



BIRTHS, DEATHS AND MARRIAGES  
(AMENDMENT) LAW, No. 41 of 1975  
OF  
THE NATIONAL STATE ASSEMBLY.

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[Certified on 20th November, 1975]

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*Births, Deaths and Marriages (Amendment)*  
*Law, No. 41 of 1975*

L. D.—O. 16/73.

**A LAW TO AMEND THE BIRTHS AND DEATHS REGISTRATION ACT, THE MARRIAGE REGISTRATION ORDINANCE, THE KANDYAN MARRIAGE AND DIVORCE ACT AND THE MUSLIM MARRIAGE AND DIVORCE ACT.**

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

1. This Law may be cited as the Births, Deaths and Marriages (Amendment) Law, No. 41 of 1975.

Short title.

2. This Law shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*, (hereinafter referred to as the "appointed date").

Date of operation.

**PART I**

**AMENDMENTS TO THE BIRTHS AND DEATHS REGISTRATION ACT.**

3. The Births and Deaths Registration Act is hereby amended as follows:—

Amendment of the Births and Deaths Registration Act, (Chapter 110).

(A) in section 10 thereof, by the repeal of subsection (3) of that section, and the substitution therefor, of the following subsection:—

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

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

(B) by the insertion, immediately after section 11 thereof, of the following new section which shall have effect as section 11A thereof:—

" Issue of  
free copy  
of birth  
and death  
registration  
entry.

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.";

(C) in section 27 thereof—

(i) by the substitution, for subsections (1) and (2) of that section, of the following subsections:—

" (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.

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

(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.”; and

(ii) by the substitution, for the marginal note to that section, of the following marginal note:—

“ Insertion or alteration of the name of a person in the register.”;

(D) by the insertion, immediately after section 27 thereof, of the following new section which shall have effect as section 27A thereof:—

Amendment  
of birth  
registration  
entry by  
Registrar-  
General.

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—

(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, No. 3 of 1970, that person is rendered legitimate; and
- (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 District 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 District Court shall be subject to an appeal to the Supreme Court within a period of thirty days from the date on which a certified copy of the order of the District Court is served on the Registrar-General.

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

(8) Notwithstanding the right of appeal against an order of the Registrar-General or of the District 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 District Court or Supreme Court upon any appeal, as the case may be.

(9) The procedure in regard to appeals to the Supreme Court under this section shall, so far as is practicable, be regulated by the law relating to appeals to the Supreme Court from the District Court in the exercise of its criminal jurisdiction.”;

(E) by the repeal of section 28 thereof, and the substitution therefor, of the following section:—

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

Amendment  
of birth  
registration  
entry  
relating  
to race of  
father.

birth, may make a written application to the District 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.

(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 District Court, in accordance with the preceding provisions of this section, for the amendment of an entry in a register of births, the District 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 District Court shall be subject to an appeal to the Supreme Court within a period of thirty days from the date on which a certified copy of the order of the District Court is served on the Registrar-General under the provisions of subsection (5).

(5) The District Court shall cause a certified copy of every order made by that court under subsection (3) or by the Supreme Court in 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.”:

(F) in section 52 thereof, by the substitution for paragraphs (h) and (i) of subsection (1) of that section, of the following paragraphs:—

“(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

(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”;

(G) in section 56 thereof, by the repeal of subsection (2) of that section and the substitution therefor, of the following subsection:—

“(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.”;

(H) by the repeal of section 57 thereof, and the substitution therefor, of the following section:—

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.



(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.”; and

(I) in the Schedule thereto, by the substitution for form GG and form HH, of the following new form GG and form HH:—

(Section 27)

“FORM GG  
DECLARATION OF NAME BY THE PERSON HIMSELF

.....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.

Appropriate Stamp.

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FORM HN

DECLARATION OF ALTERATION OF NAME BY THE PERSON HIMSELF

(Section 27)

I, ..... , do hereby declare  
that I am the male (female) child born on the .....  
at ..... 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 .....

I witness my hand this .....  
day of ..... 19.....

Signature.

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

Justice of the Peace or  
District Registrar.

Appropriate Stamp."

4. Notwithstanding the repeal and replacement of section 28 of the Births and Deaths Registration Act by paragraph (E) of section 3 of this Law, every inquiry, appeal or other proceeding under the repealed section 28 which is pending or is incomplete on the day immediately preceding the appointed date, shall be carried on and completed in all respects as though that section had not been repealed and replaced.

Saving for pending inquiries under section 28 of Chapter 110 before appointed date.

PART II

AMENDMENTS TO THE MARRIAGE REGISTRATION  
ORDINANCE

5. The Marriage Registration Ordinance is hereby amended as follows:—

Amendment of the Marriage Registration Ordinance (Chapter 110).

(A) by the repeal of section 27 thereof, and the substitution therefor, of the following section:—

Issue of licence.

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.

(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.”;

(B) in section 34 thereof by the repeal of subsection (6) of that section and the substitution therefor, of the following subsection:—

(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.;

- (C) in section 35 thereof, by the repeal of subsection (5) of that section and the substitution therefor, of the following subsection:—

“(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.”;

- (D) by the insertion, immediately after section 35 thereof, of the following new section which shall have effect as section 35A thereof:—

“ Copy of  
registration  
entry to be  
issued free.

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.”;

- (E) in section 37 thereof—

- (i) by the repeal of subsection (2) of that section, and the substitution therefor, of the following subsection:—

“(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).”;

- (ii) by the insertion, immediately after subsection (2) of that section, of the following new subsection:—

“(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, 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.

(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.”; and

(iii) by the substitution, for the marginal note to that section, of the following marginal note:—

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

(F) in section 51 thereof, by the repeal of subsection (2) of that section, and the substitution therefor, of the following subsection:—

“(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.”;

(G) by the repeal of section 52 thereof, and the substitution therefor, of the following section:—

“Third copy, certified copy or extract to be prima facie evidence.

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 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.”; and

(H) by the substitution for the Second Schedule thereto, of the following new Schedule:—

“ SECOND SCHEDULE

Payable to whom	For what duty	Payable by whom	Amount Rs. a.
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

PART III

AMENDMENTS TO THE KANDYAN MARRIAGE AND DIVORCE ACT

6. The Kandyan Marriage and Divorce Act is hereby amended as follows:—

(A) by the repeal of section 19 thereof, and the substitution therefor, of the following section:—

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

Amendment of the Kandyan Marriage and Divorce Act (Chapter 118).

Special Licences for issue of Marriage Notice Certificates.



- is situated or to such 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 Registers 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.

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(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.” ; .

(B) in section 23 thereof, by the repeal of subsection (2) of that section and the substitution therefor, of the following subsection:—

(2) The marriage registration entry—

(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;

(C) by the insertion, immediately after section 23 thereof, of the following new section which shall have effect as section 23A thereof:—

" Issue of  
copy of  
marriage  
registra-  
tion entry  
free.

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."

(D) in section 24 thereof, by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection:—

"(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—

(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

(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

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- (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.”;
- (E) by the insertion, immediately after section 24 thereof, of the following new section which shall have effect as section 24A thereof:—

“ Resolution  
of doubts.

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 coming into operation of this section, 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.”;

- (F) by the repeal of section 26 thereof, and the substitution therefor, of the following new section—

“ Replacement  
of original  
or duplicate  
marriage  
registration  
entry in  
certain  
circum-  
stances.

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.

(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.”;

(G) in section 33 thereof—

(i) by the repeal of subsections (1), (2) and (12) of that section, and the substitution therefor, of the following subsections respectively:—

(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 (c) 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.

(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.

(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; and

(ii) by the insertion, immediately after subsection (13) of that section, of the following new subsections:—

“(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.

(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).

(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).

(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." ; and



(H) in section 56 thereof, by the repeal of subsection (2) of that section, and the substitution therefor, of the following subsection:—

(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.

#### PART IV

#### AMENDMENTS TO THE MUSLIM MARRIAGE AND DIVORCE ACT

Amendment  
of Muslim  
Marriage and  
Divorce Act.  
(Chapter 115).

— 7. The Muslim Marriage and Divorce Act is hereby amended as follows:—

(A) in section 18 thereof, by the repeal of subsections (2) and (3) of that section, and the substitution therefor, of the following subsections:—

(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 endorsement under the hand of the registrar to the effect that it is issued under section 19A.

(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) in section 19 thereof, by the repeal of subsection (1) of that section, and the substitution therefor, of the following subsection:—

“(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—

- (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.”;

((C) by the insertion, immediately after section 19 thereof, of the following new section which shall have effect as section 19A thereof:—

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.”;

... Issue of  
copy of  
registration  
entry free.

((D) by the repeal of section 29 thereof, and the substitution therefor, of following section:—

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.

(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;

(F) by the repeal of section 70 thereof and the substitution therefor, of the following section:—

“ Registers  
and copies  
to be  
evidence.

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 Registfar-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.”;

(F) by the repeal of section 72 thereof and the substitution therefor, of the following section:—

Books, &c., to be supplied free. 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.”;

(G) by the repeal of section 76 thereof, and the substitution therefor, of the following section:—

Damage of duplicate and original entries, and reconstruction of duplicate and original entries.

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.

(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.”; and

(H) in section 97 thereof, by the omission of the definition of the word “duplicate”.