

CHAPTER 130

REGISTRATION OF DEATHS (EMERGENCY)

Ordinance
No. 24 of 1945,
Act
No. 37 of 1952.

AN ORDINANCE TO MODIFY CERTAIN PROVISIONS OF LAW RELATING TO THE REGISIRATION OF DEATHS, INQUIRIES INTO DEATHS AND TO THE BURIAL AND CREMATION OF DEAD BODIES IN THEIR APPLICATION IN THE CASE OF THE DEATHS OF PERSONS SUBJECT TO MILITARY LAW OR OF MEMBERS OF THE ARMED FORCES OF THE ENEMY.

[7th September, 1945.]

Short title.

1. This Ordinance may be cited as the Registration of Deaths (Emergency Provisions) Ordinance.

otherwise disposed of, in any cemetery or burial ground or other place, as he may think fit:

Modification of statutory requirements relating to information and registration of deaths.

2. In the event of the death of a person subject to military law or of a member of the armed forces of the enemy, whether in consequence of war operations or otherwise—

Provided, however, that such body shall not be buried, cremated, or otherwise disposed of, in any cemetery or burial ground duly established or registered under the Cemeteries and Burials Ordinance for any proclaimed area, unless a certificate with respect to such body has been duly issued by a proper authority in accordance with the provisions of this Ordinance.

- (a) it shall not be necessary for any person subject to military law to give information concerning the death to a registrar or to attend before the registrar and sign the register or to deliver a certificate stating the cause of death to a registrar or to any other person; and
- (b) a registrar shall not register the death, unless he is directed to do so by the Registrar-General.

4. In the event of the death of a person subject to military law or of a member of the armed forces of the enemy, otherwise than in consequence of war operations—

Disposal of bodies where deaths have occurred otherwise than in consequence of war operations.

- (a) an inquirer who holds an inquiry into such death shall, on the production of a certificate with respect to the death body of any such person duly issued by a proper authority, make his order for the burial of such body by affixing his signature in the space provided for the purpose at the foot of the form set out in the Schedule to this Ordinance; and

Modification of certain statutory requirements relating to information and inquiries and of burials and cremations in cases of deaths in consequence of war operations.

3. (1) In the event of the death of a person subject to military law or of a member of the armed forces of the enemy in consequence of war operations—

- (a) it shall not be obligatory on any person to give information concerning the death to an inquirer; and
- (b) an inquirer shall not take any action in relation to the death.

- (b) the dead body of any such person may, if with respect to such body a certificate has been duly issued by a proper authority, be removed to and buried, cremated, or otherwise disposed of, in any cemetery or burial ground duly established or registered under the Cemeteries and Burials Ordinance for any proclaimed area, whether or not such death occurred within the limits of such proclaimed area.

(2) In the case of any death referred to in subsection (1), a proper authority may cause the dead body to be buried, cremated, or

Duty of keeper of a cemetery or burial ground.

5. The keeper or other person in charge of any cemetery or burial ground, duly established or registered under the Cemeteries and Burials Ordinance, shall, on the production of a certificate with respect to a dead body duly issued by a proper authority, permit such body to be buried, cremated, or otherwise disposed of in such cemetery or burial ground.

Form of certificate to be issued by a proper authority.

6. A certificate with respect to a dead body issued by a proper authority under this Ordinance shall be substantially in the form set out in the Schedule to this Ordinance, and shall contain all the particulars required to be set out in that form :

Provided, however, that a certificate with respect to the dead body of a person who was at the time of his death a member of the armed forces of the enemy may contain only such of those particulars as are available at the time of the issue of the certificate.

Registration of deaths on receipt of records from proper authority.

7. (1) On the receipt of any record or a certified copy of, or extract from, any record kept by a proper authority containing the particulars concerning the death of any person subject to military law or of a member of the armed forces of the enemy, the Registrar-General shall forthwith issue an order for the registration of that death.

(2) On the receipt of any order for the registration of a death issued by the Registrar-General under subsection (1), a registrar shall, subject to such general or special directions as may be given by the Registrar-General for determining the manner in which such death is to be registered, register such death forthwith in the manner prescribed in the Births and Deaths Registration Act,

Any entry made in a register of deaths by a registrar under this section shall, for the purposes of the Births and Deaths Registration Act, be deemed to have been signed by a proper authority acting as the informant required by that Act.

The provisions of section 35 of that Act shall not apply to the registration of any such death.

Proof of death.

8. For the purposes of the proof of the death of any person subject to military law whose death has not been registered by a registrar, a certificate issued by or on behalf of a proper authority stating that that person has died shall be prima facie evidence of the fact of such death ; and any document, purporting to be such a certificate and to be signed by or on behalf of such authority shall, unless the contrary be proved, be deemed to be a certificate issued by or on behalf of such authority, and shall be received in evidence accordingly.

Construction of Ordinance.

9. This Ordinance shall be read and construed as one with the Births and Deaths Registration Act and with any other written law relating to the registration of deaths, inquiries into deaths and the burial, cremation or other disposal of dead bodies :

Provided, however, that in the event of any conflict or inconsistency between the provisions of the Births and Deaths Registration Act or such other written law and the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

Application of Ordinance.

10. This Ordinance shall apply during the continuance of any war in which the Republic may be engaged.

Interpretation.

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

" a person subject to military law" includes a person subject to the naval, military, or air force law of any foreign power allied with the Republic of Sri Lanka or of any foreign authority recognized by the Republic of Sri Lanka as competent to maintain naval, military, or air forces for service in association with the Armed Forces of Sri Lanka, but does not include—

(a) a member of the Sri Lanka Army, Navy, or Air Force, who is absent from his unit on leave or otherwise than on duty; or

(b) a member of the Sri Lanka Army, Navy, or Air Force, who is on the Reserve thereof;

" body " includes part of a body;

" inquirer " includes a Magistrate;

" proclaimed area " means any area or areas defined in an Order under section 40 of the Births and Deaths Registration Act;

" proper authority "—

(a) for the purposes of the provisions of this Ordinance relating to the issue of a certificate with respect to, or to the burial of, the dead body of a person who was at the time of his death subject to military law, means the officer commanding the naval, military, or air force hospital at which the death of such person occurred or the registrar of that hospital, if any, or, where the death of such person occurred in a place other than such hospital, the medical officer of the unit to which such person was at the time of his death attached, or the officer commanding that unit;

(b) for the purposes of the provisions of this Ordinance relating to the issue of a certificate with respect to, or to the burial of, the dead body of a person who was at the time of his death a member of the armed forces of the enemy, means the officer commanding the naval, military, or air force hospital at which the death of such person occurred or the registrar of that hospital, if any, or, where the death of such person occurred in a place other than such hospital, any commissioned officer in the Armed Forces of Sri Lanka;

(c) for the purposes of the provisions of this Ordinance relating to the keeping of a record

containing the particulars concerning the death, or the issue of a certificate with respect to the proof of death, of a person subject to military law, means the officer in charge of the records of the unit to which such person was at the time of his death attached or the officer commanding that unit; and

(d) for the purposes of the provisions of this Ordinance relating to the keeping of a record containing the particulars concerning the death of a member of the armed forces of the enemy, means any commissioned officer in the Armed Forces of Sri Lanka;

" registrar " means a Registrar of Births and Deaths duly appointed under the Births and Deaths Registration Act and includes any District Registrar, Additional District Registrar, or deputy registrar duly appointed under that Act;

" Registrar-General " means the Registrar-General of Births and Deaths duly appointed under the Births and Deaths Registration Act, and includes a Deputy Registrar-General; [§§ 2 & 3, Law 23 of 1978-]

" war operations " means—

(a) operations of the armed forces of the enemy; or

(b) operations of any forces of any foreign power allied with the Republic of Sri Lanka, or of any forces of any foreign authority recognized by the Republic of Sri Lanka as competent to maintain naval, military, or air forces for service in association with the Armed Forces of Sri Lanka while in action against the enemy or while acting in the course of their duty upon any warning of the imminence of an attack by the enemy.

SCHEDULE

FORM OF CERTIFICATE OF DEATH

[Sections 3, 5 and 6.]

Service:.....

Regiment or corps:.....

No.:..... Rank:.....

Name (in full):.....

Died on..... 19..... at.....

Probable cause of death:.....

* Signature:.....

Rank:.....

Designation:.....

* * I order burial.

** Signature of Inquirer:.....

* Where the death has occurred—

(a) in a hospital, the certificate must be signed by the officer commanding such hospital or the registrar of such hospital; or

(b) in a place other than a hospital, the certificate must be signed, in any case where the deceased person was at the time of his death subject to military law, by the medical officer of the unit to which such person was at that time attached or the officer commanding that unit, or in any case where the deceased person was at the time of his death a member of the armed forces of the enemy, by any commissioned officer in the Armed Forces of Sri Lanka.

* * Where an inquiry has been held, the order authorizing burial must be signed by the inquirer.