



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

CONSULAR FUNCTIONS
ACT, No. 4 OF 1981

[Certified on 11th February, 1981]

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L.D.—O.59/80.

AN ACT TO PROVIDE FOR THE PERFORMANCE OF CERTAIN CONSULAR FUNCTIONS BY DIPLOMATIC AND CONSULAR OFFICERS OF SRI LANKA IN FOREIGN COUNTRIES, TO PRESCRIBE AND LEVY FEES FOR THE PERFORMANCE OF SUCH FUNCTIONS, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Consular Functions Act, No. 4 of 1981.

Short title.

2. Every diplomatic or consular officer is hereby authorized to perform, in accordance with any written law of Sri Lanka, any consular function in any foreign country to which he is accredited or appointed :

Performance of consular functions by diplomatic or consular officers.

Provided however, that the performance of such function is not prohibited by the written laws of the country in which such function is performed.

3. Upon the application of, a person who is a citizen of Sri Lanka, or any other person, a diplomatic or consular officer may—

Validation and translation of documents.

(i) certify, attest, authenticate or do any other such act to validate any document ;

(ii) translate any document from the Sinhala or Tamil language into any other language ;

(iii) translate any document from any other language into the Sinhala or Tamil language ;

(iv) certify the accuracy of a translation from the Sinhala or Tamil language into any other language ; or

(v) certify the accuracy of a translation from any other language to the Sinhala or Tamil language.

4. (1) Every diplomatic or consular officer shall be deemed to be *ex officio* a Justice of the Peace for the Republic of Sri Lanka and accordingly may administer any oath or affirmation or take any affidavit and such oath or affirmation or such affidavit shall be deemed to have been administered or taken, as the case may be, in Sri Lanka.

Administering of oath or affirmation and taking of affidavit.

(2) Any diplomatic or consular officer administering an oath or affirmation or taking an affidavit under the provisions of subsection (1) shall not be held responsible for the truth of the contents, or the accuracy, of any statement made under such oath or affirmation or recorded in such affidavit.

Solemnization
and
registration
of marriages.

5. (1) Every diplomatic or consular officer shall be deemed to be an Additional District Registrar for any district in Sri Lanka within the meaning of the Marriage Registration Ordinance (Chapter 112) and the Kandyan Marriage and Divorce Act (Chapter 113) and accordingly such diplomatic or consular officer may, notwithstanding the provisions of section 23 of that Ordinance and section 16 of that Act, solemnize and register, in the Sinhala, Tamil or English language, any marriage under that Ordinance or Act, as the case may be, in the foreign country to which he is appointed or accredited, where at least one of the parties to the marriage is a citizen of Sri Lanka, as though such marriage was solemnized and registered in any district in Sri Lanka.

(2) Notwithstanding the provisions of the Muslim Marriage and Divorce Act (Chapter 115), other than the provisions of subsection (1) of section 8 of that Act relating to capacity, every diplomatic or consular officer shall be deemed to be a Registrar within the meaning of that Act, and accordingly such diplomatic or consular officer may register in the Sinhala, Tamil or English language, any marriage under that Act, in the foreign country to which he is appointed or accredited, where at least one of the parties to the marriage is a citizen of Sri Lanka and whether the parties are inhabitants of Sri Lanka or not, as though such marriage were registered in any district in Sri Lanka.

(3) The provisions of the Marriage Registration Ordinance, the Kandyan Marriage and Divorce Act, and the Muslim Marriage and Divorce Act shall, *mutatis mutandis*, apply to and in relation to the solemnization and registration, or registration as the case may be, of a marriage referred to in subsections (1) and (2).

(4) Every diplomatic or consular officer shall, in the performance of his functions under subsection (1), comply with the provisions of the Marriage Registration Ordinance, the Kandyan Marriage and Divorce Act and the Muslim Marriage and Divorce Act, as the case may be.

6. (1) Where a marriage is forbidden under section 29, or a caveat is entered under section 30, of the Marriage Registration Ordinance, the diplomatic or consular officer shall, notwithstanding the provisions of subsection (1) of section 31 of that Ordinance, refuse to issue a certificate for the solemnization of the marriage intended to be had, and shall forthwith make report of the objection to the District Judge of the district of Colombo. Such report shall be in the form K in the First Schedule to the said Ordinance, and shall be accompanied by a copy of the notice of marriage and of the notice forbidding the marriage or of the caveat entered.

Proceedings on marriage being forbidden or caveat entered.

(2) The provisions of subsections (2), (3), (4) and (5) of section 31 of the Marriage Registration Ordinance shall, *mutatis mutandis*, apply to and in relation to any report made under subsection (1) of this section.

7. (1) Every diplomatic or consular officer shall be deemed to be an Additional District Registrar for any district in Sri Lanka within the meaning of the Birth and Deaths Registration Act (Chapter 110) and accordingly such diplomatic or consular officer may register the birth or death of a citizen of Sri Lanka occurring in the foreign country to which he is appointed or accredited, as though such registration were made in Sri Lanka.

Registration of births and deaths.

(2) The provisions of the Births and Deaths Registration Act shall, *mutatis mutandis*, apply to and in relation to the registration of any birth or death referred to in subsection (1).

(3) Every diplomatic or consular officer shall, in the performance of his functions under subsection (1), comply with the provisions of the Births and Deaths Registration Act.

8. The Minister may from time to time prescribe by Notification published in the *Gazette*, the fees to be levied by a diplomatic or consular officer for the performance of consular functions specified in such Notification.

Fees to be levied for performance of consular function.

9. (1) Any person who fraudulently or by wilful act or omission knowingly misleads a diplomatic or consular officer to perform any consular function shall be guilty of an offence and shall be liable, on conviction by the High Court, to imprisonment of either description for a term not exceeding five years, or to a fine not exceeding fifty thousand rupees or to both such imprisonment and fine.

Offences and penalties.

(2) Any person who fraudulently alters the seal or signature of any diplomatic or consular officer shall be guilty of an offence and shall be liable, on conviction by the High Court, to imprisonment of either description for a term not exceeding five years.

(3) Any offence referred to in this section shall be deemed to be an extraditable offence within the meaning of section 6 of the Extradition Law, No. 8 of 1977.

Regulations.

10. (1) The Minister may make regulations in respect of—

- (a) matters required by this Act to be prescribed ;
- (b) the procedure to be followed in making any application under this Act ;
- (c) giving effect to the consular functions set out in the Schedule hereto.

(2) Every regulation made by the Minister under subsection (1) shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister under subsection (1) shall, as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder. Notification of the date on which a regulation is deemed to be rescinded shall be published in the *Gazette*.

Interpretation.

11. In this Act, unless the context otherwise requires—

“consular function” means any function referred to in sections 3, 4, 5, 6 and 7 of this Act and includes any act specified in the Schedule hereto ;

“consular officer” shall mean any person including the head of a consular post entrusted in that capacity with the exercise of consular functions ;

“diplomatic officer” means the head of a mission or a member of the diplomatic staff of such mission ; and

“document” means a commercial or shipping document and includes every document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded.

SCHEDULE

*Article V of the Vienna Convention on Consular
Relations of 1963**Consular functions.*

Consular functions consist in—

- (a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- (b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the above-mentioned Convention;
- (c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;
- (d) issuing passports and travel documents to nationals of the sending State and visas or appropriate documents to persons wishing to travel to the sending State;
- (e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;
- (f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;
- (g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession *mortis causa* in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;
- (h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;
- (i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;

- (j) transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State ;
- (k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircrafts registered in that State, and in respect of their crews ;
- (l) extending assistance to vessels and aircrafts mentioned in sub-paragraph (k) and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ships papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State ;
- (m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.