

# PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

## KANDYAN MARRIAGE AND DIVORCE (AMENDMENT)

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**BILL** 

to amend the Kandyan Marriage and Divorce Act (Chapter 113)

Presented by the Minister of Justice, Prison Affairs and Constitutional Reforms on 03rd of October, 2022

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Ordered by Parliament to be printed

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#### STATEMENT OF LEGAL EFFECT

- Clause 2: This clause repeals Part II of the Kandyan Marriage and Divorce Act (Chapter 113) (hereinafter referred to as the "principal enactment") and the legal effect thereof is to eliminate the requirement of consent of a competent authority for a marriage of a minor and thereby making the age of eighteen years as the minimum age of marriage for all persons subject to Kandyan Law.
- Clause 3: This clause amends section 16 of the principal enactment and is consequential to the amendment made by clause 2.
- Clause 4: This clause amends section 18 of the principal enactment and is consequential to the amendment made by clause 2.
- Clause 5: This clause amends section 19 of the principal enactment and is consequential to the amendment made by clause 2.
- Clause 6: This clause amends section 20 of the principal enactment and is consequential to the amendment made by clause 2.
- Clause 7: This clause amends section 29 of the principal enactment and is consequential to the amendment made by clause 2.
- Clause 8: This clause replaces section 60 of the principal enactment and is consequential to the amendment made by clause 2.
- Clause 9: This clause amends section 66 of the principal enactment and the legal effect of this section as amended is to remove the definition of the expression "minor" consequent to the amendment made by clause 2.

#### Kandyan Marriage and Divorce (Amendment)

#### L.D.-O. 73/2021

An Act to amend the Kandyan Marriage and Divorce ACT (CHAPTER 113)

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

- 1. This Act may be cited as the Kandyan Marriage and Short title Divorce (Amendment) Act, No. of 2022.
- 2. Part II (sections 8, 9, 10, 11, 12, 13, 14 and 15) of the Repeal of Kandyan Marriage and Divorce Act (Chapter 113) Part II of (hereinafter referred to as the "principal enactment") is hereby Chapter 113 repealed.
- 3. Section 16 of the principal enactment is hereby Amendment 10 amended as follows:-

of section 16 of the

- (1) by the repeal of sub-paragraph (b) of paragraph (6) principal thereof; and
- (2) in paragraph (7) thereof-

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- (a) by the substitution, in sub-paragraph (a) thereof, for the word "correct;", of the words "correct; and";
- (b) by the substitution, in sub-paragraph (b) thereof, for the word "marriage;", of the word "marriage."; and
- 20 (c) by the repeal of sub-parapraphs (c) and (d) thereof.
  - 4. Section 18 of the principal enactment is hereby Amendment amended, by the repeal of paragraph (5) thereof and the of section 18 substitution therefor, of the following paragraph:-

of the principal enactment

25 "(5) (a) Any party to the marriage who desires to obtain a marriage notice certificate from a District Registrar

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before the expiry of the period referred to in paragraph (3) (a) (i) or paragraph (4) (a) (i) or paragraph (4) (c) (ii) of this section shall appear in person before that Registrar and make and subscribe a declaration to the effect that there is no lawful impediment or other lawful hindrance to the marriage.

- (b) The declaration shall be accompanied by a receipt issued by the District Registrar in proof of payment
   of the prescribed fee which shall be made by the party making the declaration.".
  - **5.** Section 19 of the principal enactment is hereby Amendment amended in subsection (3) thereof as follows:-

Amendment of section 19 of the principal enactment

- (1) by the substitution, in paragraph (a) thereof, for the word "marriage;", of the words "marriage; and";
  - (2) by the repeal of paragraph (b) thereof; and
  - (3) by the re-lettering of paragraph (c) as paragraph (b) thereof.
- **6.** Section 20 of the principal enactment is hereby Amendment 20 amended as follows:-

Amendment of section 20 of the principal enactment

- (1) by the repeal of subsection (1) thereof and the substitution therefor, of the following subsection:—
- "(1) Any person, being a person who is interested in a Kandyan marriage may object in writing, to the issue of a marriage notice certificate in respect thereof."; and
  - (2) by the repeal of sub-paragraph (ii) of paragraph (c) of subsection (2) thereof and the substitution therefor, of the following sub-paragraph:—
- 30 "(ii) whether the objector makes the objection in his capacity as a person who is interested in the marriage; and".

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- 7. Section 29 of the principal enactment is hereby Amendment amended as follows:
  - of section 29 of the principal enactment

- (1) in paragraph (1) thereof-
- (a) by the substitution, in sub-paragraph (a) 5 thereof, for the words "so specified;", of the words "so specified; and";
  - (b) by the repeal of sub-paragraph (b) thereof; and
  - (c) by the re-lettering of sub-paragraph (c) as subparagraph (b) thereof; and
- 10 (2) in paragraph (2) thereof-
  - (a) by the substitution, in sub-paragraph (a) thereof, for the words "so specified;", of the words "so specified; and";
  - (b) by the repeal of sub-paragraph (b) thereof; and
- 15 (c) by the re-lettering of sub-paragraph (c) as subparagraph (b) thereof.
  - 8. Section 60 of the principal enactment is hereby Replacement repealed and the following section is substituted therefor:- of section 60

of the principal enactment

- "False declarations, 20 &c.
- **60.** Any person who, for the purpose of procuring the solemnization or registration of a Kandyan marriage knowingly or wilfully makes and subscribes any false declaration or signs any false notice, under this Act shall be guilty of an offence under this Act.".
- 9. Section 66 of the principal enactment is hereby Amendment 25 amended by the repeal of the definition of the expression of section 66 "minor".

of the principal enactment

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- 10. For avoidance of doubt, it is hereby declared  $\ensuremath{\mathsf{Avoidance}}$  of that-
- (a) the provisions of this Act shall not apply to any Kandyan marriage contracted prior to the date of commencement of this Act; and
- (b) the provisions of subsections (2) and (3) of section 4 of the principal enactment shall not apply to any Kandyan marriage contracted on or after the date of commencement of this Act, save as provided for in section 112 of the Evidence Ordinance (Chapter 14).
  - 11. In the event of any inconsistency between the Sinhala text Sinhala and Tamil texts of this Act, the Sinhala text shall to prevail in case of inconsistency

