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MARRIAGES (GENERAL)

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.

Ordinance 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

Law Nos,

41 of 1975

Act Nos,

22 of 1955

11 of 1963

3 of 1970

18 of 1995

12 of 1997

11 of 2001

Gazette Nos,

1386-18-2005

[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 Assistant Registrars-General and their duties.
[3,34 of 1946]

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.

District Registrars.

4.

[8, 22 of 1955]

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

[8, 22 of 1955]

(2) The *(See section 4 of the Transfer of Powers (Divisional Secretaries) Act, No. 58 of 1992.)Government Agent of a district shall be the District Registrar for that district.

[8, 22 of 1955]

(3)* (See section 4 of the Transfer of Powers (Divisional Secretaries) Act, No. 58 of 1992.)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.

[8,22 of 1955]

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

[8, 22 of 1955]

(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.

[4, 34 of 1946]

(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.

[11, 34 of 1946]

(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.

[8, 22 of
1955]

(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

[11, 34 of 1946]

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

[11, 34 of 1946]

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

[11.34 of 1946]

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

[11, 34 of 1946]

kept for the purpose.

Power to make
rules.

[5, 34 of 1946]

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.

(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.

Residence,
office, and station
of registrar,

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 :

[2, 20 of 1945]

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.

Attendance of registrar at his office,

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 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 if 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.

Cancellation or substitution of registration of building.

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.

(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.

Rectification of errors.

[6, 34 of 1946]

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.

Publication of lists of registrars and registered buildings.

[7, 34 of 1946]

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.

Prohibited age of marriage

[2,18 of 1995]

15. No marriage contracted after the coming into force of this section shall be valid unless both parties to the marriage have completed eighteen years of age.

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 matrimoniali 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 impotence at the time of such marriage.

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

Suits to compel marriage prohibited.

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.

(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:

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

Who may give consent to marriage of a minor.

[2,12 of 1997]

22.

(1)

(a) The father of any person under eighteen who may years of age ; or

(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 refuses his or her consent, the Judge of the District 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 :

[11,34 of 1946]

(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.

[11,34 of 1946]

(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.

[11, 34 of 1946]

(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.

[11,34 of
1946]

(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.

Form of notice
and declaration

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

[2,47 of
1947]

(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
- (d) 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.

[3,12 of
1997]

(6) Every notice to a District Registrar under subsection (1) or (2) and every notice under subsection (3) of section 23 shall bear a stamp of the value of twenty-five 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.

Issue of
certificate.

26.

[2,49 of 1944]

(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

[11,34 of
1946]

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 :

[2, 49 of
1944]

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.

Issue of licence

27.

[5, Law 41 of
1975]

(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 in which it was entered, and that the issue of the certificate has been authorized by the licence of the District Registrar or the registrar.

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

28.

[4,49 of 1944]

[[11,34 of 1946]

(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.

(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.

Forbidding of issue of certificate.

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.

Caveat.

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.

(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 District Judge 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 District Judge 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 District Judge shall be subject to appeal to the Court of Appeal.

(4) A copy of the order of the District Court, or of the Court of Appeal in appeal, certified under the hand of the District Judge, 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.

Facilities for marriages in Great Britain and Northern Ireland between British subjects resident in Great Britain and Northern Ireland and British subjects resident in Sri Lanka and vice versa.

32.

(1) Where a marriage is intended to be solemnized in the United Kingdom between a British subject there resident and a British subject resident in Sri Lanka, a notice may be given, a declaration may be made and a certificate of notice of marriage may be issued in Sri Lanka for the purpose of the said marriage by the registrar in the like manner as if the marriage was to be solemnized in Sri Lanka.

(2) Where a marriage is intended to be solemnized in Sri Lanka between a British subject resident in the United Kingdom and a British subject resident in Sri Lanka, a certificate for marriage issued in England and Wales by a superintendent registrar, or in Scotland or Northern Ireland by a registrar, or a certificate of proclamation of banns in Scotland, shall, for the purpose of the said marriage, have the same effect as a certificate of notice of marriage issued under section 26, and in any such case, on the production of the said certificate, a marriage may be solemnized in pursuance of section 33 without any of the preliminaries prescribed by the above sections. marriage with reference to Scotland. Meaning of marriage with reference to Scotland

(3) For the purposes of this section the expression " certificate for marriage " in reference to certificates issued in Scotland shall mean a certificate of due publication of notice of intention to marry.

(4) The provisions of section 39 shall not apply to a notice given for the purpose of a marriage referred to in subsection (1) of this section.

Where may
[5,49 of 1944]

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

(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.

Solemnization of
Marriage by
minister.

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.

[2, 11 of
2001]

(2) Immediately after the solemnization of a marriage, the minister shall enter in triplicate, 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. The minister shall issue to the parties, free of charge, the third copy of such statement and the same be pram facie evidence of the solemnization of such marriage according to the rules, customs, rites and ceremonies of the church, denomination or body to which such minister belongs.

(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 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.

[3,47 of 1947]

(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.

- [49, 11 of 1963] (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.
- [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.
- [49, 11 of 1963] (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.

Solemnization of marriage by registrar. **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 :-

(2) The registrar shall address the parties to the following effect :-, " Be it known unto you, A.B. and CD., 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, CD., to be my lawful wedded wife (or husband)".

(4) If either of the parties be deaf of 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.

[5,41 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.

[8,34 of 1946]

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.

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

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.

[5,41 of 1975] (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).

[5,41 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, 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.

[5,41 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.
[2,15 of 1940]

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.

[2,15 of 1940] (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.

[11,34 of 1946]

(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.

New notice required after three months.

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.

Death-bed
marriages.

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 :

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".

[11, 34 of
1946]

(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 District 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.

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

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.

Mode of supplying omission and correcting error in registration.

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 District Court having jurisdiction over the division where the marriage was contracted to have such marriage duly registered, or the erroneous registration amended.

(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 errors in registers.
[11,34 of 1946]

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,

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 District 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 District Court shall be subject to appeal to the Court of Appeal.

Settlements and agreements in regard to such marriage void.

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.

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

[11, 34 of
1946]

fully 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 [§ 11,34 of 1946] thereunder.

[11,34 of
1946]

(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.

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. [§11. 34 of 1946]

(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.

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 evidence
[5, 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 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.

Surrender of registrar ceasing to hold office.
[11, 34 of 1946]

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 [§ 11,34 of 1946] be delivered by the District Registrar to the successor in office of the registrar.

Destruction of documents.
[3 15 of 1940]

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

- (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,

Penalty for no delivery.
[11,34 of 1946]

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 losing or injuring a document.
[11, 34 of 1946]

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.

[4, 15 of 1940]

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

[11, 34 of 1946]

(c) shall sign or issue any false certificate relating thereto ; or

[11, 34 of 1946]

(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.

[11, 34 of 1946]

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.

Offences by minister.

59. Any 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,

Undue solemnization of marriage and issue of certificate.

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 deathbed 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

(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,

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 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.

[9,34 of 1946]

(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.

Proceedings in courts to be exempt from stamp duty.

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

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

[8,22 of 1955] " district " means administrative district;

[10,34 of 1946] " 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, (* Repealed by Act No. 44 of 1952.) or the Kandyan Marriage and Divorce 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 ;

[10,34 of 1946] prescribed " means prescribed by rule made under section 7.

Schedules

See Schedules ,

12 of 1997

Top