

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

Preamble. WHEREAS several persons have died in the course of the civil disturbances that took place due to terrorist and subversive activities in Sri Lanka; and whereas there are certain practical difficulties impeding the registration of such deaths under the provisions of the Births and Deaths Registration Act (Chapter 110)

AND WHEREAS it has now become necessary to make provision enabling the registration of such deaths:

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

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| short title and duration of the Act. | 1. This Act may be cited as the Registration of Deaths (Temporary Provisions) Act, No. 58 of 1998. 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 person 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 for application, | 3. Every application under this Act to register the death of a person shall be made either to the Registrar-General or to the District Registrar 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 to 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 by, 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 Registrar-General or the District Registrar as the case may be 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. |
| Objections to registration. | 6. Any person may within one month of the date on which a copy of an application under this Act is first displayed as provided for in section 5, forward to the Registrar-General or the District Registrar, as the case may be, |

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 for the forwarding of objections to an application, the Registrar-General or the District Registrar as the case may be shall consider the application together with the evidence in support of the application and the 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 the certificate under subsection (1), the Registrar-General shall, except in a case where he cancels a certificate in the exercise of 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 Birth and Deaths Registration Act (Chapter 110), the particulars specified in such certificate.

(3) On receipt by a Registrar (2) directing him to enter the particulars in the Register of Deaths maintained under the Birth and Deaths Registration Act forthwith enter those particulars in such register in the appropriate place.

(4) Every written order under subsection (2) shall be sent together with that the appropriate District Registrar to the Registrar-General for custody in his office.

Appeal against refusal to issue certificate or issue of certificate.

8. An applicant who is dissatisfied with the District Registrar refusing to issue under section 7, or a person who has to the issue of a certificate under dissatisfied with the decision of the such certificate, may within one month such refusal or issue, as the case may be Registrar-General against such refusal or may be. The Registrar-General may material before him, affirm the decision Registrar or direct the District Registrar under section 7 or cancel a certificate Registrar under section 7, as the case may be.

Special procedure relating to registration of deaths of persons in respect of whom there are findings by a Commission of Inquiry or a Special Presidential Commission of Inquiry. **9.**

(1) Where a Commission appointed under the Commissions of Inquiry Act (chapter 393) or a Special Presidential Commission of Inquiry established under the Special Presidential Commissions law No. 7 of 1978 finds that a person has disappeared or is missing the next of kin of that person may apply to the Registrar-General or to the District Registrar of Birth and

Deaths Of the district in which that person was last residing in the form Set out in the Schedule to this Act, to register the death of that Person under the Births and Deaths Registration Act (Chapter (chapter 110)and to have issued to him, a Certificate of Death in respect of that person. Every such application shall be accompanied by an affidavit of the applicant in terms of section 4 and a certified copy of the finding of the Commission of Inquiry or Special Presidential Commission of Inquiry, as the case may be, relating to that person.

(2) Upon receipt of an application under subsection (1), the District Registrar shall, notwithstanding anything to contrary in the preceding provisions of this Act, forthwith send to the Registrar-General a certificate under his hand, setting out the particulars of the death required to be registered under the Births and Deaths Registration Act (Chapter 110) as he has been able to ascertain from the application and the accompanying affidavit and finding.

(3) Upon receipt of a certificate under subsection (2), the Registrar-General shall make order directing the appropriate Registrar to register in the Register of Deaths maintained by such Registrar under the Births and Deaths Registration Act (Chapter 110), the particulars specified in such certificate.

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

(5) Every order mad[^] under subsection (3) shall be attached to the duplicate of the relevant registration entry and shall be sent together with the duplicate, by the Registrar, to the appropriate District Registrar for transmission to the Registrar-General for custody in his office.

(6) Where the application under subsection (1) is made to the Registrar-General, the provisions of subsections (2) and (5) shall mutatis mutandis apply as if the reference in those section to the District Registrar is a reference to the Registrar-General.

Procedure if person registered as dead is found to be alive. **10.**

(1) Where any death has been registered in pursuance of an application made under this Act and where any person at any time thereafter becomes aware that the person whose death has been so registered is alive, such person 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 powers exercisable by him under the Births and Deaths Registration Act (Chapter 110), in relation to an inquiry held by him under that Act.

Offences. **11.** Any person who-

(a) knowingly, make 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 of inconsistency. **12.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Interpretation. **13.** In this Act, unless the context otherwise requires "

"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 Birth and Deaths appointed under the Births and Deaths Registration Act (Chapter 10);

"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.

