

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

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**KANDYAN MARRIAGE AND DIVORCE**  **(AMENDMENT)**

**A**

**BILL**

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

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*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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**[Bill No. 153]**

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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.

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| *Kandyan Marriage and Divorce* | 1 |

*(Amendment)*

L.D.–O. 73/2021

AN ACTTOAMENDTHE KANDYAN MARRIAGEAND DIVORCE   
ACT (CHAPTER 113)

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

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| --- | --- | --- | --- |
| 5 | **1.** | This Act may be cited as the Kandyan Marriage and | Short title |
| Divorce (Amendment) Act, No. of 2022. | | Repeal of |
| **2.** | Part II (sections 8, 9, 10, 11, 12, 13, 14 and 15) of the |
| Kandyan Marriage and Divorce Act (Chapter 113) | | Part II of |
| (hereinafter referred to as the “principal enactment”) is hereby | | Chapter 113 |

repealed.

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| 10 | **3.** | Section 16 of the principal enactment is hereby | Amendment |
| amended as follows:- | | of section 16 |
| of the |
| (1) by the repeal of sub-paragraph (*b*) of paragraph (6) | |
| principal |
| enactment |
| thereof; and | |

(2) in paragraph (7) thereof–

(*a*) by the substitution, in sub-paragraph (*a*)

|  |  |
| --- | --- |
| 15 | thereof, for the word “correct;”, of the words“correct; and”; |

(*b*) by the substitution, in sub-parapraph (*b*)   
thereof, for the word “marriage;”, of the word  
“marriage.”; and

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | (*c*) by the repeal of sub-parapraphs (*c*) and (*d*) | | Amendment |
| thereof. | |
| **4.** | Section 18 of the principal enactment is hereby |
| 25 | amended, by the repeal of paragraph (5) thereof and the | | of section 18 |
| substitution therefor, of the following paragraph:- | | of the |
| principal |
| “(5) (*a*) Any party to the marriage who desires to obtain a | | enactment |

marriage notice certificate from a District Registrar

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*(Amendment)*

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| 5 | before the expiry of the period referred to in | | Amendment |
| 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 | |
| 10 | 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 |
| 15 | amended in subsection (3) thereof as follows:- | | of section 19 |
| of the |
| (1) | by the substitution, in paragraph (*a*) thereof, for the |
| principal |
| enactment |
| word “marriage;”, of the words “marriage; and ”; | |
| 20 | (2) | by the repeal of paragraph (*b*) thereof; and | Amendment |
| (3) | by the re-lettering of paragraph (*c*) as paragraph (*b*) |
| thereof. | |
| **6.** | Section 20 of the principal enactment is hereby |
| amended as follows:- | | of section 20 |
| of the |
| 25 | (1) | by the repeal of subsection (1) thereof and the | principal |
| enactment |
| 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 | |
| 30 | 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:– | |
| “(ii) whether the objector makes the objection in | |
| his capacity as a person who is interested in | |

the marriage; and”.

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 *(Amendment)*

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| **7.** | Section 29 of the principal enactment is hereby | Amendment of section 29 of the  principal  enactment |
| amended as follows:- | |
| (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 sub-  
 paragraph (*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 sub- paragraph (*b*) thereof.

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| 20 | **8.** | Section 60 of the principal enactment is hereby | | | Replacement |
| repealed and the following section is substituted therefor:- | | | | of section 60 |
| of the |
| “False | | **60.** Any person who, for the purpose of | | principal |
| enactment |
| declarations, &c. | | | 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.”.

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| 25 | **9.** | Section 66 of the principal enactment is hereby | Amendment |
| amended by the repeal of the definition of the expression | | of section 66 |
| “minor”. | | of the |
| principal |

enactment

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 *(Amendment)*

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| **10.** | For avoidance of doubt, it is hereby declared | Avoidance of |
| that- | the provisions of this Act shall not apply to any | doult |
| (*a*) |

Kandyan marriage contracted prior to the date of

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | commencement of this Act; and |
| 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 10 in section 112 of the Evidence Ordinance (Chapter 14).

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

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*(Amendment)*

Department of Government Printing