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SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of September 02, 2022

SUPPLEMENT

(Issued on 07.09.2022)



**KANDYAN MARRIAGE AND DIVORCE
(AMENDMENT)**

A

BILL

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

*Ordered to be published by the Minister of Justice, Prison Affairs and
Constitutional Reforms*

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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 Divorce (Amendment) Act, No. of 2022. Short title
- 5 **2.** Part II (sections 8, 9, 10, 11, 12, 13, 14 and 15) of the Kandyan Marriage and Divorce Act (Chapter 113) (hereinafter referred to as the “principal enactment”) is hereby repealed. Repeal of
Part II of
Chapter 113
- 10 **3.** Section 16 of the principal enactment is hereby amended as follows:- Amendment
of section 16
of the
principal
enactment
- (1) by the repeal of sub-paragraph (b) of paragraph (6) thereof; and
- (2) in paragraph (7) thereof-
- 15 (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-paragraphs (c) and (d) thereof.
- 25 **4.** Section 18 of the principal enactment is hereby amended, by the repeal of paragraph (5) thereof and the substitution therefor, of the following paragraph:- Amendment
of section 18
of the
principal
enactment
- “(5) (a) Any party to the marriage who desires to obtain a marriage notice certificate from a District Registrar

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.

10 (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 amended in subsection (3) thereof as follows:-

15 (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 amended as follows:-

(1) by the repeal of subsection (1) thereof and the substitution therefor, of the following subsection:—

25 “(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”.

*Kandyan Marriage and Divorce
(Amendment)*

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

Amendment
of section 29
of the
principal
enactment

(1) in paragraph (1) thereof-

5 (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

 (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.

8. Section 60 of the principal enactment is hereby repealed and the following section is substituted therefor:-

Replacement
of section 60
of the
principal
enactment

20 "False declarations, &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."

25 **9.** Section 66 of the principal enactment is hereby amended by the repeal of the definition of the expression "minor".

Amendment
of section 66
of the
principal
enactment

10. For avoidance of doubt, it is hereby declared that-

(a) the provisions of this Act shall not apply to any
Kandyan marriage contracted prior to the date of
5 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 and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text
to prevail in
case of
inconsistency

