

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

Part II of June 10, 2016

SUPPLEMENT

(Issued on 10. 06. 2016)



**REGISTRATION OF DEATHS
(TEMPORARY PROVISIONS) (AMENDMENT)**

A

BILL

**to amend the Registration of Deaths (Temporary Provisions)
Act, No. 19 of 2010**

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Statement of Legal Effect

Clause 2 : This clause amends the Long Title to the Registration of Deaths (Temporary Provisions) Act, No. 19 of 2010 (hereinafter referred to as the “principal enactment”) and is consequential to the inclusion of the new Part 1A to the said enactment.

Clause 3 : This clause amends the Preamble to the principal enactment and the legal effect of the preamble as amended is to specify the scope of application of the principal enactment consequent to the intention of Part 1A.

Clause 4 : This clause makes a general amendment to the principal enactment and the legal effect of the amendment is to name the principal enactment as a special provisions to more accurately specify the intention envisaged in the said enactment.

Clause 5 : This clause amends section 1 of the principal enactment and the legal effect of the section as amended is to prescribe different dates of extensions in respect of different Parts of the principal enactment.

Clause 6 : This clause amends section 2 of the principal enactment and is consequential to the amendment made to the Schedule.

Clause 7 : This clause amends section 6 of the principal enactment by the addition of subsection (5) and the legal effect of the amendment is to prohibit the issue of a Certificate of Death in respect of a missing person prior to cancellation of a Certificate of Absence.

Clause 8 : This clause inserts a new section 7A and the legal effect of the section as inserted is to provide for relief to the District Court in respect of an applicant dissatisfied with the decision of the Registrar-General.

Clause 9 : This clause amends section 8 of the principal enactment and is consequential to the amendment made to the Schedule.

Clause 10 : This clause inserts a new Part 1A in the principal enactment and the new part provides for the registration of persons missing due to the conflict in the Northern and Eastern Provinces, political unrest or civil disturbances or enforced disappearances and the issuance of a certificate of absence to the relative of the missing person.

Clause 11 : This clause amends section 10 of the principal enactment and is consequential to the amendment made to the Schedule.

Clause 12 : This clause repeals section 14 of the principal enactment and is consequential to the operation of Parts 1 and 1A.

Clause 13 : This clause amends section 15 of the principal enactment and the legal effect of the section as amended is to extend the provisions relating to offences and penalties.

Clause 14 : This clause amends section 17 of the principal enactment by the insertion of new definitions for the words “Minister” and “relative”.

Clause 15 : This clause amends the schedule to the principal enactment by inclusion of the new Forms “B” and “C”. Form B specifies the format of application for registration of a missing person and for the issue of a certificate of Absence. Form C specifies the format of certificate of Absence.

Registration of Deaths (Temporary Provisions)
(Amendment)

L.D.—O. 41/2015.

AN ACT TO AMEND THE REGISTRATION OF DEATHS (TEMPORARY
PROVISIONS) ACT, NO. 19 OF 2010

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

1. This Act may be cited as the Registration of Deaths Short Title.
(Temporary Provisions) (Amendment) Act, No. of 2016.

5 2. The long title to the Registration of Deaths Amendment
(Temporary Provisions) Act, No. 19 of 2010 (hereinafter of the long
referred to as the “principal enactment”) is hereby amended title of Act,
by the substitution for the words “AND FOR MATTERS No. 19 of
CONNECTED THEREWITH OR INCIDENTAL 2010.
10 THERETO.” of the words “TO PROVIDE FOR THE
REGISTRATION OF PERSONS REPORTED MISSING AS
A RESULT OF THE CONFLICT WHICH TOOK PLACE IN
THE NORTHERN AND EASTERN PROVINCES OR ITS
AFTERMATH OR POLITICAL UNREST OR CIVIL
15 DISTURBANCES OR ENFORCED DISAPPEARANCES OR
OF MEMBERS OF THE ARMED FORCES OR POLICE
IDENTIFIED AS MISSING IN ACTION; AND FOR
MATTERS CONNECTED THEREWITH OR INCIDENTAL
THERETO.”.

20 3. The Preamble of the principal enactment is hereby Amendment
amended as follows:- of the
Preamble of
the principal
enactment.

(1) for the words “subversive activities or civil
commotion” of the words “subversive activities, or as a result
of the conflict which took place in the Northern and Eastern
25 Provinces or its aftermath or political unrest or civil
disturbances or enforced disappearances;”;

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(2) for the words “for the registration of such deaths:” of the words “for the registration of such deaths and such missing persons:”.

4. (1) In the principal enactment and in any other written law there shall be substituted for the words “Registration of Deaths (Temporary Provisions) Act” whenever those words occur in the principal enactment or any other written law, the words “Registration of Deaths and Missing Persons (Special Provisions) Act”.

General amendments to the principal enactment.

10 (2) Every reference to the “Registration of Deaths (Temporary Provisions) Act” in any notice, notification, contract, communication or other document shall be read and construed as a reference respectively to the “Registration of Deaths and Missing Persons (Special Provisions) Act”.

5. Section 1 of the principal enactment is hereby amended by the repeal of subsections (2) and (3) of that section and the substitution therefor of the following sections:-

Amendment of section 1 of the principal enactment.

20 “(2) Notwithstanding any extension of the period of operation of this Act, the Minister may not less than one month prior to the expiration of any period of operation of this Act, by Order published in the Gazette, extend the period of operation of Parts I and IA of this Act:

25 Provided that, –

30 (a) any period of operation may be extended by the Minister upon review of such period having considered the number of applications seeking relief under the said Parts; and

 (b) any such extension shall not, in any one instance, be for more than a period of two years.

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(3) Notwithstanding the expiry of the period of operation of Parts I and IA, the provisions of Parts II and III shall continue to be in operation.”.

5 **6.** Section 2 of the principal enactment is hereby amended in subsection (2) of that section by the substitution for the words, “in the Form specified in the Schedule” of the words “in the Form A specified in the Schedule”. Amendment of section 2 of the principal enactment.

10 **7.** Section 6 of the principal enactment is hereby amended by the addition immediately after subsection (4) of that section of the following new subsection:- Amendment of section 6 of the principal enactment.

15 “(5) Where a Certificate of Absence has been issued under section 8E in respect of a missing person a Certificate of Death shall not be issued in relation to the same missing person until the cancellation of the Certificate of Absence.”.

8. The following new section is hereby inserted immediately after section 7 of the principal enactment and shall have effect as section 7A of the principal enactment:- Insertion of new section 7A in the principal enactment.

20 “If dissatisfied may apply to District Court. 7A. An applicant who is dissatisfied with the decision of the Registrar General made under section 7, may within one month of the notification of such refusal or issue, as the case may be, make an application to the District Court against such refusal or issue. The District Court may after review of the material before it, either affirm the decision of the Registrar General, or direct the Registrar General to issue a Certificate of Absence, or disallow the report issued by the Registrar General as the case may be.”.

35 **9.** Section 8 of the principal enactment is hereby amended in subsection (1) of that section by the substitution for the words “substantially in the Form set out in the Schedule”, of the words “substantially in the Form A set out in the Schedule”. Amendment of section 8 of the principal enactment.

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10. The following new Part (sections 8A to 8K) is hereby inserted immediately after Part I and shall have effect as Part IA, of the principal enactment:-

“PART IA

5 REGISTRATION OF PERSONS MISSING DUE TO THE CONFLICT IN THE
NORTHERN AND EASTERN PROVINCES, POLITICAL UNREST OR CIVIL
DISTURBANCES OR ENFORCED DISAPPEARANCES

Criteria
required to
10 apply for a
Certificate of
Absence.

8A. (1) Where any person is reported missing
and has not been heard of for a period
exceeding one year by those who would
naturally have heard of him, had he been
present and his disappearance is attributable
to the conflict which took place in the Northern
and Eastern Provinces or its aftermath, or
15 political unrest or civil disturbances or
enforced disappearances or is a member of the
armed forces or police who is identified as
missing in action (hereinafter referred to as
'missing person'), a relative of such person may
20 apply in the manner hereinafter provided, to
register such person as missing and to have
issued to him, a Certificate of Absence in
respect of such person.

(2) Every application under this section shall be substantially in the Form B specified in the Schedule to this Act and shall be forwarded to the Registrar-General or the District Registrar of the District in which such missing person was last resident or had his permanent residence.

35 (3) The relative appointed under Form C of the Schedule (hereinafter referred to as the “relative”) shall administer the affairs of the missing person in accordance with the provisions of this Act, taking into account the best interest of the missing person and the successors to the estate of such missing person.

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Additional material to be supplied.	8B. Every application shall be supported by an Affidavit of the applicant which shall set out the grounds for his belief that the person who is sought to be registered is missing. The application shall be accompanied by a Report of the Grama Niladhari of the Grama Niladhari Division in which the person who is sought to be registered as missing was last resident or had his permanent residence, confirming the fact that such person has not been seen or heard of, for a period of over one year, together with any other evidence in support of such application.
5	
10	
15	8c. Upon receipt of an application under this Part, 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 relevant Grama Niladhari.
20	
Objection for registration.	8D. Any person may, within one month of the date on which a copy of an application is displayed as provided for in section 8c, forward to the Register-General or the District Registrar, as the case may be, his objections in writing to the registration of such person as missing to whom such application relates or to the appointment of the relative and such objection shall be supported by an Affidavit of the objector and of any other person, setting out clearly the grounds for their objections and tender evidence in support of such objections.
25	
30	
Registration of Missing Persons.	8E. (1) On the expiry of the period of one month allowed to forward objections, the Registrar-General or the District Registrar, as the case may be, shall consider the application together with the evidence tendered in support of the application and the objections if any.
35	

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5 The Registrar-General or the District Registrar may, question any person or call for any evidence and after such inquiry as he may consider necessary, if satisfied as to the truth of the matter stated in the application, allow such application.

10 (2) Where the application was made to the Registrar General, he shall make an order on the conclusion of such inquiry directing the District Registrar to register the missing person in the Register of Missing Persons and to issue a Certificate of Absence under his hand to the relative under section 8H, unless the issue of a Certificate of Absence is disallowed for reasons assigned.

20 (3) Where the application was made to the District Registrar, on the conclusion of such inquiry, he shall forward to the Registrar-General a Report under his hand setting out the particulars concerning the missing person. The Registrar-General having considered the contents of the Report shall make an order directing the District Registrar to register the missing person in the Register of Missing Persons under section 8H and to issue a Certificate of Absence under his hand to the relative, who applied for the same unless for reasons assigned the Registrar-General disallows the issue of a Certificate of Absence.

30 (4) The District Registrar shall accordingly enter such particulars in the Register of Missing Persons and issue a Certificate of Absence to the relative who applied for the same under section 8A, in the Form C of the Schedule hereto.

35 (5) The District Registrar shall forthwith forward the duplicate of the relevant registration entry for transmission to the Registrar-General.

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5 The Registrar-General shall forthwith include the necessary entries to the Register maintained under subsection (1) of section 8H subject to review of the District Court under 8F, if necessary. The registration entry made by the Registrar-General shall be final and conclusive for the purposes of this Act.

10 If dissatisfied to apply to District Court. 8F. An applicant who is dissatisfied with the decision of the Registrar General refusing to issue a Certificate of Absence to him under section 8E, or a person who has objected under section 8D to the issue of a Certificate of Absence under this Part, may within one month of the notification of such refusal or issue, as the case may be, make application to the District Court against such refusal or issue. The District Court may after review of the material before it, either affirm or set aside the decision of the Registrar General, and may direct the Registrar General to issue a Certificate of Absence or allow the application of a relative, as the case may be.

25 Special procedure relating to registration of Missing Persons in respect of whom there are findings by a Commission of Inquiry or a Special Presidential Commission of Inquiry or by the Office on Missing Persons. 8G. (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 Commission Law, No. 7 of 1978 or the Office on Missing Persons established under the Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. of 2016 finds that a person has disappeared or is missing, the relative of that person may, apply to the Registrar-General or to the District Registrar in which that person was last residing or had his permanent residence, substantially in the Form B set out in the Schedule to this Act, to have issued to him, a Certificate of Absence in

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5 respect of that missing person. Every such application shall be accompanied by an Affidavit of the applicant in terms of section 8B and a certified copy of the findings of the Commission of Inquiry or Special Presidential Commission of Inquiry or the Interim Report or Report of the Office on Missing Persons, as the case may be, relating to such missing person.

10 (2) Upon receipt of an application under subsection (1), the District Registrar shall, notwithstanding anything to the contrary in the preceding provisions of this Act, forthwith send to the Registrar-General a Report under
15 his hand, setting out the particulars of the missing person.

 (3) Upon receipt of the Report under subsection (2), the Registrar-General shall consider the contents of the Report and make
20 an order directing the District Registrar to register the missing person in the Register of Missing Persons and issue under section 8E a Certificate of Absence under his hand to the relative who applied for the same.

25 (4) The District Registrar shall accordingly enter such particulars in the Register of Missing Persons as provided under subsections (2) and (3) of section 8H.

30 (5) The District Registrar shall forthwith forward the duplicate of the relevant registration entry together with the order issued under subsection (2), for transmission to the Registrar-General. The Registrar-General shall forthwith include the necessary entries to the Register
35 maintained under subsection (1) of section 8H.

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The registration entry made by the Registrar-General shall be final and conclusive for the purposes of this Act.

- 5 Register of Missing Persons. 8H. (1) Registrar-General shall maintain a Register of Missing Persons electronically. The information for registration shall be entered on the basis of the name of the missing person and where possible the National Identity Card numerical of the missing person.
- 10 (2) Every District Registrar shall also maintain a Register of Missing Persons and make such entries as may be directed by the Registrar-General by order.
- 15 (3) Every registration entry made by the District Registrar, –
- (a) shall be made in the order of time in which the particulars were given to the Registrar-General or the District Registrar;
- 20 (b) shall be numbered consecutively and signed by the officer making the entry; and
- (c) shall be prepared in triplicate. The original shall be in the custody of the District Registrar, the second copy (hereinafter referred to as the “duplicate”) shall be forwarded to the Registrar-General and the third copy (hereinafter referred to as the “Certificate of Absence”) shall be delivered or transmitted by post to the relative who applied for the same, duly endorsed under the hand of the District Registrar.
- 25
- 30

Correction of errors.	8i. The provisions in Part VI of the Births and Deaths Registration Act (Chapter 110) pertaining to correction of any error, including an omission in any registration entry shall, <i>mutantis mutandis</i> , be applicable to registrations made under this Part.
Applicability of the Certificate of Absence.	8j. (1) The Certificate of Absence may be used by the relative who applied for the same of the missing person in order to – (a) apply for benefits under any social welfare scheme; (b) (i) temporarily manage under the supervision of the District Court, the property and assets of the missing person and act as a provisional guardian for dependent children of the missing person; (ii) The application under item (i) shall be made to the District Court having jurisdiction in respect of the property concerned or where the dependent children reside and shall be dealt with by summary procedure in the following manner:- (A) matters pertaining to the administration of the property and other assets of the missing person, shall be concluded within four months from the date of application to the District Court; (B) matters pertaining to guardianship of children where both parents are missing or

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where the surviving parent is
unable to secure the wellbeing
of the child, shall be concluded
within one month;

5 (c) make representation before executive,
administrative and judicial authorities on
behalf of the estate of the missing
person.

10 (2) All institutions and persons in authority
shall recognize and accept the Certificate of
Absence as proof of the status of the person
missing.

15 (3) (a) Any dispute arising in regard to a
matter specified under paragraph (a) of
subsection (1), may be referred to the Divisional
Secretary of the Division by the relative.

20 (b) The Divisional Secretary shall make a
determination after having discussed the matter
in dispute with the relevant Institution, within
ten working days of receiving the application.

(c) The determination of the Divisional
Secretary shall be in writing and be considered
as conclusive thereon.

25 Period of 8κ. (1) The Certificate of Absence shall be
Operation. valid for a period of two years from the date
specified therein:

Provided however, –

30 (a) the remains of the missing person is
recovered or other conclusive
evidence is discovered regarding the
death of the missing person, in such
instances the Certificate of Absence
shall be annulled and a Certificate of
Death shall be issued under section 6.

(b) the Missing Person is found to be alive, the provisions of section 13 shall *mutantis mutandis* apply. The District Registrar shall accordingly take action to cancel the registration and annul the Certificate of Absence;

(2) At the conclusion of the period of two years, the District Registrar shall inquire from the relative who is issued with the Certificate of Absence, of the status of the missing person and may subject to subsection (2)(a) of section 1 either –

(i) extend the period of the Certificate of Absence, subject to subsection (1) (b) of section 8A, by endorsement for another two years; or

(ii) direct the relative, if willing to apply for a Certificate of Death, to make an application under section 2 and take action to cancel the registration and annul the Certificate of Absence; or

(iii) cancel the Certificate of Absence where the relative does not intend to extend the period of the said Certificate.”.

25	<p>11. Subsection (3) of section 10 of the principal enactment is hereby amended by the substitution for the words, “set out in the Schedule” of the words, “in Form A set out in the Schedule”.</p>	<p>Amendment of section 10 of the principal enactment.</p>
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12. Section 14 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 14 of the principal enactment.

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“Avoidance of
doubt.

14. For the avoidance of doubt it is hereby
declared that –

- 5 (a) if the operation of Parts I and IA has
lapsed upon the expiry of the period
specified in subsection (2) of section 1,
and no Order for the extension of the
period of operation of Parts I and IA
has been made in terms of that
subsections; and
- 10 (b) if an application for the issue of a
Certificate of Death or of a Certificate of
Absence respectively, has been made
in terms of the provisions of sections
2, 8, 8A, 10 and 11 of this Act prior to the
15 expiry of the period of operation of Parts
I or Parts IA,

the Registrar-General may proceed to register
the death of such person or register such person
as missing and issue the Certificate of Death
20 or a Certificate of Absence, respectively, in
terms of the provisions of Part I and Part IA of
this Act.”.

13. Section 15 of the principal enactment is hereby
amended as follows:-

Amendment
of section 15
of the
principal
enactment.

- 25 (1) by the insertion, immediately after paragraph (c) of
that section, of the following new paragraphs:-

“*(d)* being aware that a person who has been
registered as missing in pursuance of an
application made under this Act, is alive, fails
30 to furnish such information to the Register-
General; or

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(e) dishonestly or fraudulently uses a Certificate of Absence issued under this Act knowing or having reason to believe that the person referred to in such Certificate is alive.”;

5 (2) for the words “to a term of imprisonment of not exceeding five years.” of the words “to a fine not exceeding fifty thousand rupees or to a term of imprisonment not exceeding six months.”.

10 **14.** Section 17 of the principal enactment is hereby amended by the insertion immediately after the definition of the expression “District Registrar” of the following definition:-

Amendment of section 17 of the principal enactment.

‘ “Minister” means the Minister assigned the Registrar-General’s Department;

15 “relative” shall in relation to a missing person include the
following persons:-

(i) spouse;

(ii) children including adopted children, non-marital children, or step children;

20 (iii) parents (including step-mother, step-father,
adopter);

(iv) full or half brothers or sisters or adopted brothers or sisters;

(v) father-in-law/mother-in-law, brothers/sisters-in-law, sons/daughters-in-law;

(vi) grandchildren and grandparents.

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15. The Schedule to the principal enactment is hereby amended as follows:-

Amendment
of the
Schedule to
the principal
enactment.

(1) immediately after the word “Schedule” by the addition of the following:-

“Form A”;

(2) by the insertion, immediately after Form A, of the following new Forms:-

“Form B

(Sections 8A(2))

**APPLICATION FOR REGISTRATION OF A MISSING
PERSON AND FOR THE ISSUE OF A CERTIFICATE OF
ABSENCE**

1. Full name of missing person:
2. Gender and race:
3. Date of birth:
4. Last seen date (approximately):
5. Address of last known residence:
6. Address of permanent residence:
7. Full name and residence of the person applying as relative:
8. Relationship of the person applying as relative to Missing Person:
9. Full name of the Missing Person's –

Father :

Mother :

Spouse :

Dependents :

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I.....of.....do hereby state that the said(name of the person missing) has been missing for a period of over one year.

I therefore request that the said (name of the missing person) be registered as a Missing Person under the Registration of Deaths and Missing Persons (Special Provisions) Act, No.19 of 2010 and a Certificate of Absence in respect of such person be issued to me as the relative.I shall forthwith inform the Registrar-General if the person reported to be missing is found to be alive or on receiving evidence of the death of the missing person.

.....
Date

.....
Signature of Applicant

Form C

(Section 8A, 8E and 8H)

Registrar-General's Department

Certificate of Absence

Number District Division.....

I have this day received from ofnotice that the undermentioned person is missing and do hereby register the following information:-

1. Full name of person missing:
2. Date and place of last sighting:
3. Sex:
4. Race:
5. Age of person if present:

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6. Rank or Profession:

7. Full name of Missing Person's –

Father:

Mother:

Spouse:

Dependents:

This Certificate shall be valid for a period of two years
fromto.....

Date Registrar

**Relative appointed to administer the affairs of the
Missing Person**

—————(Name) of —————
(NIC No) ————— as the —————
—————(Relationship).

Signature of the relative

N.B.— Section 8J (2) of the Registration of Deaths and Missing Person (Special Provisions) Act, No. 19 of 2010 requires all Institutions and Persons in authority to recognize and accept the Certificate of Absence as proof of the status of the person missing when applying for benefits under any social welfare scheme and when making representations on behalf of the missing person and such estate before executive, administrative and judicial authorities.

16. 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.

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