Registrar or to be taken possession of by him, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees.

Penalty for failure to deliver registers, &c., to District Registrar.

Penalty for intermeddling with suitors.

89. (1) Every person who, without proper excuse, accosts or attempts by words, signs or otherwise to meddle with any suitor or other person having business, actual or prospective, before the Board of Quazis or a Quazi, with respect to his suit or business, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees.

(b) makes use of any violent, indecent or unbecoming gestures ; or

(c) wilfully interrupts or obstructs any proceedings thereof,

may be ordered by the board or such Quazi, as the case may be, to pay a penalty not exceeding twenty rupees.

(2) No prosecution shall be instituted in respect of an offence under subsection (1), except by, or at the instance or with the written consent of, the Attorney-General.

[§9, 32 of 1969.]

Where any such order is made by a Quazi, an appeal shall lie against that order to the Board of Quazis and the rules in the Fifth Schedule shall apply to any such appeal :

Penalty for failure to discharge duty imposed by section 75.

90. Every police officer or grama seva niladhari who fails to discharge the duty imposed on him by section 75 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty rupees.

Provided that no further appeal shall lie to the Court of Appeal against the order made by the board on an appeal under this subsection.

Penalty for refusing to sign register or to provide necessary stamps.

91. Every person who—

(a) being required by or under this Act to sign the statement of particulars entered in a register in respect of any marriage or divorce, without good cause refuses or wilfully neglects to do so ; or

(2) Where default is made in the payment of any penalty imposed under subsection (1), the penalty may be recovered from the defaulter, on application made to the Magistrate having jurisdiction in the area within which the defaulter is resident, as though it were a fine imposed on him by the Magistrate, and when so recovered shall be credited to the Consolidated Fund.

(b) being liable under this Act to supply the stamp or stamps necessary for the payment of any prescribed fee, refuses or neglects to do so,

(3) Every application under subsection (2) shall be signed by the secretary of the Board of Quazis if the penalty was imposed by the board and, in all other cases by the Quazi who imposed the penalty, and shall specify the amount of the penalty, the name and address of the person on whom it was imposed and such other particulars as may be prescribed.

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty rupees.

PART XI

General penalty.

92. Every person who fails to comply with or acts in contravention of any provision of this Act or of any regulation, not referred to in the preceding sections in this Part, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees.

SUPPLEMENTARY PROVISIONS

94. (1) The Minister may make Regulations. regulations for or in respect of all or any of the following matters :—

(a) the procedure to be observed in cases before Quazis in regard to matters for which no express provision is made in this Act ;

Misconduct while the Board of Quazis or a Quazi is sitting.

93. (1) Any person who, while the Board of Quazis or a Quazi is sitting, and in the presence on the board or such Quazi—

(a) uses any violent, insulting, abusive or threatening language ; or

(b) the processes to be issued by Quazis and the mode of enforcing the processes ;

- (c) the form and method of appeals to the Board of Quazis and all matters incidental or appertaining to the hearing of such appeals and the recording of the verdict or decision of the board ;
- (d) the summoning, challenging, and empanelling of Muslim assessors, and other matters relating to such assessors ;
- (e) the manner in which and the conditions subject to which processes may be served by the Fiscal, or other officers or persons ;
- (f) the stamp fees to be levied in respect of cases instituted before the Quazi, processes issued by the Quazi, appeals heard by the Board of Quazis, and applications for leave to appeal and appeals made to the Court of Appeal and, in general, all fees required by this Act to be prescribed, whether payable in stamps or otherwise ;
- (g) the stamp fees to be levied in respect of proceedings under this Act before Primary Courts where such fees are not provided for under any law for the time being regulating proceedings before Primary Courts ;
- (h) the stamp fee to be paid on a certified copy of or extract from any entry in a register relating to a marriage or divorce and on declarations under section 18 (1) ;
- (i) the inspection by the Registrar-General or a District Registrar of the offices of Quazis, and the registers and books kept by Quazis and registrars, and the inquiry into complaints against registrars ;
- (j) the correction of clerical errors in registers of marriages or divorces and the imposition of penalties on registrars in respect of such errors where they are due to negligence or wilful disregard of the provisions of this Act or any regulations made thereunder ;
- (k) the nature and form of the books, registers, certificates, permits, forms, and indexes to be kept, issued, or used by District Registrars, Quazis and registrars ;
- (l) the sums payable to the members and the secretary of the Board of Quazis, to Quazis, Muslim assessors and registrars, by way of fees and allowances (including allowances in reimbursement of the cost of travelling), and on any other account ;
- (m) the manner in which unclaimed moneys paid by Quazis to District Registrars under the second proviso to section 52 (1) or deposited by Quazis in kachcheries under section 38 shall be disposed of ;
- (n) the conditions subject to which the marriage of a male Muslim not domiciled in Sri Lanka with a Muslim woman domiciled in Sri Lanka may be registered, being conditions relating to the prepayment of *mahr* and deposit of money for maintenance of any child that may be born of the marriage ;
- (o) all other matters which are required or authorized by this Act to be prescribed or which may appear to the Minister to be necessary or expedient for the purpose of carrying out the provisions of this Act.
- (2) Any form in the First Schedule and any rule in the Second, Third, Fourth or Fifth Schedule may be rescinded, amended, modified or replaced, and any Schedule may be added to or replaced, by regulation made under this section.
- (3) Every regulation made by the Minister under this section shall be published in the Gazette. A regulation shall not come into operation unless it has been approved by Parliament nor until notification of such approval has been published in the Gazette.
95. Nothing contained in this Act shall be construed to prevent a husband or wife from bringing an action in a civil court

[§7, 1 of 1965.]

Saving of actions in civil courts.

against a third party for damages incurred by him or her in respect of any injury to his or her matrimonial rights.

Construction of references to District Registrar.

96. Every reference to a District Registrar in this Act or in any regulation made thereunder shall, for the purposes of the application of the Act or of any such regulation to a special registrar appointed under section 10 or to a special Quazi appointed under section 14, be read and construed as though the words "Registrar-General" were substituted for the words "District Registrar" in the context in which such reference is made.

Interpretation.

97. In this Act, unless the context otherwise requires—

"appointed date" means the 1st day of August, 1954 ;

"district" means administrative district ;

"District Registrar", in relation to any district, means the person appointed to be or to act as the District Registrar of Marriages of that district for the purposes of the Marriage Registration Ordinance, and includes a person appointed to be or to act as an Additional District Registrar of that district ;

[§7, 41 of 1975.]

[§8, 1 of 1965.]

"Judicial Service Commission" means the Judicial Service Commission referred to in Article 112 of the Constitution ;

"*kaikuli*" means any sum of money paid, or other movable property given, or any sum of money or any movable property promised to be paid or given, to a bridegroom for the use of the bride, before or at the time of the marriage by a relative of the bride or by any other person ;

"prescribed" means prescribed by regulations made under this Act ;

"Quazi" means a Quazi appointed under section 12 or section 13 or section 14 ;

"registrar" means a male Muslim appointed under section 8 or section 9 or section 10 to register marriages under this Act ;

"Registrar-General" means the person appointed to be or to act as Registrar-General of Marriages under section 2 of the Marriage Registration Ordinance, and includes a Deputy Registrar-General and an Assistant Registrar-General ;

[§§2 & 3, Law 23 of 1978.]

"regulation" means a regulation made under this Act ;

"secretary" or "secretary to the Board of Quazis" means the secretary appointed under section 15 (6).

PART XII

SAVINGS AND TRANSITIONAL PROVISIONS

98. (1) For the avoidance of doubt, it is hereby declared that the repeal of sections 64 to 101 and of the first paragraph of section 102 of the Mohammedan Code of 1806, by the Muslim Marriage and Divorce Registration Ordinance, 1929,* or the repeal of that Ordinance by Act No. 13 of 1951, does not affect the Muslim law of marriage and divorce, and the rights of Muslims thereunder.

Saving of Muslim-law of marriage and divorce.

(2) It is hereby further declared that in all matters relating to any Muslim marriage or divorce, the status and the mutual rights and obligations of the parties shall be determined according to the Muslim law governing the sect to which the parties belong.

99. On and after the appointed date— Savings.

(a) every rule made under section 18 and every regulation made under section 22 of the Muslim Marriage and Divorce Registration Ordinance, 1929,* and in force on the day immediately preceding that date shall, in so far as such rule or regulation is not inconsistent with the provisions of this Act, continue in force and be deemed to be a rule or regulation made under section 62 or section 94, as the case may be, of this Act ;

(b) every officiating priest, temporary officiating priest or special officiating priest licensed under the Muslim Marriage and Divorce Registration Ordinance, 1929,*

* Repealed by Act No. 13 of 1951.

shall be deemed to be a registrar, temporary registrar or special registrar appointed under this Act; and every licence issued under that Ordinance shall be deemed to be a certificate of appointment issued under this Act;

(c) every Kathi, temporary Kathi or special Kathi, appointed under the

Muslim Marriage and Divorce Registration Ordinance, 1929,* shall be deemed to be a Quazi, temporary Quazi or special Quazi appointed under this Act; and the Board of Kathis appointed under that Ordinance shall be deemed to be the Board of Quazis appointed under this Act.†

FIRST SCHEDULE

[Section 8.]

Form No. I

CERTIFICATE OF APPOINTMENT OF A REGISTRAR OF MUSLIM MARRIAGES AUTHORIZED TO REGISTER MARRIAGES

Counterfoil

No.

In pursuance of the powers vested in me by section 8 of the Muslim Marriage and Divorce Act, I,, do hereby appoint of to be a Registrar of Marriages for the following area:

(Sgd.),
Registrar-General.

Date:

(Stamp.)

Original

No.

In pursuance of the powers vested in me by section 8 of the Muslim Marriage and Divorce Act, I,, do hereby appoint of to be a Registrar of Marriages for the following area:

(Sgd.),
Registrar-General.

Date:

(Stamp.)

[Section 18 (1).]

Form No. II

THE MUSLIM MARRIAGE AND DIVORCE ACT

FORM OF DECLARATION BY BRIDEGROOM UNDER SECTION 18 (1)

I, the undersigned, do hereby give notice that a marriage is about to be/has been solemnized between me and, and I further hereby solemnly declare that to the best of my knowledge and belief the several particulars entered below are true and correct and that there is no lawful hindrance to the said marriage:

1. Bridegroom's name in full:
2. Bridegroom's age:
3. Bridegroom's residence:
4. Full name of bridegroom's guardian (if any):
5. Bride's name in full:
6. Bride's age:
7. Bride's residence:

* Repealed by Act No. 13 of 1951.

† Paragraphs (d), (e), (f) and (g) are omitted.

- *8. Full name of bride's wali :.....
- 9. Relationship of wali to bride (whether father, paternal grandfather, brother, &c.) :.....
- 10. Whether bridegroom was previously married or not, and, if so, to whom :.....
- 11. Whether previous wife or wives divorced or dead :.....
- 12. If divorced, date and number of divorce registration and name, area and district of the officiating priest or Quazi :.....

(Sgd.)

Signature of bridegroom.

Signed before me, this day of, 19.....

(Sgd.)

Registrar of Muslim Marriages for the

area of the District.

* This may be omitted where the Quazi has expressly authorized the marriage under section 47 (2), or where no wali is necessary according to the Muslim law governing the sect to which the bride belongs.

Form No. III

[Section 18 (1)]

THE MUSLIM MARRIAGE AND DIVORCE ACT

FORM OF DECLARATION BY "WALI" OF BRIDE UNDER SECTION 18 (1)

I, the undersigned, do hereby give notice that a marriage is about to be/has been solemnized between and whose wali I am for the purposes of such marriage, and I further hereby solemnly declare that to the best of my knowledge and belief the several particulars entered below are true and correct and that there is no lawful hindrance to the said marriage :—

- 1. Bridegroom's name in full :.....
- 2. Bridegroom's age :.....
- 3. Bridegroom's residence :.....
- 4. Full name of bridegroom's guardian (if any) :.....
- 5. Bride's name in full :.....
- 6. Bride's age :.....
- 7. Bride's residence :.....
- 8. Whether the bride was previously married or not :.....
- 9. If previously married, to whom :.....
- 10. Whether bride's previous husband is dead or divorced :.....
- 11. If divorced, date and number of divorce registration and name, area and district of the officiating priest or Quazi :.....

(Sgd.)

Signature of wali.

Residence of wali :.....

I,, the undersigned, do hereby confirm the foregoing declaration made by my wali, who is neither my father nor my paternal grandfather.

(Sgd.)

Signature of bride.

Signed before me, this day of, 19.....

(Sgd.)

Registrar of Muslim Marriages for the

area of the District.

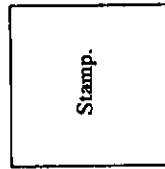
SRI LANKA Form No. IV [Section 18 (2).]
No.

THE MUSLIM MARRIAGE AND DIVORCE ACT
MUSLIM MARRIAGE REGISTER

District:
Registrar's area:
Full name of registrar registering the marriage:

	Bridegroom	Bride
1. Name in full		
2. Age		
3. Civil condition		
4. If divorced, evidence of divorce, if any		
5. Residence		
6. Name of father or other guardian in full		
7. Nature of guardianship		

8. Amount of *mahr* and whether paid or not:
- *9. Amount of *kaikuli*:
10. Place of marriage:
11. Date and hour of marriage:
12. Date of registration:
13. Full name and residence of first witness:
14. Full name and residence of second witness:
15. Full name of person conducting *Nikah* ceremony:
16. Signature of—



- (1) Bridegroom:
- (2) Bride's *wali*:
- (3) First witness:
- (4) Second witness:
- (5) Person conducting *Nikah* ceremony:
- (6) Registrar:

* It is optional and not obligatory to enter details of item.
† Signature of the bride's *wali* may be omitted where the Quazi has expressly authorized the marriage under section 47 (2), or where no *wali* is necessary according to the Muslim law governing the sect to which the bride belongs.

SRI LANKA Form No. IV [Section 18 (2).]
No.

THE MUSLIM MARRIAGE AND DIVORCE ACT
MUSLIM MARRIAGE REGISTER

District:
Registrar's area:
Full name of registrar registering the marriage:

	Bridegroom	Bride
1. Name in full		
2. Age		
3. Civil condition		
4. If divorced, evidence of divorce, if any		
5. Residence		
6. Name of father or other guardian in full		
7. Nature of guardianship		

8. Amount of *mahr* and whether paid or not:
- *9. Amount of *kaikuli*:
10. Place of marriage:
11. Date and hour of marriage:
12. Date of registration:
13. Full name and residence of first witness:
14. Full name and residence of second witness:
15. Full name of person conducting *Nikah* ceremony:
16. Signature of—

- (1) Bridegroom:
- (2) Bride's *wali*:
- (3) First witness:
- (4) Second witness:
- (5) Person conducting *Nikah* ceremony:
- (6) Registrar:

* It is optional and not obligatory to enter details of item.
† Signature of the bride's *wali* may be omitted where the Quazi has expressly authorized the marriage under section 47 (2), or where no *wali* is necessary according to the Muslim law governing the sect to which the bride belongs.

SRI LANKA

Form No. V

[Section 29.]

SRI LANKA

Form No. V

[Section 29.]

No.

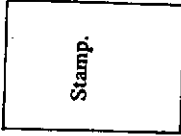
No.

THE MUSLIM MARRIAGE AND DIVORCE ACT
MUSLIM DIVORCE REGISTER

THE MUSLIM MARRIAGE AND DIVORCE ACT
MUSLIM DIVORCE REGISTER

- District
- Quazi's area
- Full name of Quazi registering the divorce
- 1. Husband's name in full
- 2. Husband's residence at time of divorce
- 3. Wife's name in full
- 4. Wife's residence at time of divorce
- 5. Full name, area and district of officiating priest or registrar who registered the marriage
- 6. Number and date of the entry of marriage
- 7. Place of divorce
- 8. Nature of divorce (whether by husband or by wife)
- 9. If divorce by wife, whether granted by Quazi or on order of the Board of Quazis or of the Court of Appeal
- 10. Date and hour of divorce
- 11. Date of registration of divorce
- 12. Signature of—
 - (1) Husband (if present)
 - (2) Wife (if present)
 - (3) Quazi registering the divorce

- District
- Quazi's area
- Full name of Quazi registering the divorce
- 1. Husband's name in full
- 2. Husband's residence at time of divorce
- 3. Wife's name in full
- 4. Wife's residence at time of divorce
- 5. Full name, area and district of officiating priest or registrar who registered the marriage
- 6. Number and date of the entry of marriage
- 7. Place of divorce
- 8. Nature of divorce (whether by husband or by wife)
- 9. If divorce by wife, whether granted by Quazi or on order of the Board of Quazis or of the Court of Appeal
- 10. Date and hour of divorce
- 11. Date of registration of divorce
- 12. Signature of—
 - (1) Husband (if present)
 - (2) Wife (if present)
 - (3) Quazi registering the divorce



[Sections 27
and 30.]

SECOND SCHEDULE

RULES TO BE FOLLOWED IN THE CASE OF A DIVORCE BY A HUSBAND

1. Where a husband intends to pronounce the *talak* on his wife, he shall give notice of his intention to the Quazi of the area in which she is resident, and it shall then be the duty of the Quazi to attempt to effect a reconciliation between such husband and wife with the help of the relatives of the parties and of the elders and other influential Muslims of the area.

2. If within thirty days from the date on which the husband gives notice of his intention under rule 1, no reconciliation between him and his wife is effected, the husband, if he desires to proceed with the divorce, shall pronounce the *talak* in the presence of the Quazi and two witnesses, and the Quazi shall forthwith record such pronouncement and shall cause notice thereof to be served upon the wife, if she is not present. The prescribed fee shall be recovered by the Quazi from the husband in stamps which shall be affixed to the record of the proceedings and duly cancelled by the Quazi.

3. The Quazi shall not record the alleged reasons for which, or the alleged grounds upon which, the husband seeks to pronounce the *talak*.

4. (1) In every case where no reconciliation between husband and wife is effected within the period of thirty days referred to in rule 2, it shall be the duty of the Quazi—

(a) at such stage in the proceedings as he may deem convenient, to recover in the prescribed manner from the husband any *mahr* payable to the wife, whether or not a claim for *mahr* by the wife has theretofore been made;

(b) forthwith upon such recovery to deposit the money so recovered in the *kachcheri* in the name of the wife and to give notice to the wife that such money has been deposited in her name in the *kachcheri*.

(2) No money deposited in a *kachcheri* in pursuance of the preceding provisions of this rule shall be withdrawn unless the Quazi has authorized such withdrawal; and the Quazi shall not authorize any withdrawal except in accordance with the regulations prescribing the circumstances in which the Quazi may authorize moneys deposited under paragraph (1) to be withdrawn.

5. If the Quazi is satisfied by statement on oath or affirmation that the wife is not in Sri Lanka and that in the circumstances of the case it is not possible to serve upon her the notice referred to in rule 2, he may order the notice to be served on the wife's nearest relative, or, if no relative of the wife is known to be in Sri Lanka, he may dispense with the necessity for serving such notice on the wife.

6. If the presence of the wife cannot be secured or if a reconciliation cannot be effected, the husband shall, after the expiry of a period of thirty days reckoned from the date on which the *talak* was pronounced under rule 2, appear before the Quazi on a date fixed by the Quazi who shall again endeavour to effect a reconciliation between the parties. If no reconciliation between the parties is effected, notice of that fact shall be served by the Quazi on the wife if she is not present.

The provisions of rule 5 shall apply in the case of a notice given under this rule in like manner as they apply in the case of a notice referred to in rule 2.

7. Where no reconciliation between husband and wife is effected before the expiry of a period of thirty days from the date fixed by the Quazi under rule 6, the husband shall appear before the Quazi on such date after the expiry of the said period as may be fixed by the Quazi; and the Quazi shall forthwith record such appearance and the fact of his failure to reconcile the parties and shall thereupon register the divorce.

8. Where a husband fails to appear before the Quazi on the date fixed under rule 6 or rule 7, the Quazi may, at any time after the expiry of a period of three months from the date on which the *talak* was pronounced under rule 2, first examine the wife on oath or affirmation with regard to the failure of the husband to appear and the causes of the failure to effect a reconciliation between the parties, and shall thereupon register the divorce.

9. Save as otherwise provided in rule 3, all proceedings under the rules in this Schedule shall be recorded by the Quazi.

THIRD SCHEDULE

RULES TO BE FOLLOWED IN THE CASE OF A DIVORCE BY A WIFE

[Section 28.]

1. Subject to the provisions of section 67 of the Act, the wife shall make an application for divorce to the Quazi of the area in which she is resident or, where a special Quazi has, under section 14 of the Act, been appointed for that area or any area of which that area forms part, to that special Quazi.

2. Upon receiving the application, the Quazi shall forthwith cause a notice, setting out particulars of the application and the date fixed by him for the hearing thereof, to be served upon the husband.

3. Where it is made to appear to the Quazi by statement on oath or affirmation that the husband is not in Sri Lanka and that in the circumstances of the case it is not possible to serve on the husband the notice referred to in rule 2, the Quazi may order the notice to be served on the husband's nearest relative or, if no relative of the husband is known to be in Sri Lanka, the Quazi may dispense with the necessity for serving such notice on the husband.

4. Where it is made to appear to the Quazi by statement on oath or affirmation that the husband is in Sri Lanka and that he has no fixed abode and that in the circumstances of the case it is not possible to serve on the husband the notice referred to in rule 2, the Quazi may dispense with personal service on the husband and may order that a copy of the notice be posted up in a conspicuous place at each of the Jumma mosques of the area for which the Quazi has been appointed and at the houses of the nearest relatives of the husband whose addresses are known.

5. The Quazi shall record all the steps taken to serve the notice on the husband in accordance with these rules.

6. If on the date appointed for the hearing of the application the husband does not appear the service or posting up of the notice shall, unless the Quazi has dispensed with the notice under rule 3, be proved by statement on oath or affirmation.

7. The Quazi shall then proceed, in manner prescribed by regulation made under the Act, to empanel three Muslim assessors (hereinafter in this Schedule referred to as " Muslim assessors ") to assist him in the hearing of the application :

Provided that in the following cases, and in those cases only, it shall not be necessary for the Quazi to empanel Muslim assessors, namely—

(a) where the Quazi dealing with an application is a special Quazi appointed under section 14 of the Act ; or

(b) where the area in which an application is to be heard is an area in respect of which, owing to the sparseness of the Muslim population or for any other reason, the Minister has by notification in the Gazette given directions that applications for divorce may be heard without the assistance of Muslim assessors.

8. In an area brought under the operation of the Village Councils Ordinance, the Muslim assessors shall be male Muslims who are resident in that area and who possess the qualifications required under that Ordinance for membership of a Village Council. Registrars of Births and Deaths are hereby exempted from service as Muslim assessors.

9. In an area not brought under the operation of the Village Councils Ordinance the Muslim assessors shall be male Muslims who are resident in that area and whose names appear in the lists of jurors for that area.

10. It shall be the duty of the Quazi and of the Muslim assessors (if any) before hearing the application to endeavour by all lawful means to bring the parties to an amicable settlement and, with the consent of the parties, to abate or remove the real cause of trouble between them and to prevent it from recurring thereafter. But if the parties will not agree to such settlement, the Quazi and the Muslim assessors (if any) shall proceed to hear evidence and to determine the application.

11. The Quazi shall maintain a record of the proceedings in the case and shall enter therein the statements made on oath or affirmation by the wife and her witnesses and by the husband (if he is present) and his witnesses. Of the wife's witnesses the number examined shall not be less than two in any case. The record of every such statement shall be read over by the Quazi to the person who has made it and, after any necessary corrections have been made therein, shall be signed by such person. Where such person refuses to sign such statement, the fact of such refusal shall be recorded by the Quazi .

12. The Muslim assessors shall first express their opinions on the points arising for adjudication, and when they have done so the Quazi shall express his opinion. In the event of any difference of opinion between the Quazi and the Muslim assessors or any of them, or in the event of a refusal by more than one of the Muslim assessors to

express their opinion, the opinion of the Quazi shall prevail; and in accordance therewith he shall make such order on the application as may properly be made under the Muslim law governing the sect to which the parties belong. Every such difference of opinion with any assessors or refusal of any assessor to express an opinion shall be recorded by the Quazi in the record of the proceedings in the case.

13. The Quazi shall, immediately after making order on the application, reduce such order to writing in the record of the proceedings in the case and the record shall be signed by the Quazi, by the Muslim assessors, by the wife, and by the husband, if he is present.

14. The Quazi shall, on payment of the prescribed fee, furnish either party to the application with a certified copy of the record of the proceedings in the case.

15. After the appealable time has elapsed, if there has been no appeal from the order of the Quazi allowing a divorce, or if there has been an appeal to the Board of Quazis, after the Board of Quazis has allowed a divorce, or in case of a further appeal to the Court of Appeal, if the order of the Court of Appeal allows such a divorce, it shall be the duty of the Quazi to register the divorce.

FOURTH SCHEDULE

RULES FOR INQUIRIES UNDER SECTION 47

[Section 47.]

1. Every claim, complaint or application referred to in section 47 shall be made to the Quazi of the area in which the claimant, complainant or applicant resides, or, where a special Quazi has been appointed, to such special Quazi, and shall specify the party or each of the parties (hereinafter referred to as the "respondent") from or against whom relief is sought.

2. Upon receipt of any claim, application or complaint, the Quazi shall immediately fix a date for the inquiry thereinto and shall cause a notice of the claim, application or complaint and of the date so fixed to be served upon the respondent:

Provided that if it is made to appear to the Quazi by statement on oath or affirmation that any such respondent is not in Sri Lanka or has no fixed place of abode, the provisions of rule 3 or of rule 4 (as the case may require) in the Third Schedule shall, so far as applicable, apply.

3. Where the respondent appears on the date fixed for the inquiry, the Quazi shall proceed with the inquiry, and, after hearing both parties, shall make such order on the claim, complaint or application as to him may seem just.

4. Where the respondent does not appear on the day fixed for the inquiry, the Quazi, if he has dispensed with service of notice on the respondent or if the service of notice on the respondent or the posting up of the notice is proved by statement on oath or affirmation, shall proceed with the inquiry *ex parte* and shall, if he is satisfied that the claimant or complainant or applicant is entitled to the relief prayed for, make in his favour an order *nisi* conditioned to take effect in the event of the respondent not showing cause against it on a day specified for that purpose in the order and shall direct a copy of such order certified under his hand to be served on the respondent:

Provided that if it is made to appear to the Quazi by statement on oath or affirmation that the respondent is not in Sri Lanka or has no fixed place of abode, the provisions of rule 3 or of rule 4 (as the case may require) in the Third Schedule shall, so far as applicable, apply.

5. Where the respondent fails to appear in any case in which the Quazi has dispensed with service of the copy of the order *nisi* on the respondent or in which the service of such copy on the respondent or the posting up of such copy is proved by statement on oath or affirmation, or where the respondent appears but fails to show cause against the order, the Quazi shall make the order absolute.

6. Where the respondent appears and shows cause to the satisfaction of the Quazi why the order *nisi* should not be made absolute, the Quazi shall set aside the order *nisi* and shall proceed with the inquiry as though no default had been made by the respondent in appearing in compliance with the notice issued under rule 2.

7. The provisions of rule 11 in the Third Schedule as to the record of proceedings shall apply so far as may be in the case of inquiries held under the rules in this Schedule.

8. Every order made by a Quazi in any inquiry held under the rules in this Schedule shall be entered in the record of the proceedings in the case and shall be signed by the Quazi and by the claimant, applicant or complainant and by the respondent, if he is present.

9. The Quazi shall on payment of the prescribed fee furnish either party to the proceedings with a certified copy of the record of the proceedings in the case.

10. No appeal shall lie against any order absolute made by a Quazi in pursuance of the rules in this Schedule, but if any person against whom an order absolute has been made appears within a reasonable time after such order and satisfies the Quazi that he was prevented from appearing to show cause against the making of the order absolute by reason of illness, accident, misfortune or other unavoidable cause or by not having received notice of the proceedings, the Quazi may upon such terms and conditions as he may think it just and right to impose set aside the order absolute and proceed with the inquiry as though there had been no default in appearance.

FIFTH SCHEDULE

RULES FOR APPEALS

[Sections 60
and 93.]

1. Where by any provision of this Act a right of appeal against any order made by a Quazi is conferred on any party, such appeal shall be preferred in writing to the Board of Quazis—

(a) in the case of an order made under subsection (2) or subsection (3) of section 47, within ten days from the date on which the order was made;

(b) in the case of any other order, within thirty days from the date on which the order was made:

Provided that the preceding provisions of this rule shall not affect the power vested in the board by the Act to entertain an appeal which is out of time.

2. The Board of Quazis may hear any appeal either in public or *in-camera* and may, if it considers it necessary so to do for the proper disposal of the case, hear such further evidence as may be tendered by either party to the appeal.

3. (1) Every order made by the Board of Quazis shall be reduced into writing and shall be signed by the members of the board present at the hearing of the appeal.

(2) Notice of every order made by the Board of Quazis shall be given to the appellant and the respondent.

4. Any party aggrieved by any order made by the Board of Quazis may within thirty days from the date on which notice of the order was given as aforesaid apply by petition to the Court of Appeal for leave to appeal against such order and shall give to the other party to the appeal notice of such application.

5. The Court of Appeal may in refusing to grant leave to appeal against any order of the Board of Quazis make such order as to costs as it may deem just.

6. The Court of Appeal may in granting leave to appeal against any order of the Board of Quazis prescribe such conditions as it may consider expedient relating to the payment of costs that may become payable in the event of the appeal to that court being unsuccessful.

7. Where any appeal is heard by the Court of Appeal, it shall be lawful for the court to order that a new inquiry should be held by the Quazi or that further evidence should be taken by him or to make order confirming, altering, amending, modifying or reversing the order made by the Quazi or by the Board of Quazis.

8. Where any order has been made by any Quazi in any case and an appeal is preferred in that case to the Board of Quazis or to the Court of Appeal—

(a) notice of such appeal shall be given by the appellant to the Quazi; and

(b) it shall be the duty of the Quazi to carry into effect the order made in appeal in that case by the Board of Quazis or by the Court of Appeal.

TITLE XII . . REGISTRATION

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CHAPTER 135

REGISTRATION OF DOCUMENTS

Ordinances

Nos. 23 of 1927,
19 of 1928,
22 of 1930,
14 of 1936,
34 of 1939,
13 of 1947,

Acts

Nos. 6 of 1949,
16 of 1951,
22 of 1958,
11 of 1963,
27 of 1969,

Laws

Nos. 4 of 1974,
14 of 1974,
19 of 1976,
23 of 1978.

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

[1st January, 1928.]

CHAPTER I

PRELIMINARY

Short title.

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

Land registries.

2. (1) There shall continue to be in Colombo a land register office for the purposes of this Ordinance with branch offices at such places as the Minister may from time to time direct, and the land register office and branch offices established under the Land Registration Ordinance, 1891,* or any enactment repealed by that Ordinance shall be deemed to be duly established under this Ordinance.

(2) The business of the land register office and branch offices shall be conducted by a Registrar-General of Lands (in this Ordinance called the "Registrar-General"), a Deputy Registrar-General of Lands and such number of Assistant Registrars-General (in this Ordinance called "Assistant Registrars-General") and Registrars of Lands (in this Ordinance called "Registrars") as the Minister may from time to time consider necessary. Acting

appointments may be made as may be necessary in the event of the Registrar-General or the Deputy Registrar-General of Lands or any Assistant Registrar-General or Registrar being ill or incapable of acting or temporarily absent from duty.

[§§ 2 & 3, Law 23 of 1978.]

(2A) The Deputy Registrar-General of Lands may, subject to the authority and control of the Registrar-General for the time being, exercise, perform or discharge any power, duty or function conferred or imposed upon such Registrar-General by or under this Ordinance.

[§§ 2 & 3, Law 23 of 1978.]

(3) All appointments under this section shall be made, and may at any time be revoked, in accordance with the law for the time being in force relating to the appointment of public officers:

Provided that in the case of death, illness, incapacity, absence from duty, or other emergency, the Registrar-General may appoint any person to act as a Registrar for not more than thirty days at any one time and may at any time revoke such appointment.

†(4) All appointments under this section shall be notified in the Gazette.

[§§ 2 & 3, Law 23 of 1978.]

* Repealed by Ordinance No. 23 of 1927.

† See Order published in Gazette No. 8,796 of 26th September, 1941, under section 2 (1) of the Government Gazette (Publication) Ordinance, exempting notification in the Gazette.

(5) All appointments made under the Land Registration Ordinance, 1891,* shall be deemed to have been made under this Ordinance.

(6) The Registrar-General may, if he thinks fit, exercise all or any of the powers possessed by a Registrar.

(7) Subject to the directions of the Registrar-General, any matter or thing which by this Ordinance or any regulation may or is to be done by the Registrar-General may also be done by a Deputy Registrar-General or any Assistant Registrar-General.

[§§ 2 & 3, Law 23 of 1978.]

Definition of "land".

†3. In this Ordinance, unless the context otherwise requires, "land" includes things attached to the earth or permanently fastened to anything attached to the earth and any estate or interest in land, and a mortgage of or charge on land.

CHAPTER II

REGISTRATION OF DUPLICATES OF DEEDS, &C.

Duplicates to be transmitted to Registrar.

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

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

thereby is situated together with two copies of a list of all duplicates or copies so delivered by him.

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

Registrar to bind all duplicates.

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

CHAPTER III

REGISTRATION OF INSTRUMENTS AFFECTING LAND

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

Meaning of "instrument".

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

Unregistered instruments void against subsequent registered instruments.

* Repealed by Ordinance No. 23 of 1927.
† Section 2A is repealed by Law No. 4 of 1974.
‡ Omitted from this edition.

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

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

(4) Registration of an instrument under this Chapter shall not cure any defect in the instrument or confer upon it any effect or validity which it would not otherwise have except the priority conferred on it by this section.

Meaning of
"affecting
land"

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

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

(b) if executed or made after the commencement of this Ordinance, all instruments, including wills, decrees and orders of any court or authority, and awards, which purport or operate to create, confer, declare, limit, assign, transfer, charge, incumber, release, or extinguish any

right, title, or interest, whether vested or contingent, past, present, or future, to, in or over land, or which create or record or are evidence of any contract for effecting any such object, and also a notice of seizure issued under section 237 of the Civil Procedure Code:

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

- (i) any decree or order of court where the action in which the decree or order is made has been duly registered as a *lis pendens*;
- (ii) a writ of execution issued under section 225 of the Civil Procedure Code;
- (iii) any letters of administration to the estate of an intestate;
- (iv) a decree or order adjudging a person to be insolvent or bankrupt;
- (v) a decree, order, or other instrument appointing or recording, certifying, or confirming the appointment or election of an assignee or trustee in insolvency or bankruptcy;
- (vi) any document relating to shares in a registered company notwithstanding that the assets of the company consist in whole or in part of land;
- (vii) a mortgage or debenture by a registered company, so long as its only effect, as respects the land affected thereby, is to create a floating charge thereon in such form that the company can, until the security is enforced, dispose of the land in the ordinary course of its business free from the mortgage or debenture;
- (viii) any debenture issue by any such company the only effect of which, as respects the land affected thereby, is to entitle the holder to the benefit of the security afforded by a duly registered instrument;

* Repealed by Ordinance No. 23 of 1927.

- (ix) any endorsement upon or transfer of any debenture specified in (vii) or (viii);
- (x) any receipt for payment of money due under a mortgage or charge;
- (xi) any instrument if the only interest in land created or dealt with thereby is a tenancy at will or for a period not exceeding one month or determinable by the landlord by not more than one month's notice.

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

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

Registration of notice of seizure.

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

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

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

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

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

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

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

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

Will when defeated by conveyance by heir.

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

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

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

(7) Where a *lis pendens* has been duly registered on a date before the 1st day of May, 1947, such registration shall continue in force until such time as it is cancelled under section 33 of this Ordinance.

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

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

* Repealed by Ordinance No. 23 of 1927.

(2) The books for the registration of instruments established under the Land Registration Ordinance, 1891,* or any enactment repealed by that Ordinance shall continue to be used, and shall be deemed to be kept under this Chapter.

Mode of
description of
lands in
instruments.

13. (1) Every instrument (except a will) presented for registration shall contain embodied therein, or in a schedule annexed thereto, an accurate and clear description of the land affected thereby, its boundaries, extent, and situation specifying the district and the village, pattu, korale, or other division of the district in which the land is situated; and in case the land is situated in any town, the name, if any, of the street in which it is situated.

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

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

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

(5) No instrument, other than a will, which does not state the particulars required by the foregoing provisions of this section shall be registered except with the sanction of the Registrar-General, who shall give his sanction, if it is shown to his satisfaction—

- (a) that the description is sufficient to enable the land to be identified with reasonable certainty; or
- (b) that it was impracticable to insert the required particulars in the instrument.

Any person aggrieved by a decision of the Registrar-General under this subsection

may, within thirty days from the date of such decision being communicated to him, institute in any District Court having jurisdiction a suit against the Registrar-General praying for the variation or reversal of such decision.

(6) Where the description of the land affected by an instrument executed or made after the commencement of this Ordinance is not contained in a schedule to the instrument, a fee of five rupees shall be payable for the registration in addition to any other fee which may be payable:

Provided that nothing in this subsection shall be construed so as to apply to or affect any grant or lease of State land made or executed after the commencement of this Ordinance.

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

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

Instruments to
be registered in
proper folio.
[S2, Law 14 of
1974.]

Provided that—

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

* Repealed by Ordinance No. 23 of 1927.

- (b) where no instrument affecting the same land has been previously registered, the instrument shall be registered in a new folio to be allotted by the Registrar; and
- (c) where a new division of a Registrar is created wholly or partly out of a division (hereinafter referred to as the "old division") of another Registrar, then, in regard to lands which before the date of creation of the new division were wholly or partly within the old division which on and after that date constitutes the new division or, as the case may be, within such part of the old division as on and after that date constitute a part of the new division,—

Forest, Chena, Waste, and Unoccupied Lands" and embodying therein an agreement between the Government Agent or Assistant Government Agent or the special officer appointed under section 28 of that Ordinance and the claimant shall be registered in a new folio to be allotted by the Registrar; and an instrument affecting land dealt with by the agreement and registered after registration of the order shall not be deemed to be duly registered under this Chapter unless it is registered in or in continuation of the folio in which the order is registered.

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

CHAPTER IV

REGISTRATION OF INSTRUMENTS
CREATING PLEDGES, MORTGAGES OR
BILLS OF SALE OF MOVABLE PROPERTY

[§ 3, 22 of 1958.]

- (i) such of the folios of the book (hereinafter referred to as the "old book") allotted under section 12 to the old division as contain registrations of instruments affecting any of those lands shall be deemed to form part of the book (hereinafter referred to as the "new book") allotted under that section to the new division; and
- (ii) a registration of an instrument affecting any such land made in the new book and registrations of instruments affecting that land made in the old book shall be connected by cross references made in the prescribed manner in the new book and the old book.

16. (1) In this Ordinance, unless the context otherwise requires, "bill of sale" includes any assignment, transfer, declaration of trust without transfer, and any other assurance of movable property, whether absolute or by way of mortgage or otherwise, and also a power of attorney and authority or licence to take possession of movable property as security for any debt, but does not include a marriage settlement or assignment thereof. Meaning of "bill of sale".

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

(2) Nothing in this Chapter shall apply to contracts of sale of goods within the meaning of the Sale of Goods Ordinance, and made in the ordinary course of any business, trade, or calling, nor to bills of sale of any ship or vessel registered under the Merchant Shipping Act or any share thereof, nor to bills of sale of goods in any foreign parts or at sea; nor to property represented by bills of lading, dock warrants, warehouse-keepers' certificates, warrants or orders for the delivery of goods; nor to any shares or interests in the stock funds or securities of any Government, or in the capital or property of any incorporated or joint stock company; nor to choses in action, other than book

(3) Every order made after the commencement of this Ordinance under section 4 of Ordinance No. 1 of 1897* entitled "An Ordinance relating to claims to

* Repealed by Ordinance No. 20 of 1931.

debts as defined in section 89 of the Mortgage Act; nor to any crops or produce growing or to be grown on any lands or plantations.

of such property unless such transfer or assignment shall be in writing, signed by the person transferring the same, or by some person thereto lawfully authorized by him, and shall within twenty-one days (exclusive of public holidays) from the date thereof have been registered in manner aforesaid.

Pledge, mortgage or bill of sale ineffectual unless property delivered or instrument registered.

17. No pledge, mortgage or bill of sale of movable property shall be of any force or effect in law or give the pledgee, mortgagee or transferee any lien, charge, claim, right, or priority to, over or in respect of such property unless—

(a) such property is actually delivered into the possession and custody of the pledgee, mortgagee or transferee or of some person (other than the pledgor, mortgagor or transferor) on behalf of the pledgee, mortgagee or transferee, and continues to remain actually, ostensibly and bona fide in such possession and custody from the date of the pledge, mortgage or bill of sale until such time as the pledgee, mortgagee or transferee seeks to enforce his rights as such to, over, or in respect of such property; or

(b) such pledge, mortgage or bill of sale is created by an instrument in writing signed by the person effecting the same, or by some person thereto lawfully authorized by him, and unless such writing shall, within twenty-one days (exclusive of public holidays) from the date thereof, have been duly registered in the office of the Registrar of Lands for the district in which such property shall be at the time of such pledge, mortgage or bill of sale, or in the office of the said Registrar for each of such districts, when such property is at the time of such pledge, mortgage or bill of sale in more than one district.

Transfer or assignment of pledges, mortgages or bills of sale to be also by deed and registered.

18. No transfer or assignment, whether made before or after the commencement of this Ordinance, of any pledge, mortgage or bill of sale of any movable property, shall be valid and effectual, so as thereby to give the transferee or assignee any lien, charge, claim, right, or priority over, to, or in respect

19. But a bill of sale or transfer or assignment thereof duly registered under Ordinance No. 8 of 1871,* or under the Land Registration Ordinances, No. 8 of 1863* and No. 3 of 1865,* shall be deemed to have been duly registered under this Ordinance.

Saving of registrations under earlier Ordinances.

20. (1) A pledge, mortgage or bill of sale of movable property not in existence at, or to be acquired after, the time of such pledge, mortgage or bill of sale, and a transfer or assignment of such a pledge, mortgage or bill of sale, shall, if it is registered under this Chapter in any district, be deemed to be duly registered as respects such movable property, but shall not affect such movable property unless and until such movable property is in, or is brought into, the district in which the bill or sale is registered.

Pledges, mortgages or bills of sale of after-acquired property.

(2) This section applies to pledges, mortgages or bills of sale and transfers or assignments of pledges, mortgages or bills of sale, whether created or executed before or after the commencement of this Ordinance but, shall not affect any title for value acquired before the commencement of this Ordinance.

21. (1) Every Registrar shall prepare and keep the prescribed books for the registration of pledges, mortgages or bills of sale. Each book may be in as many volumes as necessary.

Books for registration of pledges, mortgages or bills of sale.

(2) The books for the registration of bills of sale established for the purposes of Ordinance No. 8 of 1871* shall continue to be used, and shall be deemed to be kept under this Chapter.

(3) Every Registrar shall prepare and keep a separate book for the registration of instruments creating a pledge or mortgage of book debts.

* Repealed by Ordinance No. 23 of 1927.

(4) Every Registrar shall prepare and keep a separate book for the registration of instruments creating a pledge or mortgage of the entirety of the goods which are or may be in any specified premises or which constitute or may at any time constitute the entirety of the stock in trade of the business carried on in any specified premises.

(5) Every Registrar shall prepare and keep a separate book for the registration of trust receipts for imported goods and trust receipts for goods for exportation executed in conformity with the provisions of the Trust Receipts Ordinance.

Method of registration.

22. (1) Every pledge, mortgage or bill of sale and transfer or assignment of a pledge, mortgage or bill of sale shall contain embodied therein or in a schedule annexed thereto as clear and accurate description of the movable property affected thereby as circumstances permit.

(2) Where the description of the movable property affected by a pledge, mortgage or bill of sale executed or made after the commencement of this Ordinance is not contained in a schedule annexed thereto, a fee of five rupees shall be payable for the registration in addition to any other fee which may be payable.

(3) Registration of a bill of sale shall be effected by entering the prescribed particulars in the proper book and in the prescribed form.

Assurance or mortgage of land in same instrument not affected by preceding provisions.

23. Where an assurance or mortgage of any land and a pledge, mortgage or bill of sale of any movable property situated on such land is effected by the same instrument—

- (a) the preceding provisions of this Chapter shall apply to such instrument in so far as a pledge, mortgage, or bill of sale of such movable property is effected or purported to be effected thereby;
- (b) the preceding provisions of this Chapter shall not in any way affect such instrument in so far as an assurance or mortgage of the land is effected or purported to be effected thereby.

24. No bill of sale effected before the commencement of this Ordinance, and no transfer or assignment effected before such commencement of any such bill of sale, shall be deemed to be invalid or in any respect ineffectual for want of registration under the provisions of this Chapter, if such bill of sale, transfer, or assignment was effected by any instrument executed before the commencement of this Ordinance which also contains any mortgage or assurance of any land, or any transfer or assignment of such mortgage or assurance, and if such mortgage or assurance of land or transfer or assignment thereof, has been or shall be duly registered under the law for the time being in force with respect to the registration of instruments affecting land.

Non-application of Chapter to certain documents.

CHAPTER V

PROVISIONS APPLICABLE TO INSTRUMENTS AFFECTING LAND OR PLEDGES, MORTGAGES OR BILLS OF SALE OF MOVABLE PROPERTY

[§ 4, 22 of 1958.]

25. In this Chapter, unless the context otherwise requires, "instrument" means an instrument affecting land or a pledge, mortgage or bill of sale.

Meaning of "instrument"

26. (1) An instrument may be presented for registration by—

Who may present instrument for registration.

- (a) any person executing the instrument;
- (b) any person claiming any interest or benefit thereunder;
- (c) any person having any interest in or charge on any property affected thereby; or
- (d) the agent of any such person or an attorney-at-law or notary acting on behalf of any such person.

(2) Either the original or a duly attested or certified copy of the instrument may be presented for registration:

Provided that, in the case of a will, the probate or letters of administration with a copy of the will annexed shall be presented for registration.

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

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

Land or movable property situated in several districts.

Day book.

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

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

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

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

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

Return of instruments.

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

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

Priority notices.

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

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

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

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

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

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

consent of the transferee, be registered while the priority notice remains in force.

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

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

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

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

Seizure priority notices.

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

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

date shall be the later, and shall have effect accordingly.

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

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

(5) If notice of a seizure under the writ of execution is not registered while the seizure priority notice remains in force, the seizure priority notice shall be deemed to have lapsed and shall have no effect under the provisions of this Ordinance.

32. (1) Any person (in this Ordinance called a "caveator") may present for registration a caveat in the prescribed form requiring to be served with notice of the presentation for registration of any instrument affecting the land described in the caveat. Caveats.

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

(3) A caveat shall be in force for such period as may be specified therein, not being longer than the period covered by the fee paid on the caveat.

(4) The notice to be given to the caveator shall be in the prescribed form and shall be sent by registered letter to the address mentioned in the caveat.

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

cancelled as may be necessary to preserve the rights of the caveator, and may order the necessary correction to be made in the register.

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

Cancellation of priority notices, seizure notices, seizure priority notices, caveats, and *lis pendens*.

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

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

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

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

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

Correction of errors.

35. (1) Where it is shown to the satisfaction of the Registrar-General that any error or omission has been made in registering any instrument, whether before or after the commencement of this Ordinance, the Registrar-General shall, in the case of a deed with the written consent of the parties thereto, or in the case of a will with the written consent of the executor or administrator, or in the case of any other

instrument with the written consent of the person who presented it for registration, order such error or omission to be corrected, and the correction shall then be made by the Registrar concerned in the prescribed manner, but shall not affect any priority accrued before the correction is made:

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

(2) When the error and correction are not in the same folio, they shall be connected by cross references in the prescribed manner.

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

36. (1) A Registrar may, if he thinks fit, refuse to register an instrument—

Grounds for refusing to register an instrument.

(a) where he has reason to suspect that the person presenting the instrument for registration is not a person who is authorized by this Ordinance to present it for registration, until such person proves his right to present it for registration;

(b) if it does not comply with the provisions of this Ordinance or any written law affecting the form or mode of execution of such instrument.

(2) A Registrar shall refuse to register an instrument—

(a) if it is liable to stamp duty, unless it is duly stamped ;

(b) until any fee payable for registration has been paid.

Reasons for refusal to be recorded.

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

Appeals against refusal.

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

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

Power for District Court to cancel registration.

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

CHAPTER VI

SUPPLEMENTARY

Copies of damaged or illegible volumes or parts thereof.

40. If any volume or any part of any volume of duplicates or copies in the custody of a Registrar under Chapter II or any volume or any part of any volume of any

book kept by a Registrar under this Ordinance shall at any time be damaged or be in danger of becoming illegible, the Registrar-General may, if he thinks fit, direct a copy of the volume or part so damaged or in danger of becoming illegible to be made, verified, and certified in such manner as he may direct, and thereupon such copy shall be substituted for, and shall for all the purposes of this Ordinance (including this section) and every other written law be deemed to be, the volume or part so damaged or in danger of becoming illegible. [§5, 22 of 1958.]

[§5, 22 of 1958.]

[§5, 22 of 1958.]

41. Each Registrar shall keep such indexes of instruments affecting land and pledges, mortgages or bills of sale registered by him as may from time to time be prescribed. Indexes.

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

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

(2) An endorsement by the Registrar in the prescribed form on a duplicate of an application for registration of a *lis pendens*, or on a duplicate of a priority notice or seizure priority notice or an application for renewal of such a notice, or on a duplicate of a caveat shall be admissible in evidence without proof of the signature or appointment of the Registrar, and shall be prima facie evidence of registration of the *lis pendens*, priority notice, or seizure priority notice or caveat or of the renewal of the

priority notice or seizure priority notice for all purposes and in all proceedings, civil or criminal, but subject to all just and lawful exceptions.

48. The fees specified in the First Fees Schedule shall be payable for the matters to which they relate.

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

44. 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.

49. (1) The Minister may make regulations, to be published in the Gazette, as to any matter which by this Ordinance may or is to be prescribed and generally for regulating the forms to be used and the procedure and practice to be observed in carrying this Ordinance into effect.

Indemnity of Registrars.

45. No Registrar shall be liable in damages by reason of anything in good faith done or refused in his official capacity.

(2) All such regulations shall, as soon as conveniently may be, be laid before Parliament and may, at any of the next following three meetings, be rescinded by resolution of Parliament but without prejudice to anything already done thereunder, and if not so rescinded shall be deemed to be valid.

Costs in suits against Registrar-General.

46. No order for the payment of costs by the Registrar-General shall be made in any suit authorized by this Ordinance to be brought against him.

Defect in appointment of Registrars or procedure.

47. Nothing done in good faith pursuant to this Ordinance or the Land Registration Ordinance, 1891,* or any enactment repealed by that Ordinance by any Registrar shall be deemed invalid by reason only of a defect in his appointment or in procedure.

50. The forms contained in the Second Schedule shall be used with such variations as circumstances may require, but such Schedule may be altered or added to by regulation.

FIRST SCHEDULE

FEEs

[Section 48.]

PART I

For the registration of the following instruments, if executed or made on or after 1st July, 1919, whether before or after the commencement of this Ordinance :—

	Rs.	c.	
1. Every instrument of release, surrender or annulment and every receipt or discharge where the amount of principal for which such instrument or receipt or discharge is given does not exceed Rs. 5,000, a fee of	5	0	[§2, Law 19 of 1976.]
Where it is indefinite, or it exceeds Rs. 5,000, a fee of	10	0	
2. Every instrument of partition, and every judgment or decree of court decreeing such partition—			
For each land allotted or divided of which the value does not appear on the face of the instrument or judgment or decree, a fee of	5	0	
For land allotted or divided of which the value appears on the face of the instrument or judgment or decree, where the aggregate value of such land does not exceed Rs. 100, a fee of	1	0	

* Repealed by Ordinance No. 23 of 1927.

	Rs.	c.
Where it exceeds Rs. 100 and does not exceed Rs. 250, a fee of	2	0
Rs. 250 and does not exceed Rs. 500, a fee of	3	0
Rs. 500 and does not exceed Rs. 1,000, a fee of	4	0
Rs. 1,000 and does not exceed Rs. 2,500, a fee of	5	0
Rs. 2,500 and does not exceed Rs. 5,000, a fee of	7	50
Rs. 5,000 and does not exceed Rs. 10,000, a fee of	10	0
And every further Rs. 10,000 or part of Rs. 10,000, a fee of	10	0
3. Notice of seizure in execution, or removal of such notice, for each Land Registry in which the seizure is registered or re-registered, a fee of	0	50
And where the seizure or removal of seizure relates to more lands than one in any one Land Registry, for every such land after the first, an additional fee of	0	25
4. <i>Lis pendens</i> , for each Land Registry in which the <i>lis pendens</i> is registered—		
Where the action is in a District Court, a fee of	5	0
Where the action is in a Primary Court a fee of	2	0
5. A priority notice or seizure priority notice for each Land Registry in which the notice is registered, a fee of	2	50
6. Caveat, for each Land Registry in which the caveat is registered and for each period of six months, a fee of	12	50
7. Cancellation of registration of a priority notice, seizure priority notice, <i>lis pendens</i> or caveat, for each Land Registry in which the cancellation is registered, a fee of	0	50
8. Every decree or order of court affecting land, not being a decree or order decreeing partition, and every will, a fee of	6	0
9. Every instrument of any kind whatsoever not charged in this Schedule nor expressly exempted, a fee of	12	50

N.B.—No fee shall be charged under this item for registering any instrument of sale, purchase, transfer, assignment, lease, mortgage, or bill of sale requiring registration or of promise, bargain, contract, or agreement for effecting any such object or for transferring any security, interest, or incumbrance, or of contract or agreement for a future sale or purchase or transfer.

[§2, Law 19 of 1976.]

10. An instrument presented to the Registrar-General under section 29, in addition to any other fee payable, a fee of—

(a) for registration in one or two registration districts	30	0
(b) for registration in each additional registration district	10	0

PART II

For the registration of the following instruments, if executed before 1st July, 1919 :—

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

	Rs.	c.
(a) Where the consideration of the instrument is wholly in money, or where the sum recoverable upon the instrument is definite, and where such consideration or sum recoverable does not exceed Rs. 100, a fee of	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250, a fee of	2	0
Rs. 250 and does not exceed Rs. 500, a fee of	3	0
Rs. 500 and does not exceed Rs. 1,000, a fee of	4	0
Rs. 1,000 and does not exceed Rs. 2,500, a fee of	5	0
Rs. 2,500 and does not exceed Rs. 5,000, a fee of	7	50
Rs. 5,000 and does not exceed Rs. 10,000, a fee of	10	0
And for every further Rs. 10,000 or part of Rs. 10,000, a fee of	10	0
(b) Where the consideration of the instrument is not wholly in money, an additional fee of	10	0
(c) Where the money consideration of the instrument is not stated, but the value of the property is stated—		
Where such value does not exceed Rs. 100, a fee of	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250, a fee of	2	0
Rs. 250 and does not exceed Rs. 500, a fee of	3	0
Rs. 500 and does not exceed Rs. 1,000, a fee of	4	0
Rs. 1,000 and does not exceed Rs. 2,500, a fee of	5	0
Rs. 2,500 and does not exceed Rs. 5,000, a fee of	7	50
Rs. 5,000 and does not exceed Rs. 10,000, a fee of	10	0
And for every further Rs. 10,000 or part of Rs. 10,000, a fee of	10	0
(d) Where neither the money consideration of the instrument nor the value of the property is stated, a fee of	20	0
(e) Where the total amount of money ultimately recoverable upon the instrument is indefinite, a fee of	25	0
(f) Where the consideration of the instrument, or where the sum recoverable upon the instrument is a definite and certain sum of money already lent, advanced, or due, or to be lent and advanced on the execution of the instrument, together with an indefinite sum to be thereafter lent, advanced, or paid, or which may become due upon an account current, the same duty and conditions as to calculation of duty on the definite and certain sum of money already lent, advanced, or due, or to be lent and advanced on the execution of the instrument, as where the sum recoverable on the instrument is definite, together with an additional fee of	25	0
 2. Every lease, transfer, or assignment thereof—		
(a) Where the consideration is wholly in money and does not exceed Rs. 100, a fee of	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250, a fee of	2	0
Rs. 250 and does not exceed Rs. 500, a fee of	3	0
Rs. 500 and does not exceed Rs. 1,000, a fee of	4	0
Rs. 1,000 and does not exceed Rs. 2,500, a fee of	5	0

	Rs.	c.
Rs. 2,500 and does not exceed Rs. 5,000, a fee of	7	50
Rs. 5,000 and does not exceed Rs. 10,000, a fee of	10	0
And for every further Rs. 10,000 or part of Rs. 10,000, a fee of	10	0
Provided that the fee shall not exceed that on a lease for five years.		
(b) Every lease, transfer, or assignment thereof, where the consideration is partly in produce, and the value of such produce is not stated in the instrument, a fee of Rs. 2.50 in addition to the fee upon the stated pecuniary consideration.		
(c) Every lease, transfer, or assignment thereof, where the consideration consists wholly of produce, a fee of	1	0
3. Every instrument of release, surrender, or annulment, and every receipt or discharge—		
Where the amount of principal for which such instrument or receipt or discharge is given does not exceed Rs. 5,000, a fee of	1	0
Where it is indefinite or it exceeds Rs. 5,000, a fee of	2	50
4. Every instrument of partition, and every judgment or decree of court decreeing such partition—		
For each land allotted or divided of which the value does not appear on the face of the instrument or judgment or decree, a fee of	5	0
For land allotted or divided of which the value appears on the face of the instrument or judgment or decree, where the aggregate value of such land does not exceed Rs. 100, a fee of	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250, a fee of	2	0
Rs. 250 and does not exceed Rs. 500, a fee of	3	0
Rs. 500 and does not exceed Rs. 1,000, a fee of	4	0
Rs. 1,000 and does not exceed Rs. 2,500, a fee of	5	0
Rs. 2,500 and does not exceed Rs. 5,000, a fee of	7	50
Rs. 5,000 and does not exceed Rs. 10,000, a fee of	10	0
And for every further Rs. 10,000 or part of Rs. 10,000, a fee of	10	0
5. Every judgment or order of court affecting immovable property, and every probate of a will or letters of administration, a fee of		
	5	0
6. Every instrument of any kind whatsoever not charged in this Schedule nor expressly exempted, a fee of		
	10	0
7. An instrument presented to the Registrar-General under section 29, in addition to any other fee payable, a fee of		
	10	0
<i>N.B.</i> —When application is made to more Registrars than one under section 29 any fee payable shall be collected by the first Registrar.		

PART III

[§2, Law 19 of 1976.]

- 1 (a) An application to inspect the duplicates of deeds, instruments or documents, or the attested or certified copies thereof transmitted or delivered under Chapter II during a period not exceeding twelve months by any one Judge, notary or public officer, a fee of 5 0
- (b) And in respect of each additional period of twelve months or part of such period, an additional fee of 2 0

	Rs.	c.
2. An application to inspect any book or index kept under Chapters III, IV, V, VI, for each transaction or matter in respect of which the search is made, a fee of	2	50
3. An application for copies of or extracts from any deed, or for copies of or extracts from any folio or folios relating to any land, a fee of	2	50
4. (a) For supplying certified copies or extracts, for every folio or part of a folio of 120 words a fee of	2	50
(b) For each copy of a plan on tracing paper, a fee of	5	0
(c) For each copy of a plan on drawing paper, a fee of	10	0
With, in each case, (a), (b) or (c), an additional fee for each certificate of	2	50
5. For supplying an endorsement of registration of a <i>lis pendens</i> , priority notice, seizure priority notice, or caveat under section 43 (2), the same fee as was paid on registration.		

[§2, Law 19 of 1976.]

[§2, Law 19 of 1976.]

[§2, Law 19 of 1976.]

SECOND SCHEDULE

[Section 50.]

FORMS

Form I

[Section 11.]

APPLICATION FOR REGISTRATION OF A "LIS PENDENS"

To the Registrar of Lands of

I, (full name, occupation, and postal address), hereby apply for registration of the * action (give parties, court, and reference to number of action and give reference to a previous registration if known) as a *lis pendens* affecting the following land in your district (describe land as in section 13):—

Dated

Signature of applicant or his attorney-at-law.

* In the case of a partition action the word "partition" should be inserted.

Form II

[Section 43.]

ENDORSEMENT OF REGISTRATION OF A "LIS PENDENS" ON A DUPLICATE OF THE APPLICATION FOR REGISTRATION

Registered as a *lis pendens* on (date) in (reference to folio).

(Signature.)

Dated

Registrar of Lands of

Form III

[Section 30.]

PRIORITY NOTICE

To the Registrar of Lands of

Take notice under the Registration of Documents Ordinance, that I, (full name, occupation, and postal address in Sri Lanka of transferee), intend to present to you for registration within six weeks from the date of registration of this notice an instrument whereby I or a person deriving title under me will acquire for valuable consideration an interest or benefit from (full name, occupation, and address of transferor) in (describe land giving the particulars required by section 13 and give reference to a previous registration if known).

Signature of applicant or his attorney-at-law or notary.

Dated

Signed by the above-named in the presence of (full names and addresses of two witnesses).

- 1. Signature of first witness :
- 2. Signature of second witness :

(Add where the instrument has not been executed by the transferor :)

And I, (name and address in full), being the transferor described in the above-written priority notice hereby consent to the registration of such priority notice.

Dated

Signature.

Signed by the above-named in the presence of (full names and addresses of two witnesses).

- 1. Signature of first witness :
- 2. Signature of second witness :

[Section 31.]

Form IV

SEIZURE PRIORITY NOTICE

To the Registrar of Lands of

Take notice that under the writ of execution dated for the sum of rupees recovered by (name, address, and description of judgment-creditor) against (name, address, and description of judgment-debtor) by a judgment dated of the court of in (give number of action) the following land in your district is liable to seizure under the writ of execution, namely (describe land as in section 13, giving, where possible, a reference to a previous registration of the land).

Signature of judgment-creditor or his attorney-at-law.

Dated

[Section 43.]

Form V

ENDORSEMENT OF REGISTRATION OF A PRIORITY NOTICE OR SEIZURE PRIORITY NOTICE ON DUPLICATE

Registered on (date) in (reference to folio).

(Signature)

Dated

Registrar of Lands of

[Section 30.]

Form VI

APPLICATION FOR RENEWAL OF PRIORITY NOTICE OR SEIZURE PRIORITY NOTICE

To the Registrar of Lands of

I, (full name, occupation, and postal address of transferee), hereby apply for the renewal of the priority notice dated and registered in (give reference to volume and folio) for a further period of six weeks.

Signature of applicant or his attorney-at-law or notary.

Dated

Signed by the above-named in the presence of (full names and addresses of two witnesses).

- 1. Signature of first witness :
- 2. Signature of second witness :

(Where the instrument has not been executed by the transferor, add his consent as in Form III.)

REGISTRATION OF DOCUMENTS

[Cap. 135

Form VII

[Section 43.]

ENDORSEMENT OF RENEWAL OF A PRIORITY NOTICE OR SEIZURE PRIORITY NOTICE ON DUPLICATE OF APPLICATION FOR RENEWAL

Renewed on (date).

(Signature.)

Dated

Registrar of Lands of

Form VIII

[Section 32.]

FORM OF CAVEAT

Take notice that I, (full name and address of caveator), require to be served with notice of the presentation for registration of any instrument affecting (describe land as in section 13 and give reference to a previous registration, if known).

This caveat is to remain in force for a period of

And I appoint (here state postal address in Sri Lanka) as the place at which notices relating hereto should be sent.

Signature of caveator or his attorney-at-law or notary.

Dated

Signed by the above-named in the presence of (full names and addresses of two witnesses).

- 1. Signature of first witness :
2. Signature of second witness :

Form IX

[Section 43.]

ENDORSEMENT OF REGISTRATION OF A CAVEAT ON DUPLICATE

Registered on (date) in (reference to folio).

(Signature.)

Registrar of Lands of

Dated

CHAPTER 136

SANNASES AND OLD DEEDS

Ordinances
Nos. 6 of 1866,
15 of 1867.

AN ORDINANCE TO COMPEL THE REGISTRATION OF "SANNASES", OLD DEEDS, AND OTHER INSTRUMENTS OF TITLE.

[20th October, 1866.]

Short title.

1. This Ordinance may be cited as the *Sannases and Old Deeds Ordinance*.

other instrument, and engraved on the *sannas*, to show that the same was produced before him and the date of such production.

Deeds, &c., bearing date on or before 1st February, 1840, to be registered within a certain time.

2. All persons holding or claiming title under deeds, *sannases*, *olas*, or other instruments on which title to land or other immovable property is founded, which bear date on or before the 1st day of February, 1840, are hereby required to produce the same before the Registrar of Lands for the district within which such persons shall respectively reside, on or before the 31st day of December, 1867. If such Registrar shall reside at an inconvenient distance, such deeds, *sannases*, *olas*, or other instruments may be produced before the nearest Commissioner of Requests or Magistrate, whose duty it shall be to forward the same safely and expeditiously to the Registrar of Lands for the purposes of registration under this Ordinance:

4. The Registrar shall also cause a list in duplicate to be made monthly of all deeds, *sannases*, *olas*, or other instruments produced before him under the provisions of this Ordinance, giving all necessary particulars thereof, and shall transmit one to the Registrar-General of Lands, and shall file the other in his own office.

Monthly lists of such deeds, &c., to be made.

Extension of time for producing deeds, &c.

Provided that it shall be lawful for the Governor, by Proclamation in the Gazette, to extend* the time hereinbefore limited for the production of deeds, *sannases*, *olas*, or other instruments, either as respects Ceylon generally or in any particular province or district thereof.

5. For facility of reference, a general list, either in alphabetical or other convenient order, shall be made and preserved of all such deeds, *sannases*, *olas*, or other instruments in the offices of the Registrar-General and District Registrar.

General lists thereof to be kept.

Registrar to cause exact copy to be made.

3. The Registrar of Lands shall thereupon cause an exact copy of the said deed, *sannas*, *ola*, or other instrument to be made, which said copy shall show the alterations, erasures, interlineations, or other suspicious marks, if any, which may appear in the original, and shall cause such copy to be carefully filed and preserved in his office, and the original to be returned to the person from whom he received the same, with the Registrar's endorsement written on some conspicuous part of the deed, *ola*, or

6. If any person shall claim interest under any such deeds, *sannases*, *olas*, or other instruments, but is unable to produce them owing to their being in the possession of another who refuses to part with them, he shall inform the same to the Registrar, who shall thereupon cause such other person to be noticed to produce them. Any person noticed as aforesaid who fails or refuses to produce any such deed, *sannas*, *ola*, or other instrument, shall be liable to a fine not exceeding ten rupees for every day he so fails or refuses to produce the same.

Process where persons claiming interest under deeds, &c., are unable to produce the same.

7. From and after the 1st day of January, 1868, or in case of the time having been extended as hereinbefore provided, from and after the expiry of such extended time, either in Sri Lanka generally or the particular province or district in respect of which such extension shall have been made, no deed, *sannas*, *ola*, or other instrument as

No deed, *sannas*, *ola*, or other instrument executed before 1st February, 1840, shall be received in evidence unless registered.

* Extended to 1st February, 1875.

aforesaid shall be received in evidence in any civil proceeding in any Court of Justice for the purposes of creating, transferring, or extinguishing any right or obligation, unless such deed, *sannas, ola*, or other instrument shall have been previously registered in the manner hereinbefore directed :

Provided that if it shall be established to the satisfaction of the court before which any such deed, *sannas, ola*, or other instrument is produced that the same was not registered owing to the absence from Ceylon of the holder thereof, or of his being under some legal disability, or from other causes utterly beyond the control of the person producing it in evidence, such court may allow the production of such deed, *sannas, ola*, or instrument, and the same shall be received in evidence notwithstanding that the same shall not have been previously registered as herein directed ;

Provided also that nothing in this Ordinance contained shall be held to prevent parties questioning any deed, *sannas, ola*, or other instrument which may be produced in evidence notwithstanding that the same shall have been registered, and on grounds other than the registration thereof, and on which said other grounds the court before which the question shall arise shall determine as if this Ordinance had not been passed.

8. It shall be lawful for the Minister, from time to time, by Order to be published in the Gazette, to dispense in any district or districts of Sri Lanka with the provisions contained in section 3 of this Ordinance, so far as they relate to the taking of exact copies of deeds, *olas*, or other instruments, and to authorize the Registrar of Lands of such district or districts to register the substance of such deeds, *olas*, or other instruments, in such form and with such particulars as shall be prescribed in the said Order ; and the Registrar shall in such cases cause the registry so made by him to be carefully filed and preserved in his office, and the original to be returned, with his endorsement as provided in the said section, to the person from whom he received the same.

9. In those places in which the taking of copies shall be dispensed with by Order under section 8, the provision in section 7 of this Ordinance shall apply to the deeds, *olas*, or other instruments registered as authorized by the said Order, as if the same shall have been registered under section 3.

10. Nothing in this Ordinance contained shall affect any deed, *sannas, ola*, or other instrument which is annexed to other deeds or instruments of title bearing date subsequent to the 1st day of February, 1840, and which said other deeds or instruments of title have been bona fide transferred and registered as has heretofore been required by law.

Minister may dispense with the taking of copies of deeds in any district or districts.

Provision of section 7 of the Ordinance will apply to such registries.

Deeds, &c., annexed to others, &c., not affected.

CHAPTER 137

REGISTRATION OF OLD DEEDS AND INSTRUMENTS

Ordinance No. 35 of 1947.

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF INSTRUMENTS AFFECTING LAND WHICH WERE EXECUTED PRIOR TO THE YEAR 1864 AND TO RESTRICT THE RECEPTION IN EVIDENCE OF UNREGISTERED INSTRUMENTS IN PROOF OF TRUSTS OR FIDEICOMMISSA.

[2nd July, 1947.]

Short title.

1. This Ordinance may be cited as the Registration of Old Deeds and Instruments Ordinance.

(2) The provisions of subsection (1) shall apply to any instrument executed or made prior to the 2nd day of February, 1840, notwithstanding that such instrument may have been registered under the *Sannases* and Old Deeds Ordinance.

Inadmissibility in evidence of unregistered instrument to prove trust or fideicommissum.

2. (1) On and after the 1st day of January, 1948, no instrument affecting any land, which was executed or made at any time prior to the 1st day of January, 1864, shall unless—

(3) The Ordinances referred to in paragraphs (a) and (b) of subsection (1) are —

(a) it was, at the date of the commencement of this Ordinance, duly registered under any of the Ordinances specified in subsection (3); or

The Registration of Documents Ordinance,

The Land Registration Ordinance, No. 14 of 1891,*

(b) it is referred to in any other instrument which was, at the date of the commencement of this Ordinance, registered under any of the Ordinances specified in subsection (3) as an instrument affecting that land; or

The Land Registration Ordinance, No. 5 of 1877,

The Land Registration Ordinance, No. 8 of 1863.

(c) it is registered in accordance with the provisions of this Ordinance,

3. (1) An instrument affecting land which was executed or made prior to the 1st day of January, 1864, may be presented for registration in accordance with the provisions of this Ordinance at any time before the 1st day of January, 1948 :

Conditions as to presentation and registration of instruments.

be of any force or avail or be received in evidence in any court as against any person claiming any interest in such land upon valuable consideration or any other person claiming under any such person, for the purpose of proving the land to be subject to a trust or fideicommissum.

Provided, however, that if an application is, prior to the 1st day of January, 1948, made under section 4 or section 5 for an order authorizing or directing the presentation of any instrument for registration, and an order is made under either of those sections, such instrument may be presented for registration within two months of the date of such order.

In this subsection "interest" means an interest created or arising whether before or after the date of the commencement of this Ordinance.

* Repealed by Ordinance No. 23 of 1927.

(2) No instrument shall be registered as provided by this Ordinance unless it is duly presented for registration within the time prescribed in that behalf by subsection (1):

Provided, however, that no such instrument shall be registered as provided by this Ordinance at any time after the 31st day of December, 1953.

(3) No will executed or made prior to the 1st day of January, 1864, shall be registered in accordance with the provisions of this Ordinance unless the probate of such will is also presented for such registration.

Order
authorizing
presentation for
registration of
instruments
executed before
2nd February,
1840.

4. (1) No instrument affecting land, executed or made prior to the 2nd day of February, 1840, which was not registered under the *Sannases* and Old Deeds Ordinance, may be presented for registration in accordance with the provisions of this Ordinance or accepted for the purposes of registration, unless application is, prior to the 1st day of January, 1948, made to a District Court as hereinafter provided for an order authorizing the presentation of that instrument for registration and an order in that behalf has been made by the court.

(2) Such application shall be made by way of petition to the District Court having jurisdiction in the place where the land or any of the lands to which the instrument relates is situated.

(3) No order authorizing the presentation of any instrument for registration shall be made under this section, unless it is proved to the satisfaction of the court that the instrument was not registered under the *Sannases* and Old Deeds Ordinance owing to the absence from Ceylon or the minority or unsoundness of mind of any person who was required by section 2 of that Ordinance to produce the instrument for the purposes of registration.

(4) Any person who is aggrieved by the refusal of the District Court to make an order under this section authorizing the presentation of any instrument for registration may, before the expiry of a period of fourteen days from the date of such refusal, make application to the Supreme Court* for the revision of the decision of the District Court, and the Supreme Court* may, if it thinks fit, make order authorizing the presentation of the instrument for

registration. The decision of the Supreme Court* shall be final. The Supreme Court* may, generally or in any particular case, prescribe the procedure to be followed in the case of any application to the court under this subsection.

(5) Every application made under this section to a District Court or to the Supreme Court* shall bear a stamp of ten rupees. No further stamp duty shall be payable in respect of any proceedings upon any such application.

(6) Notwithstanding anything in subsection (1), no order under the preceding provisions of this section shall be required to authorize the presentation for registration of any instrument affecting land (executed or made prior to the 2nd day of February, 1840) in any case where such instrument is a will, or a grant of administration to the estate of any person, or a judgment or order of any court.

5. (1) Where any person, at any time prior to the 1st day of January, 1948, makes application in that behalf, supported by an affidavit declaring that he is entitled to any interest in any land under or by virtue of any instrument affecting the land (executed or made prior to the 1st day of January, 1864) and that such instrument is in the possession of any other specified person, the District Court having jurisdiction in the place in which the land is situated, may, in its discretion after such inquiry, if any, as it may consider necessary, issue a summons directing such other person to produce the instrument to the court on or before a specified date.

Power of court
to order
production of
instruments.

(2) Where any person on whom a summons under subsection (1) has been served fails to comply with the summons the court may order him to be arrested and brought before the court.

(3) Where any person on whom a summons under subsection (1) has been served, or who is arrested and brought before the court as provided in subsection (2), fails to produce the instrument referred to in the summons, the court may require him on oath or affirmation to answer any question which the court may put or allow respecting the instrument alleged to be in his possession,

* This is a reference to the Supreme Court constituted by the now repealed Courts Ordinance.

and the refusal to take such oath or make such affirmation or to answer such question shall be punishable in the same manner as the like refusal by a witness in a civil case is punishable by that court under the Civil Procedure Code.

Where such person, by affidavit or in evidence given upon oath or affirmation, denies that the instrument is in his possession or control, the proceedings commenced upon the application under subsection (1) shall terminate.

(4) Where any person on whom a summons under subsection (1) has been served produces the instrument to the court, the court shall hold an inquiry for the purpose of determining whether the instrument should be presented for registration under this Ordinance, and where it so determines shall, subject as hereinafter provided, make an order directing that the instrument shall be retained in the court for the purpose of being so presented :

Provided that where the instrument is one to which the provisions of section 4 (1) apply, no order shall be made under this subsection unless the court is satisfied that the case is one in which an order may be made under the aforesaid section 4 authorizing the presentation of the instrument for registration ; and in any such case no further order under that section shall be required in relation to that instrument.

(5) The court shall not, except with the consent of the person producing the instrument, permit such instrument to be inspected by or on behalf of the applicant for the summons, unless the court is satisfied, after examination of the instrument and consideration of such evidence as the court may deem necessary, that the applicant has reasonable grounds for alleging that he is entitled to any interest in the land under or by virtue of the instrument.

(6) Where an order is made under subsection (4), the person producing the instrument may appeal to the Supreme Court* against such order, and where the

court refuses to make such an order the applicant for the summons may appeal to the Supreme Court* against such refusal. Such appeal shall be preferred before the expiry of a period of fourteen days from the date of the order or refusal.

The provisions of the Civil Procedure Code and of any other written law relating to appeals to the Supreme Court* against orders or decrees of District Courts in civil actions shall *mutatis mutandis* apply in the case of any appeal under this subsection.

(7) Where an order directing the presentation of any instrument for registration is made under this section by District Court or by the Supreme Court* upon appeal, the instrument shall forthwith be presented for registration by the secretary† of the District Court, and shall thereafter be returned to the secretary † for the purpose of being delivered to the person by whom it was produced to the court.

(8) Where a summons is issued by the court as provided in subsection (1) or an order for the arrest of any person is made as provided in subsection (2), the provisions of Chapter XVII of the Civil Procedure Code shall apply in like manner as though the summons or order were issued or made under that chapter in civil proceedings before the court in the exercise of its ordinary jurisdiction.

6. (1) The provisions of the Registration of Documents Ordinance and of the regulations made thereunder shall, where not inconsistent with the provisions of this Ordinance, apply in relation to the presentation of instruments for registration as provided by this Ordinance and to the registration of such instruments, and the provisions of sections 36 to 39 of the Registration of Documents Ordinance shall apply in the case of instruments presented for registration or registered as provided by this Ordinance.

Registration of Documents Ordinance to apply for purposes of registration, &c.

(2) A fee of ten rupees shall be payable upon the presentation of any instrument for registration as provided by this Ordinance.

* This is a reference to the Supreme Court constituted by the now repealed Courts Ordinance.

† This is a reference to the Secretary of the District Court prior to the change of designation to Registrar.

Description of land affected by instrument and order by court for registration.

7. (1) Nothing in section 13 of the Registration of Documents Ordinance shall apply where any instrument is presented for registration as provided by this Ordinance.

(2) Every instrument presented for registration as provided by this Ordinance shall be accompanied—

- (a) by a certified copy of such instrument, and
- (b) by a written description of the land claimed to be affected thereby, its boundaries, extent and situation, the district and village, pattu, korale or other division of the district in which the land is situated and, where the land is situated in a town, the name if any of the street in which it is situated.

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

If the land consists of an undivided share in a land, the proportion which the share bears to the entire land shall be stated and a written description of the entire land shall be given as required by the preceding provisions of this subsection.

(3) Where the land claimed to be affected by any instrument presented for registration as provided by this Ordinance is, to the knowledge of the person presenting the instrument for registration, affected by any other instrument registered under any of the Ordinances mentioned in subsection (3) of section 2 of this Ordinance, the instrument presented for registration shall be accompanied by a reference to the volume and folio in which such other instrument is registered if such reference is known to the person presenting the instrument.

(4) Where the Registrar of Lands is not satisfied that the land claimed to be affected by such instrument is affected thereby, the Registrar may, with the prior approval of the Registrar-General, refuse to register the instrument.

Notice of such refusal shall be sent by registered post to the person presenting the instrument for registration.

(5) The person presenting any instrument for registration, if aggrieved by the refusal of the Registrar to register the instrument, may within one month, from the date of the communication of such refusal to him, make an application to the District Court for an order directing the Registrar to register the instrument. The Registrar-General shall be named respondent to such application.

Upon such application being made, the District Court may, after such inquiry as the court may consider necessary and after notice to such persons as may appear to the court to be interested, make order directing the Registrar to register the instrument as an instrument affecting the land claimed by the applicant to be affected thereby or may refuse to make such order.

No appeal shall lie against any order made by the District Court under this subsection or against the refusal of the District Court, to make any such order.

(6) Every application to the District Court under this section, shall bear a stamp of ten rupees. No further stamp duty shall be payable in respect of any proceedings upon such application.

(7) Where the secretary* of a District Court is required by section 5 to present an instrument for registration, the copy, statements and particulars referred to in subsections (2) and (3) of this section shall be furnished to the secretary* by the person at whose instance the instrument was produced to the court, and such copy, statements and particulars shall be transmitted by the secretary* to the Registrar together with the instrument presented for registration.

In any such case notice of the refusal to register the instrument shall be given under subsection (4) to the person at whose instance the instrument was produced to the court, and an application under subsection (5) may be made by that person.

* This is a reference to the Secretary of the District Court prior to the change of designation to Registrar.

(8) The making of an order under this section by a District Court directing the registration of any instrument as an instrument affecting any land shall not be taken or construed in any way to be *res adjudicata* upon any question arising in any other proceedings.

registration, as against any other such instrument duly registered in accordance with the provisions of this Ordinance.

Return of registered instruments and custody of certified copies.

8. (1) Upon the registration of any instrument as provided by this Ordinance, the Registrar shall—

(3) Where any instrument has been registered under this Ordinance, and any person in any proceedings claims any interest in any land under or by virtue of that instrument, the burden of proving that such land is land affected by that instrument shall be on such person.

- (a) return such instrument to the person by whom it was presented for registration; and
- (b) retain and preserve in his custody the certified copy thereof which accompanied the application for registration.

10. Nothing in section 7 of the *Sannases* and Old Deeds Ordinance shall apply to any instrument which is registered as provided by this Ordinance.

Application of section 7 of *Sannases* and Old Deeds Ordinance modified.

(2) No certified copy retained and preserved by the Registrar under subsection (1) shall be delivered out of the custody of the Registrar, except upon an order made by any court in that behalf in any proceedings in which the court requires the production of the instrument.

11. In this Ordinance "instrument affecting land" means any instrument referred to in paragraph (a) of section 8 of the Registration of Documents Ordinance, and includes any *sannas* or *ola*.

Meaning of "instrument affecting land".

Effect of registration as provided by this Ordinance.

9. (1) The registration as provided by this Ordinance of any instrument affecting land shall not cure any defect in the instrument or confer upon it any effect or validity which it would not otherwise have.

12. (1) During the period commencing on the 1st day of January, 1948, and ending on the 31st day of December, 1953, nothing in section 2 of this Ordinance shall apply in the case of any instrument affecting land which was executed or made at any time prior to the 1st day of January, 1864, if the court before which that instrument is sought to be produced in evidence is satisfied—

Transitory provisions.

(2) Notwithstanding anything in section 7 of the Registration of Documents Ordinance—

(a) that—

- (a) no instrument registered under any of the Ordinances mentioned in subsection (3) of section 2 of this Ordinance shall gain any priority by reason of prior registration as against any instrument executed or made before the 1st day of January, 1864, which is duly registered in accordance with the provisions of this Ordinance;
- (b) no instrument executed or made before the 1st day of January, 1864, which is duly registered in accordance with the provisions of this Ordinance shall gain any priority by reason of prior

(i) such instrument had been presented for registration in accordance with the provisions of this Ordinance before the 1st day of January, 1948, and proceedings under this Ordinance for the registration thereof are pending whether before the Registrar or any court; or

(ii) an application for an order authorizing the presentation of such instrument had been made under section 4 before the 1st day of January, 1948, and proceedings upon such application or any subsequent proceedings under this Ordinance for the registration

of such instrument are pending before the Registrar or any court; or

- (iii) an application for an order under section 5 in respect of that instrument had been made before the 1st day of January, 1948, and proceedings upon such application or any subsequent proceedings under this Ordinance for the registration of such instrument are pending before the Registrar or any court; and

- (b) that notice of the presentation of such instrument for registration or of the application under section 4 or section 5, as the case may be, has been duly registered under subsection (2) as a notice affecting the land in which an interest is claimed under the instrument.

(2) Any person presenting an instrument for registration as provided by this Ordinance or making any application under section 4 or section 5 in respect of any

instrument, may at any time before the 1st day of January, 1948, make application to the Registrar to enter notice of such presentation or application as a notice affecting the land claimed to be affected by such instrument. The Registrar shall thereupon register such notice under the Registration of Documents Ordinance as though it were an instrument affecting the land claimed by the applicant to be affected thereby.

(3) No fee shall be payable for the registration of any notice under subsection (2).

(4) It shall be the duty of the Registrar-General, on at least three occasions prior to the 1st day of January, 1948, to publish in the Gazette and in at least three daily newspapers notices calling attention to the provisions of section 2 and to the fact that no instrument referred to therein can be registered as provided by this Ordinance unless it is presented for such registration prior to the 1st day of January, 1948.

The form of notices under this subsection shall be such as the Registrar-General may in his discretion determine.

CHAPTER 138

LAND REGISTERS (RECONSTRUCTED FOLIOS)

AN ORDINANCE TO MAKE PROVISION FOR THE PREPARATION AND SUBSTITUTION OF RECONSTRUCTED FOLIOS FOR LOST, MUTILATED OR DAMAGED FOLIOS IN LAND REGISTERS.

[24th August, 1945.]

1. This Ordinance may be cited as the Land Registers (Reconstructed Folios) Ordinance.

letters, memoranda, books or records in the custody or under the control of the Registrar-General.

2. Whenever the Registrar-General after due investigation and search, is satisfied that any folio of a land register has been abstracted or destroyed or otherwise lost and cannot be recovered or that any such folio has been permanently mutilated or so obliterated or damaged as to render the entries or any material part of the entries therein indecipherable, he may insert or cause to be inserted in that register, in the place formerly occupied by the lost folio or in place of the mutilated or damaged folio, as the case may be, a reconstructed folio prepared and authenticated by him in accordance with the provisions of this Ordinance.

(3) The material particulars, so far as they are available, of every entry which is shown by the evidence admissible under paragraph (2) to have been contained in the original folio shall be inserted in the appropriate places in the provisional folio, and no other entry shall be included on any ground whatsoever under this section.

3. In each case where a folio has to be reconstructed for the purposes of this Ordinance, the Registrar-General shall in the first instance prepare a provisional folio in accordance with the following provisions and not otherwise:—

4. The Registrar-General shall, as soon as may be after he completes the preparation of a provisional folio or as much thereof as it is possible to prepare with the evidence admissible under section 3, publish for general information, in the Gazette and in at least two of the newspapers circulating in Sri Lanka, a notice under his hand—

Notice of preparation of provisional folio.

(1) The provisional folio shall as far as possible be of the same size and form as the existing folios of the land register concerned.

(a) giving such particulars as may in his opinion be necessary for facilitating the identification of the folio which is lost or is mutilated or damaged;

(b) stating the extent of the reconstruction he has been able to complete in the provisional folio;

(2) In ascertaining the particulars originally contained in the lost folio or in that part of a mutilated or damaged folio which is missing or is indecipherable, no evidence shall be accepted or used other than the evidence furnished by the instruments, protocols, duplicates,

(c) specifying the period and the hours during which, and the place at which, the provisional folio may be inspected by any person or persons interested therein; and

(d) specifying the manner in which, and the date on or before which, objections may be lodged against

any entry included in the provisional folio or any of the particulars contained in any such entry, or claims may be made for the insertion of any entry or any particulars alleged to be omitted therefrom.

Objections and claims.

5. Any person whose right to or interest in any land is or is likely to be affected by any entry or any particulars in an entry included in or alleged to be omitted from any provisional folio of the preparation of which notice is given by the Registrar-General under section 4, may, in the manner and within the time specified in the notice, lodge an objection against the inclusion, or make a claim for the insertion, of such entry or particulars in that folio.

Disposal of objections and claims.

6. (1) The Registrar-General shall consider and determine every objection or claim duly lodged or made under section 5 :

Provided that any objection or claim received within fourteen days after the time limit referred to in that section may be entertained by the Registrar-General if, in his opinion, the delay was due to any unavoidable or reasonable cause.

(2) (a) Where the Registrar-General deems it necessary to hold an inquiry into any objection or claim, he shall be entitled to procure and receive all evidence relating thereto and shall, for the purposes of such inquiry, have power to require witnesses by summons under his hand to appear before him and give evidence or produce documents and power to examine such witnesses on oath or affirmation.

(b) Every person who makes default in complying with any summons issued by the Registrar-General or refuses to give evidence or to produce any document, or who gives false evidence at any inquiry held by the Registrar-General, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and such imprisonment.

(3) The decision of the Registrar-General on each objection or claim lodged or made under section 5 shall be communicated in writing to the objector or claimant, as the case may be, and shall be final.

7. (1) Where the decision of the Registrar-General on any objection or claim, lodged or made under section 5 renders necessary any alteration, insertion, omission or other amendment of any entry or the particulars in any entry included in the provisional folio, the Registrar-General shall, as soon as may be after his decision is communicated to the objector or the claimant, as the case may be, make or cause to be made each such amendment in accordance with the evidence which he has decided to accept.

(2) Upon the completion of all amendments required by subsection (1), or where no objection or claim has been duly lodged or made, upon the expiry of the period of fourteen days referred to in section 6 (1), the provisional folio shall be and be deemed to be the reconstructed folio for the purposes of this Ordinance.

(3) The Registrar-General shall authenticate the reconstructed folio by endorsing thereon a certificate under his hand to the effect that the folio has been prepared in accordance with the provisions of this Ordinance, and shall thereafter cause the reconstructed folio to be inserted in the appropriate land register in the place formerly occupied by the lost folio or in place of the mutilated or damaged folio, as the case may be.

8. A reconstructed folio prepared, authenticated and inserted in a land register in accordance with the provisions of this Ordinance shall for all purposes be deemed to have the same legal force and effect as the lost folio or the mutilated or damaged folio which such reconstructed folio replaces.

9. (1) In this Ordinance, "land register" means the book or any volume forming part of the book kept or deemed to be kept by a Registrar of Lands for the purposes of the registration of instruments affecting land under the Registration of Documents Ordinance.

Amendment, authentication and insertion of reconstructed folio.

Legal effect of reconstructed folio.

Interpretation and construction of Ordinance.

LAND REGISTERS (RECONSTRUCTED FOLIOS)

(2) This Ordinance shall be read and construed as one with the Registration of Documents Ordinance, and accordingly section 35 of that Ordinance shall apply for the purposes of the correction of any error or omission in a reconstructed folio after it is inserted in a land register in like manner

as it applies in the case of any of the original folios in a land register.

(3) In this Ordinance "Registrar-General" shall include a Deputy Registrar-General. [§§ 2 & 3, Law 23 of 1978.]

CHAPTER 139

VALIDATION OF REGISTRARS' PROCEEDINGS

Ordinance AN ORDINANCE TO PROVIDE FOR THE VALIDATION OF PROCEEDINGS BY OR BEFORE
 No. 3 of 1912. REGISTRARS INVALIDATED BY IRREGULARITIES.

[29th April, 1912.]

Short title.

1. This Ordinance may be cited as the Registrars' Proceedings Validation Ordinance.

that may be necessary for the purpose of giving validity to the registration or proceeding.

Interpretation.

2. In this Ordinance "registrar" means any person discharging or purporting to discharge the function of registering in any public record any matter which is by law authorized or required to be registered.

4. Any registration or proceeding so validated shall have effect as if it was validly made or taken at its original date.

Effect of validation.

Power of Minister to validate certain invalid registrations and proceedings.

3. Where, whether before or after the passing of this Ordinance—

5. Where the matter in question is the registration of a document, the provisions of this Ordinance shall be subject to the following savings :—

Savings as to the registration of documents.

- (a) any registration of a birth, death, marriage, document, or any other matter which is by law required or authorized to be registered ; or
- (b) any proceeding taken or purporting to be taken by or before a registrar by virtue of his office,

(a) no right, title, or interest that may have been acquired by a person not a party to the document between the date of its original registration and the date of its validation shall be prejudicially affected by such validation ;

(b) nothing in this Ordinance shall be deemed to authorize the validation of a registration made after the interval prescribed by law for the making of such registration where the validity of the registration depends upon its being made within the prescribed interval.

is invalidated by reason of any informality, mistake, or accidental omission, whether relating to the appointment of the registrar, or the limits of his jurisdiction, or the manner in which the registration or proceeding was made or taken, or any other incidental circumstance, and no other means are by law provided by which the registration or proceeding may be validated, it shall be lawful for the Minister by Order notified in the Gazette, to give directions for the correction of the mistake, informality, or omission, and to make any other order

6. Where the proceeding in question is a marriage, nothing in this Ordinance shall be deemed to authorize the validation of a marriage otherwise invalid where any party to the marriage has subsequently contracted a valid marriage.

Saving as to marriages.

CHAPTER 140

POWERS OF ATTORNEY

Ordinances
Nos. 4 of 1902,
9 of 1913,
33 of 1939.

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF WRITTEN AUTHORITIES AND POWERS OF ATTORNEY.

[1st July, 1902.]

Short title.

1. This Ordinance may be cited as the Powers of Attorney Ordinance.

Interpretation.

2. For the purposes of this Ordinance, and unless there be anything in the subject or context repugnant to such construction—

“attorney” shall include every person holding such power of attorney;

“power of attorney” shall include any written power or authority other than that given to an attorney-at-law or law agent, given by one person to another to perform any work, do any act, or carry on any trade or business, and executed before two witnesses, or executed before or attested by a notary public or by a Justice of the Peace, Registrar, Deputy Registrar, or by any Judge or Magistrate, or Ambassador, High Commissioner or other diplomatic representative of the Republic of Sri Lanka; and

“Registrar-General” shall include the Deputy Registrar-General and an Assistant Registrar-General and any person for the time being lawfully discharging the duties of the Registrar-General or of the Deputy Registrar-General or an Assistant Registrar-General.

[§§ 2 & 3, Law
23 of 1978.]

Power of attorney may be registered by the Registrar-General.

3. Any attorney desiring to have his power of attorney registered under this Ordinance shall be entitled to have the same so registered, and shall for that purpose produce the same to the Registrar-General, together with a copy thereof certified by a notary public to be a true copy, and shall make an affidavit to the effect that to the

best of his knowledge and belief such power of attorney is genuine and still in force. And the Registrar-General shall, after satisfying himself of the correctness of such copy, register the power of attorney and file such copy and shall endorse upon it and upon the power of attorney a certificate signed by him stating the fact of such registration and the date thereof, together with a reference to the volume and folio wherein such registration is recorded and such copy is filed, and shall return the power of attorney to the person producing the same. Such registration shall be recorded in a book to be kept in the form prescribed in the Schedule.

Registration to be recorded.

4. In the event of the cancellation or revocation of any registered power of attorney, or where any attorney ceases to act under such power of attorney, the grantor or attorney, if desirous of having such cancellation or revocation registered, shall be entitled to have the same so registered, and shall for that purpose notify such cancellation or revocation to the Registrar-General, with an affidavit verifying such fact, and shall also cause publication of such notification to be made in the Gazette and in three issues of at least three daily papers published in the Sinhala, Tamil and English languages in Colombo; but until such notification and publication the grantor shall be held liable and bound by all acts of his attorney:

Cancellation or revocation may be notified to the Registrar-General and published.

Effect of non-notification.

Provided that nothing in this section shall be construed to affect any power of attorney which shall cease or become void by operation of law or to affect or prejudice the operation of any clause, proviso, or condition contained in any power of attorney dealing with or touching or

POWERS OF ATTORNEY

[Cap. 140]

requiring the giving of notice by the grantor or attorney to any person dealing with such attorney, and the effects and liabilities, if any, resulting from the failure to observe and carry out the provisions of such clause, proviso, or condition.

cancellation or revocation, if any, of the power of attorney, and by whom the notification of such cancellation or revocation was given.

Registration of cancellation or revocation.

5. The Registrar-General shall register every notification of cancellation or revocation made to him under section 4, and endorse upon the copy of the power of attorney a certificate signed by him stating the fact of such cancellation or revocation and the date of such endorsement, with a reference to the volume and folio where such cancellation or revocation is recorded and the notification is filed. Such cancellation or revocation shall be recorded in a book to be kept in the form prescribed in the Schedule.

8. In any judicial proceeding every certified copy issued by the Registrar-General as provided in section 7 of this Ordinance shall be received as prima facie evidence of the execution by the person by whom it purports to have been executed of the original power of attorney and of the contents of such original power of attorney, notwithstanding that the original power of attorney be not produced :

Copies issued by Registrar-General to be received in evidence.

Provided that if in any case such person denies the execution of such power, the certified copy thereof shall not be accepted as prima facie evidence of the execution of the original.

Registrar-General shall file documents.

6. The Registrar-General shall carefully file and preserve all copies of powers of attorney and all notifications of cancellation or revocation received by him, together with the affidavits relating thereto, with convenient lists and indexes thereof.

9. The following fees shall be payable to the Registrar-General under this Ordinance, and shall be paid in stamps, to be affixed, in the case of the registration of any power of attorney or of any notification of cancellation or revocation of any power of attorney, to the copy of the power of attorney or the notification respectively filed by the Registrar-General, and in all other cases to the document in respect of which they are payable :—

Fees.

Inspection of documents.

All such records shall be open to inspection of any person on an application in writing to be made by such person to the Registrar-General for that purpose.

	Rs.	c.
For the registration of any power of attorney . . .	3.	75
For the registration of any notification of cancellation or revocation of any registered power of attorney	1.	00
For every application to inspect the records . . .	1.	00
For every application for a certified copy of a registered power of attorney	1.	00
For every certified copy issued under section 7, per folio of 120 words	0.	50

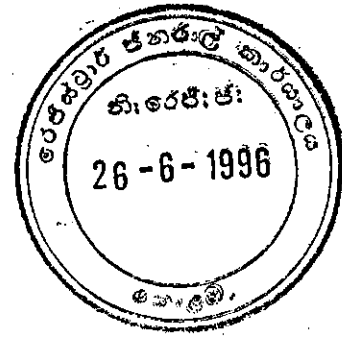
Copies of registered powers of attorney.

7. The Registrar-General shall, at the request of any person applying in writing for the same, issue a copy, certified by him to be a true copy, of any copy of a power of attorney filed in his office under section 3. To such certified copy shall be added a certificate signed by the Registrar-General stating the date of registration of the power of attorney and by whom the power of attorney was produced for such registration, together with the date of registration of

SCHEDULE

[Sections 3 and 5.]

Serial No.	Date of Registration	Description of Power of Attorney (whether Notarial Deed, Letter, Telegram, &c.)	Grantor	Grantee	Date of Powers	By whom produced for Registration	Volume and Folio where Copy is filed	Date of Notification of Cancellation or Revocation	Notification by whom given	Date of Registration of Notification	Volume and Folio where Notification is filed



1985
SUPPLEMENT
TO
THE REVISED EDITION
OF THE
LEGISLATIVE ENACTMENTS
OF
SRI LANKA

VOLUME I
PARTS 6 & 7.

Note.—There is no Part V of this Supplement as there are no amendments to enactments in Volume V of the Revised Edition during the period commencing 1st January, 1981, and ending on 31st December, 1984.

1987

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**LEGISLATIVE ENACTMENTS
OF THE
DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA**

IN FORCE ON THE
31ST DAY OF DECEMBER 1980

**REVISED EDITION
(UNOFFICIAL)**

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CHAPTER 135

REGISTRATION OF DOCUMENTS (AMENDMENT)

Act
No. 50 of 1982. AN ACT TO AMEND THE REGISTRATION OF DOCUMENTS ORDINANCE.

[Act No. 50 of 1982—Commencement and Operation—30th December, 1982.]

Short title.

1. This Act may be cited as the Registration of Documents (Amendment) Act.

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

Amendment of section 13 of Chapter 135. [§ 2, 50 of 1982.]

2. Section 13 of the Registration of Documents Ordinance (hereinafter referred to as the “principal enactment”) is hereby amended as follows:—

(a) by the repeal of subsection (5) of that section, and the substitution therefor of the following subsection:—

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

(b) by the insertion, immediately after subsection (5) of that section, of the following new subsections:—

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

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

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

(5B) Any person aggrieved by a decision of the Registrar-General

(c) by the repeal of subsection (6) of that section, and the substitution therefor of the following subsection:—

“(6) Where the description of the land affected by an instrument executed or made after the commencement of this Ordinance is not contained in a schedule to the instrument, a fee of ten rupees shall be payable for the registration in addition to any other fee which may be payable:

Provided that nothing in this subsection shall be construed so as to apply or affect any grant or lease of State land made or executed after the commencement of this Ordinance.”.

3. Section 35 of the principal enactment is hereby amended by the repeal of subsection (1) of that section, and the substitution therefor of the following subsection:—

Amendment of section 35 of the principal enactment. [§ 3, 50 of 1982.]

“(1) Where it is shown to the satisfaction of the Registrar-General that any error or omission has been made in registering any instrument, whether before or after the commencement of this

Ordinance, the Registrar-General shall issue notice in writing in the prescribed form—

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

and order such error or omission to be corrected and the correction shall then be

made by the Registrar concerned in the prescribed manner, but shall not affect any priority accrued before the correction is made:

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