

Registration of Deaths(Temporary Provisions)

Act No 2 of 1995

AS ACT TO PROVIDE FOR THE REGISTRATION OF DEATHS OF
PERSONS REPORTED MISSING; AND FOR MATTERS
CONNECTED THEREWITH OR INCIDENTAL THERETO.

NOW THEREFORE be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

Act Nos,

2 of 1995 [5th January , 1995]

58 of 1998 [15th December , 1998]

[5th January , 1995]

- short title and duration of the Act. **1.** This Act may be cited as the Registration of Deaths (Temporary Provisions) Act, No. 2 of 1995. The provisions of this Act shall be in operation for a period of two years from the date of its commencement
- who may apply for death certificates. **2.** Where any person is reported missing and presumed to be dead as he has not been heard of for a period exceeding one year by those who would naturally have heard of him had he been alive, a next of kin of such person if he verily believes such person to be dead, may, apply in the manner hereinafter provided, to register the death of such persons under the Births and Deaths Registration Act (Chapter 110) and to have issued to him, a Certificate of Death in respect of such person.
- Procedure or application **3.** Every application under this Act to register the death of a person shall be made to the District Register of Births and Deaths of the district in which such person was last residing, and shall be in the Form set out in the Schedule to this Act.
- Additional material be supplied **4.** Every application under this Act shall be supported by an affidavit of the applicant setting out the grounds for his belief that the person whose death is sought to be registered, is dead and shall be accompanied, a report from the Grama Niladhari of the Grama Niladhari Division in which the person whose death is sought to be registered, was last resident confirming the fact that such person has not been seen alive or heard of, for a period of over one year, and any other evidence in support of such application.
- display of application **5.** Upon receipt of an application under this Act, the District Registrar shall cause a copy of such application to be, displayed for a period of two weeks on the Notice Board kept at his office and in the office of the Grama Niladhari in whose division the person whose death is sought to be registered, was last resident or had his permanent residence.
- Objection of registrations. **6.** Any person may within one month of the date on which a copy of an application under this Act is first displayed, forward to the District Registrar, his objections in writing to the registration of the death of the person to whom such application relates, and such objections shall be supported by an affidavit of the objector and of any other person, setting out the grounds for their objections.

Registration 7.
of death

(1) On the expiry of the period of one month allowed or the forwarding of objections to an application, the District Registrar shall consider the application together with the evidence in support of the application and objections, if any, and the evidence in support of such objections and after such inquiry as he may deem necessary, if satisfied, as to the truth of the matters stated in the application, allow such application and shall send to the Registrar-General a Certificate under his hand setting out such of the particulars of the death as are required to be registered, under the Births and Deaths Registration Act (Chapter 110) as he has been able to ascertain after such inquiry as aforesaid.

(2) On receipt of certificate under subsection (1) the Registrar-General shall, except in a case where he cancels a certificate in the exercise of the powers conferred on him by section 8, make order directing the appropriate Registrar to enter in the Register of Deaths maintained by such Registrar under the Births and Deaths Registration Act (Chapter 110) the particulars specified in such certificate.

(3) On receipt by a Registrar of an order under subsection (2) directing him to enter the particulars relating to death in the Register of Deaths maintained by him, under the Births and Deaths Registration Act (Chapter 110), the Registrar shall forthwith enter those particulars in such register and sign the register in the appropriate place.

(4) Every written order under subsection (2) 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.

Appeal against
refusal to issue
certificate or
issue .

8. An applicant who is dissatisfied with the decision of the District Registrar refusing to issue a certificate to him under section 7 or a person who has objected under section 6 to the issue of a certificate under this Act and who is dissatisfied with the decision of the District Registrar to issue such certificate may within one month of the notification of such refusal or issue, as the case may be, appeal to the Registrar-General against such refusal or issue, as the case may be- The Registrar-General may after review of the material before him, affirm the decision of the District Registrar or direct the District Registrar to issue a certificate under section 7 or cancel a certificate issued by that District Registrar under section 7, as the case may be

Procedure if
person registered
as dead is found to
be alive.

9.

(1) Where any death has been registered in pursuance of an application made under this Act, and any person at any time thereafter becomes aware that the person whose death has been so registered is alive, he shall forthwith furnish such information to the Registrar-General

(2) The Registrar-General, shall on receipt of such Information convey the information to the Officer-in-charge

of the relevant police station, who shall investigate the truth of such information and make a report to the Registrar-General, within four weeks of the date on which such information is conveyed to such officer.

(3) Upon receipt of a report under subsection (2) and after such inquiry as he may deem necessary the Registrar-General, if satisfied that the person whose death has been registered is alive, shall take such action, or make such order or give such direction, under section 52 of the Births and Deaths Registration Act (Chapter 110), as is appropriate in the circumstances of the case.

(4) Any inquiry held by the Registrar-General under this Act shall be concluded within one month of its commencement and the Registrar-General may, for the purposes of an inquiry under this Act, exercise all the power exercisable by him under the Births and Deaths.

offence. **10.** Any person who-

(a) knowingly, makes a false statement in an application made by him under this Act, or furnishes false information under this Act, or

(b) being aware that a person whose death has been registered in pursuance of an application made under this Act, is alive, fails to furnish such information to the Registrar-General, or

(c) dishonestly or fraudulently uses a Certificate of Death issued under the Births and Deaths Registration Act knowing, or having reason to believe that the person referred to in such certificate is alive;

shall be guilty of an offence under this Act, and shall upon conviction after trial by the High Court be sentenced to a term of imprisonment of not less; than three years and not exceeding five years.

sinhala text to prevail in case **11.** In the event of any inconsistency between the Sinhala and of inconsistency Tamil texts of this Act, the Sinhala text shall prevail.

Interpretation. **12.** "Appropriate District Registrar", "Appropriate Registrar " and " District " have the respective meanings assigned to them by the Births and Deaths Registration Act (Chapter 110) ;

"District Registrar" means a District Registrar of Births and Deaths appointed under the Births and Deaths Registration Act (Chapter 110) ;

"Registrar General" means the Registrar-General of Births and Deaths appointed under the Births and Deaths Registration Act (Chapter 110) and includes a Deputy Registrar-General.