



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

No. 9,533 — SATURDAY, MARCH 23, 1946.

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PART II.—LEGAL.

(Separate paging is given to each Part in order that it may be filed separately.)

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

L. D.—O. 49/44.

An Ordinance to amend the Marriage Registration Ordinance.

Chapter 95.
(Vol. III.,
p. 122).

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

1. This Ordinance may be cited as the Marriage Registration Amendment Ordinance, No. of 1945, and shall come into operation on such date (hereinafter referred to as "the appointed date") as the Governor may appoint by Proclamation published in the Gazette.

Short title
and date of
operation.

2. The long title of the Marriage Registration Ordinance (hereinafter referred to as "the principal Ordinance") is hereby amended, by the omission of the words "OF KANDYANS OR".

Amendment of
long title of
Chapter 95.

3. The following section is hereby inserted, immediately after section 2 of the principal Ordinance, and shall have effect as section 2A of that Ordinance:—

Insertion of
new section 2A
in the
principal
Ordinance.

2A. It shall be lawful for the Governor from time to time to appoint a fit and proper person or each of two or more such persons to be or to act as an Assistant Registrar-General of Marriages. Any person so appointed may exercise, perform or discharge any power, duty or function expressly conferred or imposed upon the Assistant Registrar-General, and may, subject to the directions of the Governor and under the authority and control of the Registrar-General, exercise, perform or discharge any power, duty or function conferred or imposed upon the Registrar-General, by or under this Ordinance.

Appointment
of Assistant
Registrars-
General and
their duties.

4. Section 3 of the principal Ordinance is hereby repealed and the following new section is substituted therefor:—

Replacement
of section 3
of the principal
Ordinance.

3. (1) For each revenue district there shall be a District Registrar of Marriages.

District
Registrars.

(2) The Government Agent of a province shall be the District Registrar for the revenue district within which his office is situated, and the Assistant Government Agent of a revenue district, not being a revenue district within which the office of a Government Agent is situated, shall be the District Registrar for that district.

(3) The Additional Government Agent of a province and every Office Assistant to a Government Agent shall be an Additional District Registrar for the revenue district within which the office of the Government Agent is situated, and the Assistant Government Agent of a revenue district within which the office of a Government Agent is situated and every Additional Assistant Government Agent and

every Office Assistant to an Assistant Government Agent of a revenue district shall be an Additional District Registrar for that district.

(4) Every Assistant Registrar-General shall be an Additional District Registrar for each of the revenue districts of Colombo and Kalutara.

(5) In the case of any revenue district the Governor may appoint any person to be the District Registrar in place of the officer specified in sub-section (2), and any person, other than an officer specified in sub-section (3), to be an Additional District Registrar.

(6) Every District Registrar shall have and may exercise within his district the powers and duties vested by or under this Ordinance in a registrar of a division, and shall superintend and control, subject to the direction of the Registrar-General, the registration of marriages within the district, and the registrars hereinafter mentioned, and all other persons appointed for or engaged in carrying out the provisions of this Ordinance.

Replacement of section 7 of the principal Ordinance.

Power to make rules.

5. Section 7 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—

7. (1) The Executive Committee may from time to time make rules for the direction of the Registrar-General, the District Registrars, registrars, ministers, and all persons whomsoever in the discharge of their duties under this Ordinance, for all matters required by this Ordinance to be prescribed, and generally for the effective carrying out of the provisions of this Ordinance.

(2) No rule made under this section shall have effect until it is approved by the State Council and ratified by the Governor and notification of such approval and ratification is published in the Gazette.

Insertion of new section 12A in the principal Ordinance.

Rectification of errors.

6. The following section is hereby inserted, immediately after section 12 of the principal Ordinance, and shall have effect as section 12A of that Ordinance :—

12A. The Registrar-General may at any time correct or cause to be corrected any error in any entry made in the book kept under section 10 for the registration of buildings.

Replacement of Section 13 of the principal Ordinance.

Publication of lists of registrars and registered buildings.

7. Section 13 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—

13. The Registrar-General may from time to time publish in the Gazette a list of the Registrars of Marriages in the Island, with their names, the names of their divisions, offices, and stations, and a list of the buildings registered for the solemnization of marriages therein, and of which the registration has not been cancelled.

Insertion of new section 33A in the principal Ordinance.

Addition of religious ceremony to marriage solemnized by registrar.

8. The following section is hereby inserted, immediately after section 33 of the principal Ordinance, and shall have effect as section 33A of that Ordinance :—

33A. (1) Where a minister of any Christian church or persuasion reads or celebrates in a registered place of worship any marriage service or ceremony at the request of the parties to any marriage which has previously been solemnized by a registrar, such reading or celebration shall not—

- (a) be deemed to supersede or to affect in any way the marriage previously solemnized as aforesaid ; or
- (b) be entered as a marriage in the register book kept by the minister under section 32.

(2) No religious service or ceremony shall be read or celebrated at the office or station of a registrar in connexion with the solemnization of any marriage by the registrar.

Amendment of section 57 of the principal Ordinance.

9. Section 57 of the principal Ordinance is hereby amended as follows :—

(1) by the re-numbering of that section as sub-section (1) of section 57 ; and

(2) by the insertion, immediately after the re-numbered sub-section (1), of the following new sub-section :—

“(2) In addition to the fees payable under sub-section (1), whenever a registrar enters a notice of marriage or solemnizes a marriage at any place other than his office, there shall be paid to him by the person requiring him to enter such notice or solemnize

such marriage as expenses incurred by him in travelling from his residence to such place and returning from such place to his residence, a sum equal to the fare that would be payable under any law for the time being in force in the area for a motor cab in respect of a journey of the same length and duration, and if there is no such law for the time being in force in that area, then a sum calculated at such rate as may be prescribed."

10. Section 59 of the principal Ordinance is hereby amended as follows:—

Amendment of section 59 of the principal Ordinance.

(1) by the substitution, for the definition of "district", of the following new definition:—

" "district" means a revenue district ;

(2) by the insertion, immediately after the definition of "district", of the following new definitions:—

" District Registrar " in any section (other than section 8 or section 9) in which any power, duty or function of that officer is prescribed or referred to, includes an Additional District Registrar ;

" Executive Committee " means the Executive Committee of Labour, Industry and Commerce ; ;

(3) by the insertion, immediately after the definition of "minister", of the following new definition:—

" "prescribed" means prescribed by rule made under section 7 ; ; and

(4) by the omission of the definition of "province".

11. The provisions of the principal Ordinance which are specified in the first column of the Schedule to this Ordinance are hereby amended in the manner and to the extent specified in the corresponding entries in the second column of that Schedule.

Other amendments of the principal Ordinance.

12. (1) Every notification issued by the Governor under section 4 of the old law and in force on the day immediately preceding the appointed date shall, on and after that date, be deemed to be a notification issued by the Executive Committee under section 4 of the new law.

Transitory provisions.

(2) Every rule made by the Governor under section 7 of the old law and in force on the day immediately preceding the appointed date shall, on and after that date, be deemed to be a rule made, approved, ratified and notified in accordance with the provisions of section 7 of the new law.

(3) All fees and stamps prescribed by the Governor under section 47 of the old law and in force on the day immediately preceding the appointed date shall, on and after that date, be deemed to have been prescribed by the Executive Committee by rule made in accordance with the provisions of the new law.

(4) Any act or thing which is required by the old law to be done by or before the Provincial Registrar or Assistant Provincial Registrar and which is pending or incomplete on the day immediately preceding the appointed date may be carried on and completed under the new law by or before the District Registrar.

(5) Any notice, information, declaration, certificate, return or other document which is required by the old law to be delivered, sent or given to the Provincial Registrar or Assistant Provincial Registrar and which is not so delivered, sent or given before the appointed date may, on and after that date, be delivered, sent or given in accordance with the new law to the District Registrar.

(6) Where, before the appointed date, notice of an intended marriage is given to a Provincial Registrar or an Assistant Provincial Registrar in accordance with the provisions of the old law, but the certificate under section 25 is not issued before that date, or where such certificate is issued before that date but the marriage is not solemnized before that date, then in every such case that certificate may be issued, or that marriage may be solemnized, and any other act required by the new law to be done in that connexion by a registrar may be done, on or after that date by the District Registrar of the district within which the party, who gave such notice or the notice on which such certificate was issued, was resident at the time the notice was given.

(7) Every reference in any written law other than this Ordinance to a Provincial Registrar or an Assistant Provincial Registrar of Marriages appointed for the purposes of the Marriage Registration Ordinance shall be read and construed as a reference to a District Registrar.

(8) In this section—

- “District Registrar” includes an Additional District Registrar ;
 “Executive Committee” means the Executive Committee of Labour, Industry and Commerce ;
 “new law” means the Marriage Registration Ordinance as amended by this Ordinance ;
 “old law” means the Marriage Registration Ordinance as amended by any written law other than this Ordinance.

Schedule.

(Section 11)

Column I. Provisions of Principal Ordinance.	Column II. Amendments.
Section 2	IN sub-section (2), for the word “Governor”, there shall be substituted the words “Minister for Labour, Industry and Commerce”.
Section 4	In sub-section (1)— (a) for the word “Governor”, there shall be substituted the words “Executive Committee” ; (b) for the word “provinces”, there shall be substituted the words “revenue districts” ; (c) for the words “such divisions or any of them at any time he may amend, alter, or abolish”, there shall be substituted the words “may at any time by a like notification amend, alter or abolish any such division”.
Section 5	The words “by notification in the Government Gazette” shall be omitted. For the words “Provincial Registrar or Assistant Provincial Registrar”, there shall be substituted the words “Registrar-General or District Registrar”. For the words “for any period not exceeding” there shall be substituted the words “so however that no such appointment shall be made by a District Registrar for any period exceeding”.
Section 8	The words “and shall be notified in the Government Gazette” shall be omitted. For the words “Provincial Registrar” wherever they occur in this section, there shall be substituted the words “District Registrar”.
Section 9	In sub-section (2), for the word “province”, there shall be substituted the word “district”.
Section 22	For the words “Provincial Registrar” wherever they occur in this section, there shall be substituted the words “District Registrar”.
Section 23	In sub-sections (1) and (2), for the words “Assistant Provincial Registrar or the Provincial Registrar in whose territorial jurisdiction”, there shall be substituted the words “District Registrar in whose district”.
Section 25	In sub-sections (3) and (4), for the words “registrar, Assistant Provincial Registrar, or Provincial Registrar in whose territorial jurisdiction”, there shall be substituted the words “registrar in whose division or to the District Registrar in whose district”.
Section 26	In sub-section (6), for the words “Provincial Registrar or Assistant Provincial Registrar”, there shall be substituted the words “District Registrar”.
	In sub-section (1), for the words “the Provincial Registrar or the Assistant Provincial Registrar”, there shall be substituted the words “or by the District Registrar”.
	In sub-section (1)— (a) for the words “Registrar-General, or the Provincial Registrar, or the Assistant Provincial Registrar within whose territorial jurisdiction”, there shall be substituted the words “District Registrar within whose district” ; (b) for the words “Registrar-General, or Provincial Registrar, or Assistant Provincial Registrar”, there shall be substituted the words “District Registrar”.
	In sub-section (2), for the words “Registrar-General, or the Provincial Registrar, or the Assistant Provincial Registrar within whose territorial jurisdiction”, there shall be substituted the words “District Registrar within whose district”.

In sub-section (3), for the words "Registrar-General, or Provincial Registrar, or Assistant Provincial Registrar, and", there shall be substituted the words "District Registrar and".

In sub-section (5), for the words "Registrar-General, or of the Provincial Registrar, or Assistant Provincial Registrar, as the case may be", there shall be substituted the words "District Registrar".

Section 26A

In sub-section (1)—

(a) for the words "Registrar-General, or the Provincial Registrar or the Assistant Provincial Registrar within whose territorial jurisdiction", there shall be substituted the words "District Registrar within whose district";

(b) for the words "Registrar-General, the Provincial Registrar or the Assistant Provincial Registrar, as the case may be", there shall be substituted the words "District Registrar".

Section 31

For the words "Registrar-General, the Provincial Registrar or the Assistant Provincial Registrar", there shall be substituted the words "District Registrar".

Section 32

In sub-section (5), for the words "Provincial Registrar or Assistant Provincial Registrar within whose territorial jurisdiction", there shall be substituted the words "District Registrar within whose district".

In sub-section (6), for the words "Provincial Registrar or Assistant Provincial Registrar", there shall be substituted the words "District Registrar".

Section 34

In sub-section (1), for all the words from "forwarded, monthly" to "together with the duplicates", there shall be substituted the words "sent monthly to the District Registrar before the fifth day of the following month and by the District Registrar, together with the duplicates".

In sub-section (2)—

(a) for the words "the preceding section", there shall be substituted the word and figures "section 33";

(b) for the words "Provincial Registrar or Assistant Provincial Registrar", there shall be substituted the words "District Registrar".

For the marginal note, there shall be substituted the following new marginal note:—

"Transmission to Registrar-General of duplicates of entries made by registrar."

Section 35

In sub-section (1), for the words "Registrar-General, or Provincial Registrar, or Assistant Provincial Registrar", there shall be substituted the words "District Registrar".

In sub-section (2), for the words "Registrar-General, or Provincial Registrar, or Assistant Provincial Registrar" in both places where those words occur collectively in this sub-section, there shall be substituted the words "District Registrar".

In sub-section (3)—

(a) for the words "Registrar-General, or to the Provincial Registrar or the Assistant Provincial Registrar within whose territorial jurisdiction", there shall be substituted the words "District Registrar within whose district";

(b) for the words "Registrar-General, or the Provincial Registrar, or Assistant Provincial Registrar", there shall be substituted the words "District Registrar".

Section 37

In sub-section (3), for the words "forward to the Provincial Registrar or Assistant Provincial Registrar", there shall be substituted the words "send to the District Registrar".

In sub-sections (4), (5) and (6), for the words "Provincial Registrar or Assistant Provincial Registrar", there shall be substituted the words "District Registrar".

Section 40

The proviso to sub-section (3) shall be re-numbered as section 40A, and for the words "Provided, however, that any", there shall be substituted the word "Any".

Section 45

In sub-section (1)—

(a) for the words "Provincial Registrars, Assistant Provincial Registrars", there shall be substituted the words "District Registrars";

- (b) for the words "prescribed by this Ordinance, or shall be prescribed by the Governor", there shall be substituted the words "prescribed by or under this Ordinance";
- (c) for the words "made by the Governor" there shall be substituted the words "made thereunder".

In sub-section (2), for all the words from "Every registrar" to "such registrar or minister resides," there shall be substituted the words "Every registrar and every minister of a registered place of worship shall, when called upon by the Registrar-General or by the District Registrar within whose district such registrar's division".

In sub-section (3), for the words "Assistant Provincial Registrar, or if there be no Assistant Provincial Registrar, to the Provincial Registrar", there shall be substituted the words "District Registrar".

In the marginal note, for the words "Provincial Registrar", there shall be substituted the words "District Registrar".

Section 46

In sub-section (2)—

- (a) for the words "Governor, by order, published in the Government Gazette", there shall be substituted the words "Executive Committee by rule made under section 7";
- (b) the words "or order" shall be omitted;
- (c) for the words "to him", there shall be substituted the words "to that Committee";
- (d) for the words "to prescribe", there shall be substituted the words "may prescribe".

Section 47

In sub-section (1)—

- (a) for the words "Provincial Registrar, Assistant Provincial Registrar" in both places where those words occur collectively, there shall be substituted the words "District Registrar";
- (b) for the word "Governor" in both places where that word occurs, there shall be substituted the words "Executive Committee".

In sub-section (2), for the word "Governor", there shall be substituted the words "Executive Committee".

Section 48

For all the words from "or of his assistant" to "shall be received", there shall be substituted the words "the Assistant Registrar-General or the District Registrar or if purporting to be made under the hand of the registrar and counter-signed by the Registrar-General, the Assistant Registrar-General or the District Registrar shall be received".

Section 49

In sub-section (1)—

- (a) for all the words from "with a list thereof" to "shall carefully arrange", there shall be substituted the words "with a list thereof to the District Registrar who shall carefully arrange";
- (b) for the words "delivered by the Assistant Provincial Registrar or the Provincial Registrar", there shall be substituted the words "delivered by the District Registrar".

Sub-section (1), amended as hereinbefore specified, shall be re-numbered as section 49.

Sub-section (2) shall be omitted.

Section 49A

For the words "Provincial Registrar or Assistant Provincial Registrar", there shall be substituted the words "District Registrar".

Section 50

For the words "the last section", there shall be substituted the word and figures "section 49".

For the words "Assistant Provincial Registrar or Provincial Registrar", there shall be substituted the words "District Registrar".

Section 51

For all the words from "to imprisonment" to the end of this section, there shall be substituted the words "with simple or rigorous imprisonment for a term not exceeding three months or with both such fine and such imprisonment".

Section 52

In paragraph (c), for the word "sign", there shall be substituted the words "shall sign".

In paragraph (d), for the word "certify", there shall be substituted the words "shall certify".

Section 53 For the words "penalty not exceeding", there shall be substituted the words "fine not exceeding".

Section 54 For the words "Provincial Registrar or Assistant Provincial Registrar of the district" there shall be substituted the words "District Registrar".

Section 56 For the words "Provincial Registrar, or Assistant Provincial Registrar", there shall be substituted the words "a District Registrar".

First Schedule In Form E, for the word "Province" occurring in the heading to the Form, there shall be substituted the word "District".

In Form F, for the words "Registrar-General, Provincial Registrar, (or) Assistant Provincial Registrar, as the case may be" occurring in the footnote, there shall be substituted the words "District Registrar".

In Form G—

(a) for the words "of a marriage intended to be had", there shall be substituted the words "within the ——— district of which I am the District Registrar/for which I am an Additional District Registrar, of a marriage intended to be had";

(b) for all the words from "before the Registrar-General" to "the declaration", there shall be substituted the words "before the District Registrar of the ——— district (or an Additional District Registrar for the ——— district) the declaration";

(c) for the words "Registrar-General, or Provincial Registrar, or Assistant Provincial Registrar", there shall be substituted the words "District Registrar or Additional District Registrar";

(d) for the footnotes to this Form, there shall be substituted the following new footnotes:—

"* Where the notice has been given to the District Registrar or to an Additional District Registrar, substitute 'to the District Registrar of the ——— district' or 'to an Additional District Registrar for the ——— district', as the case may be.

† Strike out the words which are inapplicable."

In Form H—

(a) for all the words from "before the Registrar-General" to "the declaration", there shall be substituted the words "before the District Registrar of the ——— district (or an Additional District Registrar for the ——— district) the declaration";

(b) for the words "Registrar-General, or Provincial Registrar, or Assistant Provincial Registrar", there shall be substituted the words "District Registrar, or Additional District Registrar".

In Form M—

(a) the words "OF THE — PROVINCE" occurring in the heading to this Form shall be omitted;

(b) for the words "Provincial Registrar's or Assistant Provincial Registrar's", there shall be substituted the words "District Registrar's".

Second Schedule For the words "Provincial Registrar", there shall be substituted the words "District Registrar".

For the words "Assistant Provincial Registrar", there shall be substituted the words "Additional District Registrar".

The asterisk wherever it occurs in the last column of this Schedule and the footnote to this Schedule shall be omitted.

Objects and Reasons.

The principal object of this Bill is to amend the Marriage Registration Ordinance (Chapter 95) so as to alter the administration of that Ordinance from a provincial basis to a revenue district basis. The Ordinance at present gives power to appoint Provincial Registrars, Additional Provincial

(b) for the words "prescribed by this Ordinance, or shall be prescribed by the Governor", there shall be substituted the words "prescribed by or under this Ordinance";

(c) for the words "made by the Governor" there shall be substituted the words "made thereunder".

In sub-section (2), for all the words from "Every registrar" to "such registrar or minister resides," there shall be substituted the words "Every registrar and every minister of a registered place of worship shall, when called upon by the Registrar-General or by the District Registrar within whose district such registrar's division".

In sub-section (3), for the words "Assistant Provincial Registrar, or if there be no Assistant Provincial Registrar, to the Provincial Registrar", there shall be substituted the words "District Registrar".

In the marginal note, for the words "Provincial Registrar", there shall be substituted the words "District Registrar".

Section 46

In sub-section (2)—

(a) for the words "Governor, by order, published in the Government Gazette", there shall be substituted the words "Executive Committee by rule made under section 7";

(b) the words "or order" shall be omitted;

(c) for the words "to him", there shall be substituted the words "to that Committee";

(d) for the words "to prescribe", there shall be substituted the words "may prescribe".

Section 47

In sub-section (1)—

(a) for the words "Provincial Registrar, Assistant Provincial Registrar" in both places where those words occur collectively, there shall be substituted the words "District Registrar";

(b) for the word "Governor" in both places where that word occurs, there shall be substituted the words "Executive Committee".

In sub-section (2), for the word "Governor", there shall be substituted the words "Executive Committee".

Section 48

For all the words from "or of his assistant" to "shall be received", there shall be substituted the words "the Assistant Registrar-General or the District Registrar or if purporting to be made under the hand of the registrar and counter-signed by the Registrar-General, the Assistant Registrar-General or the District Registrar shall be received".

Section 49

In sub-section (1)—

(a) for all the words from "with a list thereof" to "shall carefully arrange", there shall be substituted the words "with a list thereof to the District Registrar who shall carefully arrange";

(b) for the words "delivered by the Assistant Provincial Registrar or the Provincial Registrar", there shall be substituted the words "delivered by the District Registrar".

Sub-section (1), amended as hereinbefore specified, shall be re-numbered as section 49.

Sub-section (2) shall be omitted.

Section 49A

For the words "Provincial Registrar or Assistant Provincial Registrar", there shall be substituted the words "District Registrar".

Section 50

For the words "the last section", there shall be substituted the word and figures "section 49".

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For all the words from "to imprisonment" to the end of this section, there shall be substituted the words "with simple or rigorous imprisonment for a term not exceeding three months or with both such fine and such imprisonment".

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In Form G—

(a) for the words "of a marriage intended to be had", there shall be substituted the words "within the _____ district of which I am the District Registrar/for which I am an Additional District Registrar, of a marriage intended to be had";

(b) for all the words from "before the Registrar-General" to "the declaration", there shall be substituted the words "before the District Registrar of the _____ district (or an Additional District Registrar for the _____ district) the declaration";

(c) for the words "Registrar-General, or Provincial Registrar, or Assistant Provincial Registrar", there shall be substituted the words "District Registrar or Additional District Registrar";

(d) for the footnotes to this Form, there shall be substituted the following new footnotes:—

"* Where the notice has been given to the District Registrar or to an Additional District Registrar, substitute 'to the District Registrar of the _____ district' or 'to an Additional District Registrar for the _____ district', as the case may be.

† Strike out the words which are inapplicable."

In Form H—

(a) for all the words from "before the Registrar-General" to "the declaration", there shall be substituted the words "before the District Registrar of the _____ district (or an Additional District Registrar for the _____ district) the declaration";

(b) for the words "Registrar-General, or Provincial Registrar, or Assistant Provincial Registrar", there shall be substituted the words "District Registrar, or Additional District Registrar".

In Form M—

(a) the words "OF THE — PROVINCE" occurring in the heading to this Form shall be omitted;

(b) for the words "Provincial Registrar's or Assistant Provincial Registrar's", there shall be substituted the words "District Registrar's".

Second Schedule For the words "Provincial Registrar", there shall be substituted the words "District Registrar".

For the words "Assistant Provincial Registrar", there shall be substituted the words "Additional District Registrar".

The asterisk wherever it occurs in the last column of this Schedule and the footnote to this Schedule shall be omitted.

Objects and Reasons.

The principal object of this Bill is to amend the Marriage Registration Ordinance (Chapter 95) so as to alter the administration of that Ordinance from a provincial basis to a revenue district basis. The Ordinance at present gives power to appoint Provincial Registrars, Additional Provincial

Registrars and Assistant Provincial Registrars. Since 1943, the Assistant Provincial Registrars have had instructions to correspond direct with the Registrar-General. The only statutory powers of a Provincial Registrar which cannot in law be exercised by an Assistant Provincial Registrar are the powers conferred by sections 8 and 9 of the Ordinance. These powers can, if the law is altered, be exercised equally well by Assistant Provincial Registrars. It is proposed therefore to make the revenue district the unit for the purpose of administering the Ordinance and to declare the Government Agent of a province to be the District Registrar for the revenue district within which his office is situated and the Assistant Government Agent, of any other revenue district to be the District Registrar of that district. All other superintending officers will be called "Additional District Registrars" (Clause 4).

2. The numerous consequential amendments necessary to give effect to this amendment together with a few other amendments of a minor nature are set out in the Schedule to the Bill.

3. Clause 2 is intended to remove a conflict between the long title to the Marriage Registration Ordinance (Chapter 95) and the long title to the Kandyan Marriages (Removal of Doubts) Ordinance (Chapter 97).

4. The existing Ordinance does not contain any provision enabling a person to be appointed an Assistant Registrar-General. The power to make such appointments will be taken by Clause 3.

5. The following powers are vested in the Governor by the Ordinance :—

Under section 2 (2), to give directions to the Registrar-General.

Under section 4, to divide the Island into Marriage Registration divisions.

Under section 7, to make rules for the direction of officers.

Under section 46 (2), to alter the Forms set out in the Schedule to the Ordinance.

Under section 47, to prescribe certain fees.

It is proposed by this Bill to transfer to the Minister the power vested in the Governor by section 2 (2) and to the Executive Committee the other powers referred to above. The exercise of these powers (other than the power under section 4) will be subject to the approval of the State Council and the ratification of the Governor.

6. For the purposes of sections 10, 11 and 12 of the Ordinance, the Registrar-General is required to keep a register of all places of public christian worship at which marriages may be solemnized. No power is given to the Registrar-General to correct any error in such register. This omission in the law will be rectified by Clause 6.

7. Section 13 of the Ordinance has been rendered inoperative by a notification under section 2 (1) of the Government Gazette (Publication) Ordinance (Chapter 5). The periodical publication of lists of registrars and registered buildings serves a useful purpose and it is accordingly proposed by Clause 7 to re-enact that section in a modified form.

8. The new section 33A which will be inserted in the principal Ordinance by Clause 8 is based on section 12 of the Marriage and Registration Act, 1856, of the United Kingdom (19 & 20 Vict. c. 119).

The intention of sub-section (1) of that section is to make it clear that the addition of a Christian religious ceremony to a marriage already solemnized by a registrar under section 33 will not supersede or affect that marriage in any way. By providing that an entry relating to such a ceremony should not be made in the marriage register kept by the minister who performs the ceremony, the sub-section will also prevent the registration of the same marriage in two different registers. The object of sub-section (2) is to put an end to the practice of performing religious ceremonies at such a place as the office of a registrar where the civil solemnization alone can properly take place.

9. Clause 9 will enable a registrar to charge travelling expenses at a higher rate than is payable today. The rate of fifty cents per mile payable under the footnote to the Second Schedule to the Ordinance is very inadequate.

10. The necessary transitional provisions are set out in Clause 12.

I. X. PEREIRA,

Acting Minister for Labour, Industry and Commerce.
Colombo, 9th March, 1946.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

L. D.—O. 36/44.

**An Ordinance to amend the Factories Ordinance,
No. 45 of 1942.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1. This Ordinance may be cited as the Factories (Amendment) Ordinance, No. of 1945.

Short title.

2. Section 25 of the Factories Ordinance, No. 45 of 1942 (hereinafter referred to as "the principal Ordinance"), is hereby amended, by the substitution, for the words "shall not be required or permitted to clean", of the words "shall not clean".

Amendment of section 25 of Ordinance No. 45 of 1942.

3. Section 26 of the principal Ordinance is hereby amended in sub-section (1), by the substitution, for the words "shall be required or permitted to work", of the words "shall work".

Amendment of section 26 (1) of the principal Ordinance.

4. Section 32 of the principal Ordinance is hereby amended, in paragraph (b) of sub-section (1), by the substitution, for the words "shall be required or permitted to enter", of the words "shall enter".

Amendment of section 32 (1) of the principal Ordinance.

5. Section 34 of the principal Ordinance is hereby amended in sub-section (9) as follows :—

Amendment of section 34 (9) of the principal Ordinance.

(1) in paragraph (a) thereof, by the substitution, for the words "No steam boiler", of the words "No new steam boiler"; and

(2) in paragraph (b) thereof, by the substitution, for all the words from "in the factory" to the end of that paragraph, of the words "in the factory".

6. The following new section is hereby inserted immediately after section 76 of the principal Ordinance, and shall have effect as section 76A of that Ordinance :—

Insertion of new section 76A in the principal Ordinance.

76A. (1) Subject to the provisions of this section, a young person who has not attained the age of sixteen and is taken into any employment in a factory, shall not remain in that employment after the expiration of such period, not being less than seven days, as may be prescribed, unless he has been examined by the examining surgeon and certified by him to be fit for that employment.

Certificate of fitness for employment of young persons.

(2) Where the examining surgeon after examining a young person, requires further information or further time for consideration before deciding whether or not to certify him as fit for employment or as to the conditions subject to which the certificate is to be issued, he may issue a provisional certificate authorising the employment of the young person for such period as may be certified in the certificate, not exceeding twenty-one days from the date on which it was issued.

(3) Any certificate by the examining surgeon may be issued—

(a) in respect of employment in all factories in the occupation of the same occupier, or such of them as may be specified in the certificate;

(b) subject to conditions as respects the nature of the work in which the person concerned is to be employed;

(c) subject to a condition that he shall be re-examined after an interval specified in the certificate.

(4) Where a certificate under this section in respect of any young person is issued by the examining surgeon upon any such condition as aforesaid, the young person shall not be employed except in accordance with the condition.

(5) Where the examining surgeon so directs in the certificate, any such condition as aforesaid shall, so far as relates to the employment in respect of which the certificate was issued or other employment in a factory in the occupation of the same occupier, continue to have effect after the young person has attained the age of sixteen; but unless such direction is made, the condition shall cease to have effect when the young person attains the age of sixteen, and shall in any case cease to have effect when the young person attains the age of eighteen.

(6) Where a certificate under this section is subject to a condition requiring re-examination after an interval specified in the certificate, the examining surgeon, on such re-examination, may vary the certificate or may revoke the

certificate as from such date as he may direct; and, if the certificate of a young person is revoked before he attains the age of sixteen, he shall not remain in any employment to which the certificate relates, and sub-section (1) of this section shall thereafter have effect as if no certificate had been issued in respect of that young person.

(7) Where a certificate under this section in respect of any young person is refused or revoked, the examining surgeon shall, if requested to do so by the parent of the young person, give to the parent in writing the reasons for the refusal or revocation.

(8) The Executive Committee may make regulations prescribing—

- (a) the manner in which, and the place at which, examinations under this section shall be conducted;
- (b) the form of certificates under this section;
- (c) the facilities to be afforded by occupiers of factories for the purpose of examinations under this section, including facilities for an examining surgeon to inspect any process in which a young person is to be employed;
- (d) any other matter which the Executive Committee may consider desirable for the purpose of giving effect to this section.

(9) The Executive Committee may by regulations exempt from the operation of this section any class or description of factory in which mechanical power is not used.

Insertion of new section 94A in the principal Ordinance.

Prohibition of deductions from wages.

Amendment of section 103 (1) of the principal Ordinance.

7. The following new section is hereby inserted immediately after section 94 of the principal Ordinance, and shall have effect as section 94A of that Ordinance:—

94A. Save as otherwise expressly provided under this Ordinance, the occupier of a factory shall not in respect of anything to be done or provided by him in pursuance of this Ordinance, make any deduction from the sum contracted to be paid by him to any person employed or receive or allow any person in his employment to receive any payment from any such person.

8. Section 103 of the principal Ordinance is hereby amended in sub-section (1), by the substitution, for the words "may, after consultation with the Factory Advisory Board, make regulations", of the words "may make regulations".

Objects and Reasons.

Although our Factories Ordinance, No. 45 of 1942, is based on the English Factories Act, 1937, the phraseology of that Ordinance, differs in some cases from the phraseology of the Act. Thus the phraseology of section 25 (1), 26 (1), 32 (1) (b) and 34 (9) differs from the phraseology of the corresponding sections of the English Act. The object of Clauses 2, 3, 4 and 5 of this Bill is to amend those sections so as to bring them into line with the corresponding sections of that Act.

2. There are no provisions in our Factories Ordinance similar to sections 99 and 120 of the Factories Act, 1937. Section 99 of that Act provides for the medical examination of young persons at the beginning of their employment in a factory. Section 120 of that Act provides that "the occupier of a factory shall not, in respect of anything to be done or provided by him in pursuance of this Act, make any deduction from the sum contracted to be paid by him to any person employed or receive or allow any person in his employment to receive any payment from any such person".

The object of Clauses 6 and 7 of this Bill is to include in that Ordinance provisions similar to the said sections 99 and 120.

3. The English Factories Act provides that regulations under the Act should be framed by the Secretary of State, but there is no legal provision in that Act that such regulations should be made after consultation with any expert authority or organisation. Under section 103 of the Factories Ordinance, however, regulations under the Ordinance are to be made by the Executive Committee of Labour, Industry and Commerce after consultation with the Factories Advisory Board. It is felt that such consultation delays the preparation of regulations. It is also felt that the absence of such consultation will not result in the preparation of defective regulations, as the Executive Committee has the power, under section 97 (2) (b) of the Ordinance, to consult the Board in any matter in which the Committee wants advice. The object of Clause 8 of this Bill is to amend section 103 of the Ordinance by the omission of the provision requiring such consultation.

I. X. PEREIRA,

Acting Minister for Labour, Industry and Commerce.
Colombo, February 27, 1946.

MINUTE.

The following Draft of a proposed Ordinance is published for general information —

L. D.—O. 12/46.

L. G. D.—BB 1048.

An Ordinance to make special provision to enable the members of the Jaffna Urban Council, whose term of office is due to expire on the thirty-first day of December, 1946, to continue in office until the thirty-first day of December, 1947.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1. This Ordinance may be cited as the Jaffna Urban Council (Term of Office) Ordinance, No. of 1946. Short title.

2. The term of office of the members of the Jaffna Urban Council, which, under section 16 of the Urban Councils Ordinance, No. 61 of 1939, is due to expire on the thirty-first day of December, 1946, is hereby extended to and shall expire on the thirty-first day of December, 1947; and accordingly the year 1946 shall not be deemed for the purposes of any of the other provisions of that Ordinance to be a year in which a general election of members of that Council is due to be held. Extension of term of office.

3. Notwithstanding that, by virtue of the operation of section 2 of this Ordinance, a general election of members of the Jaffna Urban Council will be due to be held in the year 1947, it shall not be necessary for the Government Agent to commence the preparation of lists of voters for the purposes of that general election or to take any other measures relating to or connected with that general election, unless the Governor, by Order published in the Gazette, directs him so to do, or until such date as may be specified in such order. Suspension of measures relating to general election.

Objects and Reasons.

The term of office of the members of the Jaffna Urban Council is due to expire on December 31, 1946. As a Municipality is to be constituted for the town of Jaffna, in lieu of the Urban Council, with effect from January 1, 1948, it is felt that no useful purpose will be served by holding a general election in December, 1946, and that the present members should continue in office until the date of the constitution of the Municipal Council.

The object of this Bill is to make the necessary statutory provision to enable them to do so.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Colombo, March 12, 1946.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

L.D.—O.10/46.

C.S.O.—CF.D.513/39.

An Ordinance to provide that certain regulations made under the Naval Volunteer Ordinance relating to the Placing on compulsory leave without pay of members of the Ceylon Naval Volunteer Force shall have retrospective effect, and to provide for matters incidental thereto. Chapter 254
(Vol. VI. p. 55)

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1. This Ordinance may be cited as the Ceylon Naval Volunteer Force (Compulsory Leave) Ordinance No. of 1946. Short title.

2. (1) Notwithstanding anything in sub-section (2) of section 10 of the Naval Volunteer Ordinance, the principal regulations shall have effect, and be deemed to have had effect, as though the new regulation 28 which was added thereto by the regulation under the aforesaid sub-section (2), published in Gazette No. 9,528 of the eighth day of March, 1946, had been so added on the twenty-fourth day of February, 1946. Retrospective effect of regulation 28 of the regulations under section 10 (2) of Chapter 254.

(2) Every notice whereby any member of the Ceylon Naval Volunteer Force was placed on compulsory leave under any law in force prior to the twenty-fourth day of February, 1946, being a notice in force on the day immediately preceding that date, shall be deemed on and after the aforesaid twenty-fourth day of February to be a notice given under the principal regulations.

(3) In this section "the principal regulations" means the regulations under section 10 (2) of the Naval Volunteer Ordinance published in the Supplement to Gazette No. 8,332 of the twenty-sixth day of November, 1937, as amended by any subsequent regulation.

Objects and Reasons.

Immediately after the outbreak of the recent war, the Ceylon Naval Volunteer Force was called into actual service under the powers conferred by regulations made under the Naval Volunteer Ordinance; but during the early stages of the war the services of all of the members were not required at the same time. In order to enable some of them to revert to their civil occupations while ensuring that they could be recalled to duty at short notice, power was taken by Defence Regulation to place members of the Force on compulsory leave without pay. The relevant Defence Regulation ceased to be in force on February 24, 1946, with the expiry of the Emergency Powers (Defence) Acts. But it is necessary that power to place members of the Force on compulsory leave without pay should be retained for some further time. Such power has been taken by means of a new regulation 28 which has already been approved by the State Council and published in Gazette No. 9,528 of March 8, 1946.

By virtue of sub-section (2) of section 10 of the Ordinance, however, the new regulation only has effect from March 8, 1946, being the date of publication. There is accordingly an interval during which no provision exists for the placing of members of the Force on compulsory leave. The object of this Bill is to make special provision declaring that the new regulation 28 shall be deemed to have had effect as from February 24, 1946.

Colombo, 20th March, 1946.

ROBERT H. DRAYTON,
Chief Secretary.