

BIRTHS AND DEATHS

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

Law Nos,

40 of 1975

41 of 1975

Act Nos,

17 of 1951

12 of 1952

15 of 1953

30 of 1954

22 of 1955

[1 of 1993](#) [29th January , 1993]

[12 of 2005](#) [11th May , 2005]

[37 of 2006](#) [6th November ,2006]

[1st August , 1954]

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

PART I

ADMINISTRATION

Appointment of Registrar- General and his duties. **2.**

- (1) There may be appointed a person to be or to act as Registrar-General of Births and Deaths for Sri Lanka (hereinafter referred to as the "Registrar-General"),
- (2) The Registrar-General for the time being shall be vested with the general control and superintendence of the registration of births, deaths, and still-births in Sri Lanka, and of all persons appointed for, and engaged in, carrying out the provisions of this Act.

Appointment of Assistant Registrars- General and their duties. **3.**

- (1) There may from time to time be appointed a fit and proper person or each of two or more such persons to be or to act as an Assistant Registrar-General of Births and Deaths (hereinafter referred to as an "Assistant Registrar-General").
- (2) An Assistant Registrar-General may, subject to the authority and control of the Registrar-General for the time being, exercise, perform or discharge any power, duty or function conferred or imposed upon such Registrar-General by or under this Act.

District Registrars. **4.**

[8,22 of 1955]

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

[8, 22 of 1953] (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, 23 of 1955] *(See section 4 of the Transfer of Powers (Divisional Secretaries) Act, No. 58 of 1992.)(3) Every Additional Government Agent, Assistant Government Agent, Additional Assistant Government Agent and Office Assistant to a Government Agent, of a district shall be an Additional District Registrar for that district.

(4)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.

(5)Every District Registrar within his district-

(a)shall have and may exercise and discharge the powers and duties conferred or imposed on a registrar of a division ; and

(b)shall superintend, subject to the direction of the Registrar-General, the registration of births, deaths, and still-births, and the registrars officiating within such district, and all other persons appointed for or engaged in carrying out the provisions of this Act within such district.

Registration **5.** divisions.

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

[8, 22 of 1955] (2) Every reference to any revenue district in any Notification made under subsection (1) of this section before the commencement of the Administrative Districts Act shall, after the commencement of that Act, be construed as a reference to the administrative district consisting of the area which constituted that revenue district.

Appointment of **6.** registrars, deputy registrars, & c. [\[2.1 of 1993\]](#)

(1) There may be appointed, whether by name or by office, for each division into which the administrative districts of Sri Lanka are divided, or are deemed to have been divided under section 5 (hereinafter referred to as a "division") -

[\[2.1 of 1993\]](#) (a) one or more, registrars and deputy registrars; and

[\[2.1 of 1993\]](#) (b) in the prescribed circumstances and for such period as may be specified in the appointment, one or more, acting registrars and acting deputy registrars.

(2)Every appointment referred to in subsection (1), which is

made by reference to office, not being an acting appointment, shall be notified in the Gazette.

(3) No person shall be appointed to be, or to act as, a registrar or a deputy registrar of a division, situated in an area in which Part V of this Act applies, unless he is a registered medical practitioner or is a practitioner of indigenous medicine registered under the Indigenous Medicine Ordinance* (Repealed by the Ayurveda Act, No. 31 of 1961.) or is a person holding a certificate of competency issued by the Director of Health Services.

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

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

[\[2.37 of 2006\]](#) (5)

(a) A person shall be disqualified from being appointed or continuing as a Registrar, or Deputy Registrar, if he :-

- (i) becomes a Member of Parliament ; or
- (ii) becomes a Member of a Provincial Council ; or
- (iii) becomes a Member of a local authority ;
- (iv) is holding any paid office under the Republic ; or
- (v) is engaged in a profession that would prejudicially affect the duties of a Registrar.

(b) Where any Registrar or Deputy Registrar becomes disqualified by virtue of paragraph (a) of this sub-section, the Registrar-General shall have the power to make an order of removal of such person from the post of Registrar or Deputy Registrar with the approval of the Minister by Order published in the Gazette, and such removal shall take effect on the date specified in the Gazette.

(c) In the event of a vacancy occurring in the post of a Registrar or Deputy Registrar as a result of any resignation or any removal from office, another person shall, having regard to the provisions of this section, be appointed to fill the vacancy.

(d) Where another person is appointed to fill a vacancy under this section, the person so appointed shall hold such office for the unexpired part of the

term of office of a Registrar or Deputy Registrar as the case may be whom he succeeds.

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

Residence and office at registrar. **8.**

(1) Every registrar shall dwell in his division and have an office or offices in such convenient place or places in that division as may be appointed in that behalf by the District Registrar of the district in which the division is situated : Provided that such District Registrar may, in the special circumstances of any case and with the prior approval of the Registrar-General, authorize a registrar to dwell or have his office or offices outside his division.

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

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

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

PART II

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

Duty of registrar to register births, deaths, and stillbirths **10.**

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

(2) It shall be duty of the registrar of a division which is or is within an area in which Part V of this Act applies, to inform himself carefully of every still-birth occurring in his division,

and to register accurately and with all convenient despatch, in the language specified for the purpose by the Registrar-General, in the registers provided by him, the particulars of the matters set out in form C of the Schedule.

[3, Law 41 of 1975]

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

- (a) shall be made in the order of time in which those particulars were given to the registrar;
- (b) shall be numbered consecutively and shall be signed by the officer making the entry; and
- (c) shall be prepared in triplicate, that is to say, the original, the second copy (hereinafter referred to as the "duplicate"), and a third copy which shall bear an endorsement under the hand of the District Registrar, Additional District Registrar or registrar, as the case may be, that it is issued under the provisions of section 11 A:

Transmission of
duplicates to
Registrar -General **11.**

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

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

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

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

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

Issue of free copy
of birth and death
registration entry.

[3, Law 41 of 1975]

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.

Replacement of the original entry or duplicate entry in certain circumstances. **12.**

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

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

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

Replacement of an entry when both the original and duplicate are lost, damaged, or illegible. **13.**

(1) Where both the original and the duplicate of a registration entry (prepared under this Act or under any past enactment) are lost, damaged, illegible or in danger of becoming illegible, the Registrar-General may, upon the production of a declaration, made in accordance with the provisions of subsection (2), or of his own motion, and after such inquiry as he may think necessary, cause to be substituted therefor copies of such original and duplicate bearing his certificates setting out the reasons for such substitution and the sources from which the particulars specified in such copies were obtained : Provided, however, that where both the original and the duplicate are lost or illegible, copies shall not be substituted as aforesaid unless-

(a) the Registrar-General has made a full report to the appropriate District Court setting out the reasons for the proposed substitution, the particulars proposed to be substituted and the evidence upon which the particulars have been

obtained ; and

(b) the District Court has, after holding such inquiry and giving such notice as the court may consider requisite, sanctioned such substitution as the court may deem proper. No stamp duty shall be payable on any proceedings before a District Court under this subsection.

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

(a) be made in writing ;

(b) be made by the person upon whose information the original entry was made or any credible person having knowledge of the truth of the particulars relating to such entry ;

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

(d) set out the reasons why substituted copies are necessary and the sources and nature of the information (relating to the particulars to be specified therein) upon which the declarant relies.

Substituted filed **14.**
and preserved. or
duplicates, & c.

(1) The Registrar-General shall cause every copy substituted under section 12 or section 13 to be

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

PART III

REGISTRATION OF BIRTHS

Obligation on certain **15.** Subject to the provisions of subsection (1) of section 20, the individuals to give information about birth in person.

father or mother of every child born alive, and in case the parents of the child are unable to provide the information relating to the birth hereinafter specified by reason of their death, illness, absence or other inability recognized by the Registrar-General, the occupier of the house or building in which the child was born, each person present at the birth and the person having charge of the child shall, within forty-two days of the date of the birth, give information of such of the particulars relating to the birth required under this Act to be registered as the informant possesses, to the appropriate registrar and shall, if called upon by the registrar, sign the register of births in the appropriate place in the presence of the registrar. This section shall apply to a birth which has occurred not earlier than forty-two days before the appointed date in like manner as it applies to a birth occurring on or after that date.

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

16.

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

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

(b) if such person resides in some other division, to make a declaration as aforesaid, to affix thereon stamps of the value of fifty cents to be supplied by the declarant and to send the declaration to the registrar of such other division.

(2) The registrar to whom a declaration is sent under subsection (1) may, by written notice, require the declarant to attend his office within seven days of the receipt of the notice and to supply such written or oral information as he may require. Where a declaration under subsection (1) is sent to a registrar of a division other than that in which the birth to which the declaration relates occurred, it shall be the duty of such other registrar to receive and attest the declaration and to send it to the registrar of the division in which the birth occurred.

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

information birth
to be given by
child.

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

Provided that any person obliged, under the preceding provisions of this section, to provide

information of a birth to a registrar may, instead of providing that information to him, give the information to the nearest grama niladhari or to the officer in charge of the nearest police station and, if such information has been so given, the grama niladhari or officer shall give the information to the appropriate registrar and sign the register of births in the appropriate place.

Requisition by registrar of information concerning birth. **18.**

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

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

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

Information about, and registration of birth of, children born, or living newborn children found exposed, in estates. **20.**

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

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

(3) Where the superintendent of an estate receives

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

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

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

Registration of 21.
illegitimate
children.

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

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

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

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

: Provided that where a registrar for the purpose of registering a birth takes particulars relating to the birth from a declaration made under section 16 or section 24, or from a superintendent's report made under section 20. or from a certificate of a Magistrate or Judge of a Primary Court issued under section 49, he shall enter in such register as father of the child the name of any person acknowledging himself as such, if such person has together with the mother signed in the appropriate place such

declaration, report or certificate.

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

Registrar may call for proof of marriage in certain circumstances.

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

Restriction on registration of birth after three months from occurrence.

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

Order for registration of birth, after three months from occurrence.

24.

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

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

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

(2) Every declaration under subsection (1) shall be made substantially in the form F in the Schedule and shall contain

a statement of the particulars required to be set out in the form according to the best of the knowledge and belief of the declarant. Every such declaration shall, if made within a period of twelve months from the date of the birth, bear a stamp of one rupee, and, if made at any time thereafter, bear a stamp of five rupees. The stamp shall be supplied by the declarant.

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

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

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

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

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

(6) Where any declaration is made under sub section (1) before the Registrar-General or is transmitted to him under subsection (3) or subsection (4), he may, if he is satisfied as to the truth of the matters [§ 2, 15 of 1953] stated in the declaration and if the birth to which the declaration relates occurred not earlier than the 1st day of January, 1868, make order directing the appropriate registrar to enter in the register of births the particulars specified in the declaration.

Effect of **25.**
order under
section 24.

(1) Where an order under section 24 is made directing a registrar to enter the particulars of a birth specified in a declaration, he shall forthwith enter those particulars in the register of births and sign the register in the appropriate place. The entry so made shall be deemed

for the purposes of this Act to have been signed by the person who made the declaration.

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

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

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

Insertion or alteration of the name of a person in the register.

27

[3, Law 41 of 1975]

(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 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 relation to his name.

[3, Law 41 of 1975]

(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.

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

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

(5) Where the birth of any child has been registered without a name being specified in the registration entry at the time of the registration, it shall be the duty of the father or mother of the

child or of the guardian of the child to make an application under the preceding provisions of this section not later than forty-two days from the date of the registration of the birth for the insertion of particulars relating to the name of the child. The failure to make an application within the time herein specified shall not prevent the making of such an application under this section after the end of that period.

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

(a) shall be made by petition in writing bearing a stamp of one rupee ;

(b) shall be preferred within thirty days of the date of the first publication of notice of the decision as aforesaid ; and

(c) shall be heard and determined by the District Court after such summary inquiry as the court may deem requisite.

The decision of the District Court upon any such appeal shall be final, and shall not be subject to an appeal to the Court of Appeal:

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

Amendment of birth **27A.**
registration entry by
Registrar-General.

[3, Law 41 of 1975]

(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 Court of Appeal 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 Court of Appeal in appeal to be served on the Registrar General.

Amendment of birth registration entry relating to race of father.

[3, Law 41 of 1975]

(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 Court of Appeal upon any appeal, as the case may be.

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

(1) A person whose birth has been registered (whether under this Act or under any past enactment), or his parent or guardian, or a person aggrieved by the particulars in respect of the race of the father in the entry relating to that birth, may make a written application to the 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 Court of Appeal 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 Court of Appeal 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.

PART IV
REGISTRATION OF DEATHS

When and by whom **29.**
information
concerning a death to
be given.

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

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

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

When and how **30.**
information about a

death may be given by written declaration.

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

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

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

Certificate of medical practitioner as to cause of death.

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

Requisition by registrar of information concerning death.

32.

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

person possesses, and to sign the register of deaths in the appropriate place in the presence of the registrar.

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

Duty of registrar to register deaths without fee or reward. **33.** It shall be the duty of a registrar upon receiving from the appropriate informant, at any time not exceeding three months from the date of a death or of the finding of a corpse, information of any of the particulars required to be registered under this Act, to register, without fee or reward, forthwith in the prescribed form and manner such particulars (if they have not been previously registered), and to sign the register of deaths in the appropriate place.

Registration of death occurring in an estate. **34.**

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

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

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

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

Order for registration of death after three months from occurrence. **36.**

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

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

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

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

(2) Every declaration under subsection (1) shall be made substantially in the form M in the Schedule and shall contain a statement of the particulars required to be set out in the form according to the best of the knowledge and belief of the declarant. Every such declaration shall, if made within a period of twelve months from the date of the death, bear a stamp of one rupee, and, if made at any time thereafter, bear a stamp of five rupees. The stamp shall be supplied by the declarant.

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

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

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

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

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

the death.

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

Effect **37**.
of.

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

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

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

Certificate of **39**.
inquirer into
deaths.

(1) Where an inquiry into a death is held under the Code of Criminal Procedure Act, No. 15 of 1979 the inquirer into deaths who holds the inquiry shall send to the appropriate registrar, within five days after the conclusion of the inquiry, a certificate under his hand, setting out such of the particulars of the death required under this Act to be registered as the inquirer possesses, and the time and place of the inquiry.

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

PART V

REGISTRATION OF DEATHS AND STILL-BIRTHS IN CERTAIN AREAS

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

Registration of deaths, and the 41.
burial, cremation or other
disposal of the corpses, of
persons dying within areas in
which this Part applies.

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

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

(b) the certificate of registration issued under section 42 from the appropriate registrar; or

(c) a certificate, substantially in the form O set out in the Schedule, from a grama niladhari or police officer resident in the division of the appropriate registrar stating that information of such death, including its cause, was given to such registrar or to such grama niladhari or police officer not less than three hours before the granting of such certificate ; or

(d) the duplicate of the certificate of a medical practitioner issued under section 31; or

(e) a certificate, substantially in the form P set out in the Schedule, from an inquirer in to deaths who has held, under the Code of Criminal Procedure Act, No 15 of 1979, an inquiry into such death; or

(f) in the case of a death occurring on an estate, a certificate, substantially in the form Q set out in the Schedule, from the superintendent of the estate, stating that he has authorized the burial, cremation or other disposal of the corpse.

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

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

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

(5) The duplicate of the certificate of a grama niladhari or a police officer or a medical practitioner or an inquirer into deaths obtained for the purposes of sub section (1) shall, within five days of the death to which the certificate relates, be sent by the person who obtained the certificate to the appropriate registrar.

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

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

Removal of corpses **42.**
from areas in which
this Part applies for
burial, & c.

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

(a) given information of the death to the appropriate registrar and obtained from him, on written application made, a certificate, substantially in the form R set out in the Schedule, of the registration of the death; and

(b) obtained written permission for the removal of the corpse from the proper authority within the meaning of the Cemeteries and Burials Ordinance or from the **(See Section 4 of the transfer of Powers (Divisional Secretaries) Act, No 58 of 1992.)*Government Agent or Magistrate within

whose territorial jurisdiction such area is situated or from a public officer authorized in writing in that behalf by the * (See section 4 of the Transfer of Powers (Divisional Secretaries) Act, No. 58 of 1992) Government Agent within, whose territorial jurisdiction such area is situated: Provided that the preceding provisions of this subsection shall not apply to a death occurring in a Government hospital or in an estate.

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

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

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

Registration of still- 43.
births in areas in
which this Part
applies.

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

(a) a certificate, substantially in the form S set out in the Schedule, from the appropriate registrar or from a grama niladhari or police officer resident in such registrar's division, stating that the occurrence of the still-birth was notified to him ; or

(b) in the case of a still-birth occurring in an estate, a certificate from the superintendent of the estate stating that he has authorized the burial, cremation or other disposal of the body ; or

(c) a certificate, substantially in the form T set out in the Schedule, from the medical practitioner in attendance at the birth of such child or from a medical practitioner who has examined the body, stating that the child was not born alive.

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

(3) A certificate relating to a still-birth obtained for the

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

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

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

General duty of registration of registers and District Registrars in areas in which this Part applies,

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

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

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

PART VI

MISCELLANEOUS

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

46.

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

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

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

47.

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

- (a) in any area in which Part V applies, or
- (b) in any other area declared by Order of

the Minister published in the Gazette to be an area in which those provisions shall apply.

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

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

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

(b) any person in attendance upon the mother at that time or within six hours thereafter, shall, within twenty-four hours after that time, attend the office of the medical officer of health within whose area such birth or still-birth occurred and, in regard to such birth or still-birth, give him information of such of the particulars of the matters specified in the form W set out in the Schedule as the informant possesses.

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

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

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

Weekly returns or certificates be supplied by manager or other person in charge of a private hospital or a private maternity or nursing home. **48.** The manager or other person in charge of every private hospital or private maternity or nursing home shall, before Wednesday in each week, send to the appropriate registrar-

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

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

Registration consequent on certain prosecutions.

49.

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

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

Correction of registration entries.

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

Correction of clerical errors, & c.

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

Correction of errors other than clerical errors, Sec.

52.

(1) Where-

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

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

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

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

(e) a registration entry has been made under this Act

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

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

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

(h) there is any other error or omission of fact or substance [§3,41 of 1975] 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 [§ 3,41 of 1975] in a death or still-birth registration entry or where the informant has failed to furnish or has omitted or has erroneously furnished any particulars in a death or still-birth registration entry; or

(j) by reason of damage or age, any particulars relating to a registration entry are missing or are illegible or are in danger of becoming illegible, the Registrar-General, upon the production of a declaration made in accordance with the provisions of subsection (3), or of his own motion, and after such inquiry as he may think necessary, may-

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

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

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

(2) Where the Registrar-General under subsection (1) directs a District Registrar or registrar to make a note or endorsement or to amend or to rectify an entry, such District Registrar or

registrar shall, in accordance with that direction, make such note or endorsement, or amend or rectify the entry.

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

(a) be in writing,;

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

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

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

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

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

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

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

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

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

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

Issue of certified copies, e.

56.

(1) Any person shall be entitled on making a written application to the appropriate District Registrar or to the appropriate Additional District Registrar for to the appropriate registrar, and under such conditions and on payment of such fees as may be prescribed, to refer to any book or document in the possession of such District

Registrar, Additional District Registrar or registrar, and kept under this Act or under any past enactment, and to demand a certified copy of, or a certified extract from, any entry in such book or document. The Registrar-General or an Assistant Registrar-General may, on payment of such fees as may be prescribed, issue a certified copy of or a extract from, any registration entry.

[3, Law 41 of 1975]

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

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

[3, Law 41 of 1975]

57.

(1) The third copy issued under section 27 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.

(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.

Manner in which documents may be sent, & c.

58.

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

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

(3) For the purpose of proving the sending of any document referred to in this section, it shall be sufficient to prove that the letter was prepaid, or , if it be a letter that might according to the rules of the Department of Posts of Sri Lanka be sent free on State Service, that such letter was franked "On State

Service" and that it was properly addressed and put into the post.

District Books. **59.** The Registrar-General and every Registrar and registrar shall-

- (a) keep, for the purposes of this Act. books of such form and material as, may be specified in that behalf by the Minister or as may be prescribed by any rule made under this Act;
- (b) preserve carefully all books and documents kept under this Act or under any past enactment and in their custody ; and
- (c) at no time allow such books and documents to remain out of their possession except in obedience to an order of a competent court or except in accordance with the provisions of this Act or rules made thereunder.

Registrar to surrender records on ceasing to hold office. **60.**

- (1) A registrar who ceases to hold office shall forthwith deliver all the books, documents, papers and other articles in his possession as registrar, with a list thereof, to the District Registrar with whose district his division is situated.
- (2) The District Registrar shall carefully arrange and keep in his office all articles delivered to him by a registrar under subsection (1) except incomplete books which shall be sent by him to the registrars successor forthwith.

Declaration by nonresident persons, & c. **61.**

- (1) Where a person who is qualified to make the declaration under section 13 or section 24 or section 27 or section 36 or section 52 is outside Sri Lanka, the declaration may be made before any diplomatic, consular or trade representative of Sri Lanka or *(There should be substituted for the words "a British Consul" of the words "the Head of any mission of any State".)a British Consul or a Justice of the Peace, or a Commissioner for Oaths ; and the amount of the stamp duty in respect of such declaration leviable under this Act shall be transmitted to the Registrar-General or appropriate District Registrar, who shall affix to the declaration a stamp or stamps of the proper value and cancel such stamp or stamps, or shall be paid to the diplomatic, consular or trade representative, if any, before whom a declaration is made.
- (2) When the person who is qualified, to make a declaration is in Sri Lanka but unable to appear before the Registrar-General or a District Registrar, the declaration may be made before a Justice of the Peace, a Commissioner for Oaths, or the Judge of the Primary Court on paper bearing a stamp of the proper value.
- (3) A declaration made in accordance with the pre ceding provisions of this section shall be as valid and effectual as if it had been duly made before the Registrar-General or a District Registrar

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

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

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

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

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

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

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

Government officers' declarations under sections 16 and 30.

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

PART VII

OFFENCES AND PENALTIES

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

(1) Every person who-

(a) registers or causes to be registered the birth of a child after the expiry of three months from the date of such birth except upon an order made in that behalf under section 24 of this Act by the Registrar-General or the appropriate District Registrar; or

(b) registers or causes to be registered the death of a person after the expiry of three months from the date of such death except upon an order made in that behalf under section 36 of this Act by the Registrar-General or the appropriate District Registrar ; or

(c) contravenes the provisions of subsection (1)

or subsection (2) or subsection (4) or subsection (5) or subsection (6) of section 41, or the provisions of subsection (1) or subsection (3) or subsection (4) of section 43 or the provisions of any rule made or deemed to be made under this Act ; or

[\[5, 12 of 2005\]](#)

(d) having custody of a register kept under this Act or under any past enactment, carelessly loses, injures or permits the injury of such register, shall be guilty of an offence and shall be liable on conviction to a fine not less than one thousand rupees and not exceeding two thousand rupees.

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

(3) Every registrar who refuses or without reasonable cause omits to register any birth or death or still birth or any particulars relating to such birth, death or still-birth, concerning which information has been given to him by the appropriate informant and which he ought to register, or knowingly disobeys any direction of the law as to the way in which he is to conduct himself, intending or knowing it to be likely to cause injury to any person or to the Government, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees.

Penalty for failure to issue certificate under section 31, & c. **65.** Every medical practitioner who neglects or refuses to issue a certificate as required by section 31, and every person who neglects or refuses to deliver the certificate given to him under that section to the registrar as provided therein, shall be guilty of an offence and shall be liable to a fine not less than one thousand rupees and not exceeding two thousand rupees

Penalty for non-compliance with section 42. **66.** Every person who, contrary to the provisions of section 42, removes or causes to be removed for burial, cremation or other disposal a corpse, shall be guilty of an offence and shall be liable on conviction to a fine not less than five thousand rupees and not exceeding ten thousand rupees, or to imprisonment of either description for a period not exceeding one month.

Penalty for destruction of documents and for giving false certificates, & c. **67.** Every person who-

(a) knowingly and wilfully tears, defaces, destroys, or injures any notice, certificate, declaration, book, or document kept under this Act or under any past enactment or any part of such notice, certificate, declaration, book or document, or a certified copy of such notice, certificate, declaration or document, or any part of such certified copy;

or

(b) knowingly and wilfully inserts any false particular in any register, certificate, declaration, book or document, kept under this Act or under any past enactment, or knowingly and wilfully alters any entry in such register or any such certificate, declaration, book or document; or

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

[\[5. 12 of 2005\]](#) (d) certifies in writing to be a copy or extract of any book or document kept under this Act or any past enactment, knowing such copy or extract to be false in any particular, shall be guilty of an offence and shall be liable on conviction to rigorous imprisonment for a term not exceeding seven years or to a fine not less than twenty five thousand rupees and not exceeding fifty thousand rupees.

Penalty for **68.**
false
statement, &
c.

(1) Every person who-

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

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

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

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

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

[\[5. 12 of 2005\]](#) shall be guilty of an offence, and shall be liable on conviction to a fine not less than one thousand rupees and not exceeding two thousand rupees, or to simple or rigorous imprisonment for a term

not exceeding six months.

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

PART VIII

SUPPLEMENTARY PROVISIONS

Power to **69**.
make
rules.

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

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

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

(b) for fixing the fees payable for any matter or thing done under, by virtue of, or in pursuance of any of the provisions of this Act and for specifying the persons by whom and to whom such fees shall be payable ;

(c) for amending, modifying, rescinding, or replacing any form set out in the Schedule ; and

(d) in respect of such matters as may be required by this Act to be prescribed.

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

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

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

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

" appropriate District Registrar" or " appropriate

[5, 15
of 1953] "Additional District Registrar", in relation to any matter concerning a birth, death, or stillbirth mentioned in this Act, means the District Registrar or Additional District Registrar of the district in which such birth, death, or stillbirth took place ;

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

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

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

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

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

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

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

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

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

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

" means a person registered as a medical practitioner under the Medical Ordinance; "still-birth" means death prior to complete expulsion or extraction from its mother of a product of conception which has had a duration of not less than twenty-eight weeks of gestation, death being indicated by the fact that alter such separation, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles; and

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

PART IX

SAVINGS

Savings and transitional provisions. **71.** Notwithstanding the repeal of the Births and Deaths Registration Ordinance, 1895,>(* Repealed by Act No. 17 of 1951) (hereinafter referred to as the " repealed Ordinance "), on and after the appointed date-

(a) every person who has been appointed under that Ordinance and holding an office or a post on the day immediately preceding that date shall be deemed to have been appointed to hold such office or post under this Act, and the provisions of this Act shall apply to him accordingly;

(b) every Notification made under section 4 of the repealed Ordinance and in force on the day immediately preceding that date, shall, in so far as that Notification is not inconsistent with the provisions of this Act, be deemed to be a Notification made under section 5 of this Act, and the provisions of this Act shall apply accordingly;

(c) every rule made under section 7 of the repealed Ordinance and in force on the day immediately preceding that date, shall, in so far as that rule is not inconsistent with the provisions of this Act, be deemed to be a rule made under section 69 of this Act,

and the provisions of this Act shall apply accordingly ;

(d) every town, district, or place specified in any Order issued under section 30 of the repealed Ordinance shall be deemed to be an area in which Part V of this Act applies, and such Order may be amended or repealed by an Order made under section 40 of this Act;

(e) every area specified in any Order issued under section 48 of the repealed Ordinance shall be deemed to be an area declared under section 47 (1) (I) of this Act as an area in which subsections (2) to (5) of section 47 of this Act applies, and such Order may be amended or repealed by an Order under section 47 (1) (I) of this Act;

(f) all fees and stamps prescribed under section 41 of the repealed Ordinance and in force on the day immediately preceding that date, shall be deemed to have been prescribed by rule made under section 69 of this Act ;

(g) every inquiry, appeal or other proceeding under the repealed Ordinance which is pending or incomplete on the day immediately preceding that date, shall be carried on and completed as far as possible in accordance with the provisions of this Act;

(h) all registers, books and other documents supplied to officers under the repealed Ordinance and which are incomplete and in actual use on the day immediately preceding that date, shall be deemed to be of the nature and form prescribed by or under this Act and shall be used with such modifications as may be necessary for the purposes of this Act until they are completed, unless, in the circumstances of any case, the Registrar-General or a District Registrar otherwise orders ;

(i) any act or thing which is required by the repealed Ordinance to be done by or before the Provincial Registrar or Assistant Provincial Registrar and which is pending or incomplete on the day immediately preceding that date may be carried on and completed under this Act by or before the appropriate District Registrar ; and

(j) every application, notice, declaration, certificate, return, or other document which is required by the repealed Ordinance to be sent to the Provincial Registrar or Assistant Provincial Registrar and which is not so sent before that date may be sent in accordance with this Act to the District Registrar.