

FAUNA AND FLORA PROTECTION

AN ORDINANCE TO PROVIDE FOR THE PROTECTION AND CONSERVATION OF THE FAUNA AND FLORA OF SRI LANKA AND THEIR HABITATS ; FOR THE PREVENTION OF COMMERCIAL AND OTHER MISUSE OF SUCH FAUNA AND FLORA AND THEIR HABITATS, FOR THE CONSERVATION OF THE BIODIVERSITY OF SRI LANKA ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Ordinance Nos,

2 of 1937

31 of 1942

12 of 1944

12 of 1945

Act Nos,

38 of 1949

44 of 1964

1 of 1970

49 of 1993

12 of 2005

22 of 2009

[1st March , 1938]

Short title.

1. This Ordinance may be cited as the Fauna and Flora Protection Ordinance.

PART I

NATIONAL RESERVES AND SANCTUARIES

2. Constitution of National Reserves. Strict Natural Reserves. National Parks. Nature Reserves. Jungle Corridors. Refuges, Marine Reserves, Buffer Zones and Sanctuaries.
[2,44 of 1964]
[[2, 44 of 1964]
[[3, 1 of 1970]
[3,49 of 1993]
[3, 22 of 2009]

(1) The Minister may by Order published in the Gazette declare that any specified area of State land shall for the purposes of this Ordinance be a National Reserve and may by that Order or by any Order subsequently published in the Gazette declare that the whole or any specified part of any such National Reserve shall be-

(a) a Strict Natural Reserve; or

(b) a National Park ; or

(c) a Nature Reserve ; or

(d) a Jungle Corridor; or

[3, 22 of 2009] (e) Marine National Park.

(f) a Marine Reserve ; or

(g) a Buffer Zone.

[3, 22 of 2009] (2) The Minister may by Order published in the Gazette declare that any specified area of land within Sri Lanka (other than land declared to be a National Reserve) shall be a Sanctuary or a Managed Elephant Reserve for the purposes of this Ordinance.

[3, 22 of 2009] (2A) An Order made under subsection (1) and subsection (2) of this section, shall have no effect unless it has been approved by Parliament and the notification of such approval is published in the Gazette.

[3, 22 of 2009] (3) An area declared to be a Sanctuary or a Managed Elephant Reserve may include both State land and land other than State land.

[3, 22 of 2009] (4)

(a) The Minister may by Order published in the Gazette declare that from a specified date -

(i) the limits of any National Reserve or Sanctuary may be altered or varied ;

(ii) any National Reserve or part thereof shall cease to be a National Reserve;

(iii) any Sanctuary or part thereof shall cease to be a Sanctuary ;

(iv) that a National Reserve of one class shall be a National Reserve of another class.

(b) an Order made by the Minister under this subsection shall have no effect unless it has been approved by Parliament and the notification of such approval is published in the Gazette.

[3,1 of 1970]
[3, 22 of 2009] (5) In the case of any change of boundaries or the disestablishment of a National Reserve or Sanctuary or Managed Elephant Reserve, a study shall be conducted and such study shall include an investigation of the ecological consequences of the proposed change.

[3, 22 of 2009] (6) the Minister may make regulations relating to any Managed Elephant Reserve or any Sanctuary.

Management Plans
for National
Reserves and
Sanctuaries.
[4, 49 of 1993]
[4, 22 of 2009]

2A.

[4, 22 of 2009] (1) A Management Plan may be prepared by a Management Planning Committee appointed by the Director-General for every National Reserve, based on such guidelines as may be prescribed.

[4, 22 of 2009] (2) The Minister may by Order specify any Nation Reserve, Sanctuary or any Managed Elephant Reserve for which a Management Plan is required, taking into consideration the prevailing circumstances.

[4, 22 of 2009] (3) The Secretary to the Ministry of the Minister shall endorse the Management Plan as being prepared in accordance with the provisions of the Ordinance.

[4, 22 of 2009] (4)

(a) A Management Plan may be amended or altered subject to the approval of the Director-General.

(b) The implementation of all Management Plans shall be monitored according to an approved plan, made by the Director-General and be subject to an evaluation within five years of the date of adoption of such Management Plan.

(c) Where a new Management Plan has to be prepared, it shall be prepared in accordance with the provisions of this section and be endorsed prior to the lapsing of the five years mentioned in paragraph (b).

Assessment of
Impacts of activities
within National
Reserves and
Sanctuaries.
[4, 22 of 2009]

2B.

[4, 22 of 2009] (1) The Director-General may, prior to carrying out and giving effect to any activity under a Management Plan, require an assessment of the impact of such activity on the fauna and flora and their habitat to be made.

[4, 22 of 2009] (2) The report on the assessment of the impacts of such activity shall included, but shall not be limited to -

(a) a statement of the existing or anticipated impact upon the fauna and flora, including an account of the species and habitats affected and extent to which they are or may be threatened ;

(b) a statement of the existing or anticipated social and economic impact of such activity ;

(c) a statement of where rare, endangered or endemic species are or may be affected ;

(d) a list of alternative actions, including inaction which might be taken to remove or lessen any adverse impact ; and

(e) any recommendation for subsequent action.

[4, 22 of 2009] (3) The Minister may from time to time issue guidelines for the purposes of the implementation section.

Services and facilities within National Reserves or Sanctuaries.
[4, 22 of 2009]

2c.

[4, 22 of 2009] (1) The Director-General may provide visitor services and facilities in National Reserves and Sanctuaries. The Director- General shall however ensure that the provision of such services and facilities do not damage the ecosystem concerned. Such services and facilities shall be provided according to the Management Plan, where applicable.

[4, 22 of 2009] (2) The Director-General shall administer, control and manage the facilities and services which are to be provided within any National Reserve or Sanctuary.

Nature Trails.
[4, 22 of 2009]

2D.

[4, 22 of 2009] (1) The Director-General may provide for roads and tracks within a National Reserve or a Sanctuary on State land to be nature trails for the use of any person who desires to travel on foot or otherwise as permitted, to study or observe the fauna and flora therein :

Provided that the State shall not be liable for any injury or damage sustained or incurred by any person using such trail.

[4, 22 of 2009] (2) No person shall use any such nature trial unless he has obtained a permit issued by the Director-General upon the payment of the prescribed fee.

[4, 22 of 2009] (3) Regulations may be made specifying the manner in which any person may use such nature trial.

[4, 22 of 2009] (4) The Director-General, giving effect to the provisions of this section, shall consider the advice and recommendations of the Advisory Committee established

under this Ordinance.

Essential features of **3**.
Strict Natural
Reserves, Jungle
Corridors, National
Parks, Refuges,
Marine Reserves,
Buffer Zones and
Sanctuaries.
[3,44 of 1964]
[5, 49 of 1993]
[5, 22 of 2009]

(1) Save as hereinafter provided -

(a) no person shall be entitled to enter any Strict Natural Reserve or Nature Reserve, or in any way to disturb the fauna and flora therein;

[5, 22 of 2009]

(b) no person shall be entitled to enter any National Park or any Marine National Park except for the purpose of observing the fauna and flora therein;

[3,44 of 1964]

[5, 22 of 2009]

(c) no animal shall be hunted, killed or taken, and no plant shall be damaged, collected or destroyed in a Strict Natural Reserve destroyed, in a Strict Natural Reserve Marine National Park.

[3, 44 of 1964]

(d) no person shall hunt, shoot, kill or take any wild animal, or take or destroy any egg of any bird or reptile or any nest of any bird, in any Sanctuary.

[4,1 of 1970]

(1A) No person shall, on any State land or any part thereof within any Sanctuary, carry, or have in his possession or under his control, a gun, or a cartridge or other explosive of any description except under the authority, and in accordance with the terms or conditions, of a permit issued by the prescribed officer upon the payment of the prescribed fee. The preceding provisions of this subsection shall be in addition to, and not in derogation of, the provisions of the Firearms Ordinance.

[4,1 of 1970]

[5, 22 of 2009]

(3)

[5, 22 of 2009]

(a) Nothing in the preceding provisions of this section shall be deemed or construed to prohibit or restrict the exercise by any person of any right acquired by him, whether by law or custom or usage, or traditional practice, in or over any land situated within the limits of any National Park, Nature Reserve, Marine National Park, Jungle Corridor, or in or over any State land in any Sanctuary, being a right which was so acquired by such person prior to the date of the establishment of such National Park, Nature Reserve, Marine National Park, Jungle Corridor or Sanctuary.

(b) For the purpose of this subsection, the Minister shall prescribe the customs, usages and

traditional practices which may be exercised in or over any land situated within the limits of any National Park, Nature Reserve, Marine National Park, Jungle Corridor or in or over any state land in any sanctuary.

- [4, 1 of 1970] (4) Any right referred to in subsection (3) which has not been, or is not, exercised by the person entitled thereto for a continuous period of two years shall be deemed to have lapsed, or to lapse, and to have been, or to be, ceded to the State.

Ban on tourist hotels &c, within one mile of National Reserve.
[6, 49 of 1993]
[6, 22 of 2009]

3A.

- [6, 22 of 2009] (1) No person shall, within one mile of the boundary at a National Reserve, construct a tourist hotel or provide any services or facilities similar to the services or facilities provided by a tourist hotel.
- [6, 22 of 2009] (2) No person shall commence or cause to be commenced any expansion to any tourist hotels situated within a one mile radius of the outer boundary of a National Reserve.
- [6, 22 of 2009] (3) The owner or occupier of any building or any other similar construction situated within one mile radius outside the boundary of any National Reserve shall when required to do so by any authorized officer, submit for the inspection of such officer, the plans of such building, or such construction and the plans of the land on which such building or construction stands.
- [6, 22 of 2009] (4) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

For the purpose of this section, "relevant authority" means the Director-General of Wildlife Conservation or any wildlife officer duly authorized by the Director-General in that behalf.

Restriction of entry into Strict Natural Reserves. **4.**

- (1) No person other than the Director shall enter or remain within any Strict Natural Reserve except -
- (a) for the purpose of discharging any official duty on the instructions or with the written permission of the Director; or
 - (b) under the authority and in accordance with the conditions of a written permit from the Director.

(2) A permit under subsection (1) (b) shall be issued only for the purpose of authorizing scientific research.

Restriction of entry
into National Parks. **5.**
[7, 22 of 2009]

(1) No person shall enter or remain within any National Park except under the authority and in accordance with the conditions of a permit issued by the prescribed officer on payment of the prescribed fee.

(2) A permit under subsection (1) shall be issued only for the purpose of enabling the permit-holder to study or observe the fauna and flora in a National Park.

(3) If no fee is prescribed for the issue of a permit under subsection (1), such permit shall be issued free of charge.

[7, 22 of 2009] (4) Any person who enters and remains within any National Park with out obtaining a permit issued under subsection (1) or contravenes any condition in the permit, shall be guilty of an offence under this Act.

[7, 22 of 2009] (5) Any person who having been issued a permit under subsection (1), uses such permit for any purpose other than the purpose for which it has been issued, shall be guilty of an offence under this Act.

[7, 22 of 2009] (6) Any person who on detection by a wildlife officer not below the rank of a Wildlife Ranger, admits liability for any of the offences under subsection (4) or subsection (5) may make a payment of such sum as may be prescribed in respect of the offence for which he has admitted liability in place of being prosecuted for the commission of such offence. The payment made shall be credited to the Wildlife Preservation Fund.

Restriction of entry
into Nature
Reserves. **5A.**
[4, 44 of 1964]
[7, 49 of 1993]

(1) No person shall enter or remain within any Nature Reserve except under the authority and in accordance with the condition of a permit issued by the prescribed officer on payment of the prescribed fee.

(2) If no fee is prescribed for the issue of a permit under subsection (1), such permit shall be issued free of charge.

Causing nuisance
or disturbance
within a National **5B.** Where it appears to the prescribed officer that the person who has

been granted permission to enter or remain in a National Park, Nature Reserve or Marine National Park or any Sanctuary which is on State land is a potential threat or a nuisance or is found to be causing a nuisance or disturbance therein, such person may be refused entry or ordered to leave or be removed from such National Park, Nature Reserve, Marine National Park, or Sanctuary forthwith.

6.

[9,22 of 2009] (1) No person shall, in a National Reserve-

(a) hunt, shoot, kill, wound or take any wild animal or have in his possession or under his control any wild animal, whether dead or alive, or any part of such animal; or

(b) take or destroy any egg of any bird or reptile, or any nest of any bird ; or

(c) fire any gun or do any other act which disturbs or is likely to disturb any wild animal or do any act which interferes or is likely to interfere with the breeding place of any such animal; or

(d) fell, girdle, lop, tap, burn or in any way damage or destroy any plant, or take, collect, or remove any plant therefrom; or

(e) clear or break up any land for cultivation, mining or for any other purpose; or

(f) kindle or carry any fire; or

(g) possess or use any trap or any explosive or gun or other weapon or poisonous substance capable of being used for the purpose of injuring or destroying any animal or plant ; or

[5,1 of 1970] (h) make any fresh clearing; or

(i) except under the authority of a permit issued in that behalf by the prescribed officer, erect any building, whether permanent or temporary, or occupy any building so erected; or

(j) construct or use any road or path so constructed by him; or

[9, 22 of
2009]

(k) construct or manage any tourist hotel or provide any services or facilities similar to the services or facilities provided by a tourist hotel ; or

- [9, 22 of 2009] (l) construct or use any canal except under the authority of a permit issued for the purpose by a prescribed officer ; or
- [9, 22 of 2009] (m) introduce any poison, waste material, garbage or any other material which is likely to pollute the water on any land, or in stream, river or water course flowing through any National Reserve ; or
- [9, 22 of 2009] (n) carry on any activity which may pollute waters or cause an adverse impact on the existence of the fauna and flora therein or the ecosystem thereof ; or
- [9, 22 of 2009] (o) dive or use a boat except under the authority of a permit issued by the prescribed officer on payment of the prescribed fee.
- [5, 44 of 1964] (2)
[9, 22 of 2009] [9, 22 of 2009] "(a) Unless authorized by the Director- General or a prescribed officer, no person shall introduce any animal or plant into any National Reserve or Sanctuary which is on State Land or tether, liberate or release any animal therein ;
- [9, 22 of 2009] (b) Any Wildlife Officer authorized in that behalf may dispose of such animal or plant in a suitable manner as he deems fit.";
- [5, 44 of 1964] (3) No person shall lead or allow any domestic animal to
[[37. 1 of 1970] stray in any National Reserve.
[9, 22 of 2009]
- [9, 22 of 2009] (4) Any person who acts in contravention of the provisions of subsection (1) of this section shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty thousand rupees and not more than one hundred thousand rupees or to imprisonment of either description for a term not less than two years and not more than five years or to both such fine and imprisonment, and for any subsequent conviction for the same offence shall be liable to a fine not less than forty thousand rupees and not more than two hundred thousand rupees or to an imprisonment of either description for a term not less than five years and not more than ten years, or to both such fine and imprisonment.

and Sanctuaries.
[6,44 of 1964]
[10, 22 of 2009]

[10, 22 of 2009] (1)

[10, 22 of
2009]

(a) No person shall fish or take any aquatic animal or plant from any waters within a National Reserve other than a Strict Natural Reserve, or Sanctuary which is on State land, except under the authority, and in accordance with the conditions, of a permit issued by a prescribed officer on payment of the prescribed fee.

[10, 22 of
2009]

(b) in the case of a permit issued in respect of fishing, the prescribed officer may, taking into consideration any adverse impact on the fauna and flora and their habitats caused by such fishing, limit the number of permits so issued.

[6,1 of 1970] (2)

[10, 22 of 2009] [10, 22 of
2009]

(a) No person shall remove any object of archaeological, pre-historic, historical, geological or other scientific interest, or any other object of mineral value, from any National Reserve (other than a strict Natural Reserve) or Sanctuary except under the authority, and in accordance with the conditions, of a permit issued by the prescribed officer on payment of the prescribed fee.

(b) The Director-General may issue a permit to remove any object of archaeological, pre-historical, historical or other scientific interest only upon the production of a Certificate from the Competent Authority certifying that such object is of archaeological, per-historical, historical or other scientific interest and may be removed by the person named in the Certificate.

(c) For the purpose of this section the Competent Authority shall be-

(i) the Director-General of the Department of Archaeology ; or

(ii) the Director of National Museums.

(3) If no fee is prescribed for the issue of a permit under subsection (1) or subsection (2), such permit shall be issued free of charge.

[6, 1 of 1970]

(4) Where the prescribed officer is satisfied that any application for the issue of a permit under subsection (1) is for the purpose of enabling the applicant to catch fish in

any waters referred to in that subsection for the local consumption of the inhabitants of any village who have, by custom or usage, fished in such waters for that purpose, then, notwithstanding the provisions of that subsection, such officer shall issue such permit free of charge.

Acts regulated in Sanctuaries.

[7, 1 of 1970]

[9,49 of 1993]

[11, 22 of 2009]

7.

(1) No person shall, except in accordance with regulations

-

(b) in any in any Sanctuary -

(i) fire any gun, or do any other act which disturbs or is likely to disturb any wild animal or do any act which interferes or is likely to interfere with the breeding place of any such animal; or

(ii) hunt, shoot, kill, or take any wild animal, or have in his possession or under his control any wild animal, whether dead or alive, or any part of any such animal; or

(iii) take or destroy any egg of any bird or reptile or any nest of any bird; or

[7, 1 of 1970]

(iv) construct or use any hide or ambush on the ground or on any tree for hunting, shooting, injuring or wounding any wild animal, bird or reptile ; or

(v) set, lay or spread any pitfall, trap, snare or other instrument for the purpose of killing or capturing any wild animal, bird or reptile; or

[7, 1 of 1970] (c) in any on any State land within any Sanctuary

[11, 22 of 2009] -

(i) fell, girdle, lop, tap, burn or in any way damage or destroy any plant, or take, collect, or remove any plant therefrom; or

(ii) clear or break up any land for cultivation, mining or for any other purpose; or

(iii) kindle or carry any fire; or

(iv) possess or use any trap or any explosive or poisonous substance

capable of being used for the purpose of injuring or destroying any animal or plant; or

[7,1 of 1970] (v) make any fresh clearing; or

[11, 22 of 2009] (vi) erect or cause to so be erected any building whether permanent or temporary or occupy any building so erected unless such person is the holder of a permit issued in that behalf by the prescribed officer ; or

[11, 22 of 2009] (vii) construct or cause to be constructed or use any road or path so constructed by him ; or

[11, 22 of 2009] (viii) dispose or cause the dispose of any garbage therein ;or

[11, 22 of 2009] (ix) engage in the filling of or cause the filling of any land ; or

[11, 22 of 2009] (x) discharge or cause the discharge of waste.

[11, 22 of 2009] (2) The Minister may for the purpose of this section, make regulations restricting the carrying out of any specified activity or activities in any Sanctuary or in any prescribed Sanctuary where he deems such restriction is necessary or essential taking into consideration the prevailing circumstances.

Acts prohibited in vicinity of National Reserve.
[7,44 of 1964]
[10,49 of 1993]

8. No person shall from any road or land outside a Strict Natural Reserve, National Park, Nature Reserve, Jungle Corridor, Refuge, Marine Reserve or Buffer Zone, hunt, shoot, kill or take any wild animal in such Strict Natural Reserve, National Park, Nature Reserve, Jungle Corridor, Refuge, Marine Reserve or Buffer Zone.

Repealed
[13, 22 of 2009]

8A. Repealed

Special regulations for Part I.
[12,49 of 1993]
[13, 22 of 2009]

9. Regulations may be made -

(b) prescribing the circumstances and cases in which and the conditions and restrictions subject to which wild animals may be hunted, shot, killed or taken in a Sanctuary;

(c) prescribing the conditions to be attached to any permit issued for the purposes of this Part of this Ordinance and the fees to be paid for the issue of such permits ;

[13, 22 of 2009] (d) for the purpose of extending, with such modification as may be necessary, all or any of the provisions of Part II, Part III or Part IV of this Ordinance to any to any Sanctuary;

(e) for the purpose of extending, with such modification as may be necessary, all or any of the provisions of this Part of this Ordinance to any specified insect;

(f) declaring that all or any of the provisions of this Part of this Ordinance shall not apply to any specified species of animal in any specified area.

[13, 22 of 2009] (g) declaring that all or any of the provisions of this Part shall apply to any specified plant species in any specified area.

Restriction on
development activity
within one mile of a
National Reserve.
[13,49 of 1993]
[14, 22 of 2009]

9A.

[14, 22 of 2009] (1) Subject to the provisions of section 3A, no person or organization, whether private or State shall within a distance of one mile of the boundary of any National Reserve declared by Order made under section 2, carry out any development activity of any description whatsoever without obtaining the prior written approval of the Director-General.

[14, 22 of 2009] (2) Upon receipt of an application for a permit to carry out a development activity or trade or business within the area specified in subsection (1), the Director-General may require the applicant to furnish an Initial Environmental Examination Report or an Environmental Impact Assessment Report, as the case may be, relating to such development activity or trade or business. It shall be the duty of the applicant to comply with such requirement. Every Initial Environmental Examination Report or an Environmental Impact Assessment Report shall contain such particulars as may be prescribed.

[14, 22 of 2009] (3) The Director-General shall, on receipt of an Environmental Impact Assessment Report or an Initial Environmental Examination Report, as the case may be, furnished to him by an applicant in compliance with any requirement imposed on such applicant under subsection (2)-

[14, 22 of 2009] (a) submit a copy of such assessment or examination, as the case may be, to the Committee appointed by the Director- General in

that behalf, for its comments, if any ; and

[14, 22 of 2009] (b) by notice published in the Gazette, notify the place and time at which such assessment or examination, as the case may be, will be available for inspection by the public and invite the public to make comments, if any, thereon.

[14, 22 of 2009] (4) The Committee shall within sixty days of an Environmental Impact Assessment or an Initial Environmental Examination, as the case may be, being submitted to it under subsection (3), make its comments, if any, thereon, to the Director-General.

[14, 22 of 2009] (5) Any member of the public may within thirty days from the date on which a notice under subsection (3) relating to such assessment or examination, as the case may be, is published in the Gazette make his comments, if any, thereon, to the Director-General.

[14, 22 of 2009] (6) In deciding whether to issue a permit under subsection (2) authorizing a person to carry out a development activity or trade or business within the area specified in subsection (1), the Director-General shall have regard to any comments made under subsections (4) and (5) on the environment impact assessment or examination, as the case may be, if any, relating to such activity, trade or business.

[14, 22 of 2009] (7) the Director-General shall, within sixty days of the receipt by him of any comments made under subsections (4) and (5), make the decision referred to in subsection (6).

Offences and penalties under Part I.

[14,49 of 1993]
[15, 22 of 2009]

10. Any person who acts in contravention of -

(a) any provision of this Part of this Ordinance other than the provisions of section 6;

(b) any regulation made under section 9 for any purpose set out in that section; or

[15, 22 of 2009] (c) any provision of Part II, Part III or Part IV of this Ordinance which has by regulation been extended, with or without modification, to any to any Sanctuary; or

(d) any provision of this Part of this Ordinance which has by regulation been extended, with or without modification, to any specified insect,

[5, 12 of 2005]
[15, 22 of 2009]

shall be guilty of an offence and shall on conviction be liable to a fine not less than fifteen thousand rupees and not more than fifty thousand rupees or to imprisonment of either description for a term not less than two years and not more than five years or to both such fine and imprisonment.

Interpretation of
Part I.
[15,49 of 1993]

11. In this Part of this Ordinance , unless the context otherwise requires-

"animal means any vertebrate or invertebrate ;

"domestic animal" means-

(a) any head of cattle, or any sheep, goat, horse, ass, mule, dog, or cat ;

(b) any domestic fowl reared by man as poultry; and

(c) when domesticated by man, any pig;

"plant" means a member of the plant kingdom ;

"wild animal" means any animal which is not a domestic animal.

[8, 1 of 1970]

" animal" means any vertebrate or invertebrate animal and includes a bird, fish, or reptile ;

" domestic animal " means -

(a) any head of cattle, or any sheep, goat, horse, ass, mule, dog, or cat;

(b) any domestic fowl or other bird commonly reared by man as poultry; and

(c) when domesticated by man, any elephant, buffalo, pig, deer, hare, rabbit, peacock, parrot, pigeon, or other animal;

"plant" means any member of the vegetable kingdom and includes the seed or any other part of any plant; " wild animal " means any animal which is not a domestic animal.

PART II

ELEPHANTS

Protection of
elephants in areas
out side National
Reserves and
Sanctuaries.

12. Save as is hereinafter provided, no person shall in any area outside a National Reserve or Sanctuary hunt, shoot, kill, injure or take any elephant,

[8,44 of 1964]
[17,49 of 1993]
[17, 22 of 2009]

Declaration of areas **13.**
in which damage by
elephant is
apprehended.

[9, 44 of 1964]
[[2. 1 of 1970]
[[37, 1 of 1970]
[18, 49 of 1993]

(1)

(a) Whenever it appears to the Director that in any area outside a National Reserve damage to any person or to any house, crop, plantation or other property is likely to be caused by any elephant, he may by notices affixed in conspicuous places within that area declare that area to be one within which damage by elephant is apprehended and he may take such steps as may be necessary or expedient to have the elephant driven off or captured and may issue licences subject to such conditions as he may deem necessary on payment of the prescribed fee, or of such fee not exceeding the prescribed fee, if any, as he may consider adequate, authorizing the licensee to capture such elephant within that area while the declaration is in force.

[37,1 of
1970]
[[2, 1 of
1970]

(b) Whenever it appears to the Director that there is serious danger to life or property in the area referred to in subsection (1) (a), he may issue licences subject to such conditions as he may deem necessary or expedient either free or on payment of the prescribed fee or of such fee not exceeding the prescribed fee, if any, as he may consider adequate, authorizing the licensee to shoot, kill or take the elephant, as the case may be, within that area while the declaration is in force.

[37,1 of 1970] (2) Every declaration under subsection (1) shall be forthwith reported by the Director to the Minister and shall continue in force for a period of two months from the date of such declaration.

(3) The Minister may by notification in the Gazette extend or restrict the period for which such declaration shall continue in force, or may otherwise vary or revoke such declaration, but without prejudice to anything done or suffered thereunder prior to the publication of such notification.

Repealed.
[10, 44 of 1964]
[[37, 1 of 1970]
[[2. 1 of 1970]
[18, 22 of 2009]

14. Repealed.

Repealed.
[11, 44 of 1964]
[19, 49 of 1993]

15.

Killing or taking of elephants to be reported forthwith.
[12,44 of 1964]
[2,1 of 1970]
[20,49 of 1993]

16. Any person who in the exercise of any right conferred by or under section 13 or section 14, kills or takes any elephant, shall forthwith report such killing or taking to any police officer entitled to officiate in the area within which such killing or capture took place or to any prescribed officer and to the Director.

"Property in elephant, killed or taken under Part II.
[2,1 of 1970]
[21,49 of 1993]
[19, 22 of 2009]

17.

(1) Any elephant killed or taken by any person in the exercise of any right conferred by or under section 13 shall be the property of that person unless otherwise provided for in the licence.

(2) Where the elephant killed or taken under section 13 is not the property of any person, the Director-General shall dispose of such elephant in such manner as is appropriate in the circumstances."

Director authorized to dispose of tusks and car cases of dead elephants.
[10,1 of 1970]

18. Subject to such restrictions or conditions as may be prescribed, the Director may, by sale or otherwise, dispose of the tusks or the car case, or any part of the car case, of any dead elephant which is the property of the State.

Royalties payable on elephants.
[2,1 of 1970]
[20, 22 of 2009]

19.

[20, 22 of 2009] (1) Repealed.

[2,1 of 1970] (2) No elephant, whether wild or tame, shall be exported from Sri Lanka to any place outside Sri Lanka except under the authority of a special permit issued by the Director.

[37,1 of 1970] (3) This section shall have effect as if it formed part of the Customs Ordinance and the provisions of that Ordinance shall apply accordingly.

Prohibition of export of any part of an elephants.
[22, 49 of 1993]

19A.

(1) Notwithstanding the provisions of section 40, no person shall export from Sri Lanka-

(a) any tusk or tush, or any part of a tusk or tush, or any article made out of a tusk or tush or part of a tusk or tush or any article containing ivory from a tusk or tush ; or

(b) any other part of an elephant, or any article made our of or containing any part of an elephant.

[5, 12 of 2005] (2) Any person who contravenes the provisions of

subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding two hundred and fifty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

(3) This section shall have effect as if it formed part of the Customs Ordinance and the provisions of that Ordinance shall apply accordingly.

Offences -
Elephants.
[23, 49 of 1993]
[21, 22 of 2009]

20.

[21, 22 of 2009] (1) Any person who -

[11,1 of 1970] (a) in contravention of this Part of this Ordinance
[21, 22 of 2009] or contrary to the tenor of any licence issued to him thereunder, hunts, shoots, kills, injures, takes, follows, or pursues any elephant or uses any electric wire to kill, injure or take any elephant or uses any device of any description to harm any elephant; or

[2, 1 of 1970] (b) exports any elephant, whether wild or tame,
[[13. 44 of 1964] from Sri Lanka except under the authority of a
[[13.44 of 1964] special permit issued under section 19, or in any
[[2,1 of 1970] way evades payment of the royalty payable on
[21, 22 of 2009] such export,

[5, 12 of 2005] shall be guilty of an offence and shall on
[21, 22 of 2009] conviction be liable to a fine not less than one hundred and fifty thousand rupees and not more than five hundred thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment, and where any person who is convicted of an offence mentioned in paragraph (a) of this section in respect of the killing or taking of any elephant is found by the court to be in possession of that elephant or its carcass or tusks or tushes, the court may make order directing such elephant, carcass, tusks, or tushes to be delivered to the possession or custody of any officer of Government to be held by that officer for and on behalf of the State.

[21, 22 of 2009] "(2) any offence committed under the Act involving an elephant shall be a non-bailable offence and the provisions of the Bail Act, No. 30 of 1997 and the Code of Criminal Procedure Act, No. 15 of 1979 shall apply in respect of such offence."

Offences-Dead elephants.

[12, 1 of 1970]

[24, 49 of 1993]

21.

[5, 12 of 2005]

(1) Subject to the provisions of subsection (2), any person who takes, dismembers, removes, sells or purchases the car case, or any part of the car case, of any dead elephant which is the property of the State shall be guilty of an offence and shall on conviction be liable to a fine not less than one hundred and fifty thousand rupees and not exceeding two hundred and fifty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

[2, 1 of 1970]

(2) Nothing in subsection (1) shall apply to the car case or any part of the car case of any dead elephant which is the property of the State if such car case or such part of the car case has been disposed of by the Director under section 18.

Registration and licensing of elephants.

[16, 44 of 1964]

[26, 49 of 1993]

[23, 22 of 2009]

22A.

(1) No person shall own, have in his custody or make use of an elephant unless it is registered and unless a licence in respect of the elephant has been obtained in accordance with the provisions of this of section.

(2) Every person who owns or has in his custody an elephant shall register such elephant with the prescribed officer.

(3) Every person who owns or has in his custody an elephant shall, prior to registration, pay such registration fee as may be prescribed.

[37, 1 of 1970]

(4) The Director shall maintain a register of elephants in such form as may be prescribed.

(5) Every person who owns or has in his custody an elephant shall, upon payment of the prescribed licence fee, obtain from the prescribed officer an annual licence in respect of such elephant.

[2,1 of 1970]

[[37,1 of 1970]

(6) Where a person becomes the owner, or obtains the custody, of an elephant by virtue of sale, gift, the death of the previous owner or in any other manner whatsoever, such person shall immediately inform the Director or prescribed officer and, if the elephant is registered or licensed, take such steps as may be prescribed to have the previous registration and licence cancelled and to have a fresh registration made and a fresh licence obtained.

[2,1 of 1970]
[5, 12 of 2005]

(7) Any person who owns, has in his custody or makes use of an elephant which is not registered, and in respect of which a licence has not been obtained in accordance with the provisions of this section, shall be guilty of an offence and shall on conviction be liable to a fine not less than one hundred and fifty thousand rupees and not exceeding two hundred and fifty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

(8) The Director or any officer authorised by him may at any time enter any premises where he has reason to believe that an elephant is being kept and to make such inquiries and investigations thereon as may be necessary to ascertain whether the provisions of this section are being complied with.

[23, 22 of 2009] "(9) In the event of a pregnancy of a registered she elephant, the owner or the person having the custody of such she elephant shall inform the Director-General of such pregnancy together with details of the sire.

[23, 22 of 2009] (10) It shall be the duty of the owner or the person having custody of a registered she elephant to inform the Director-General or any authorized officer of the fact of any birth, miscarriage or still birth of elephants within seven days of the date of the occurrence of any of the said events.

[23, 22 of 2009] (11) Where any registered elephant dies, the owner or the person having custody of such elephant shall report such death to the Director-General, before the remains are destroyed.

[23, 22 of 2009] (12) Any elephant which has not been registered under this section shall be presumed to be taken or removed from the wild without lawful authority or approval and such elephants shall be deemed to be public property. The provisions of the Offences Against Public Property Act, No. 12 of 1982 shall accordingly apply in respect of such elephants."

[2,1 of 1970]
[23, 22 of 2009]

(13) Regulations may be made -

(a) specifying the officers to whom applications for registration of, and licences in respect of, elephants shall be made, and who shall have power to register and issue licences in respect of elephants;

(b) specifying the particulars to be set out in any such application, in the document certifying such registration and in such licence, including reference to identification marks and other details

of the elephant to which the application, document certifying registration or licence relates;

(c) specifying the conditions subject to which such registration shall be made and licence issued and the fees payable for such registration and licence;

(d) specifying the form in which prescribed officers shall maintain registers under this section ; and

(e) specifying the manner in which any such registration or licence shall be cancelled and a fresh registration made and a fresh licence issued.

Penalty for unlawful possession of elephant. **23.**

[17, 44 of 1964]

[[2, 1 of 1970]

[27, 49 of 1993]

[24, 22 of 2009]

[5, 12 of 2005]

(1) Any person who is in unlawful possession of any elephant shall be guilty of an offence and shall on conviction be liable to a fine not less than one hundred and fifty thousand rupees and not exceeding two hundred and fifty thousand rupees or to imprisonment of either description for a term not less than ten years and not exceeding twenty years or to both such fine and imprisonment; and the court may on the conviction of any such person make order for the disposal of the elephant in respect of which the offence was committed, having regard to the rights of any other person who may appear to the court to be lawfully entitled to the possession of such elephant-

(2) A person who is found in possession of an elephant shall be deemed to be in unlawful possession of that elephant unless -

(a) he is the captor of that elephant under the authority of a licence issued under this Ordinance or under any written law repealed by Ordinance No. 2 of 1937; or

(b) he is the successor in title to such captor; or

[24, 22 of 2009]

(c) he is in possession on behalf of such captor or his successor in title; or.

[24, 22 of 2009]

"(d) he has registered and licensed the elephant in terms of section 22a of the Ordinance."

Tusks and tushes to be registered. **24.**

[18, 44 of 1964]

[28, 49 of 1993]

[25, 22 of 2009]

[25, 22 of 2009]

(1) No person shall have in his possession a tusk or tush or any part of a tusk or tush unless such tusk or tush has been registered with a prescribed officer.

(2) Every prescribed officer shall keep a register for the registration of tusks and tushes in such form as may be prescribed.

[5, 12 of 2005]

[25, 22 of 2009]

(3) Any person who has in his possession a a tusk or tush or any part of a tusk or tush which has not been registered shall be guilty of an offence and shall on conviction be liable to a fine not less than thirty thousand rupees and not exceeding one hundred and fifty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

(4) The court may, on the conviction of any person of an offence under subsection (3), make order for the disposal of the tusk or tush in respect of which the offence was committed, having regard to the rights of any other person who may appear to the court to be lawfully entitled to the possession of such tusk or tush.

[25, 22 of 2009] "(4A)

(a) A tusk or tush or any part of a tusk or tush which is not registered under the Act, shall be presumed to have been taken from the wild without lawful authority. Such tusk or tush or part of a tusk or tush shall be presumed to be public property. The provisions of the Offences Against Public Property Act, No. 12 of 1982 shall accordingly apply in respect of such tusk or tush or part of such tusk or tush, as the case may be.

(b) Where a tusk or tush or part of a tusk or tush is deemed to be public property, it shall be handed over to the custody of the Director-General of Wildlife Conservation.

(c) The Minister may by Order published in the Gazette, specify the date from which the provisions of this subsection shall come into operation."

(5) Regulations may be made -

(a) specifying the officer who shall have power to register tusks and tushes, and

(b) specifying the form in which prescribed officers shall maintain registers under this section.

Tusks and tushes to be licenced. **24A.**

[29, 49 of 1993]

(1) Upon registration of a tusk or tush in accordance with section 24, every person who has in his possession a tusk or tush shall obtain a licence in respect of such tusk or tush.

(2) The licence shall be obtained on application made to the prescribed officer, in the prescribed form, on payment of the prescribed fee.

(3) Every prescribed officer shall maintain a register in respect of the licensing of tusks and tushes.

[5, 12 of 2005]

(4) Any person who has in his Possession a tusk or tush without obtaining a licence in respect of the same, shall be guilty of an offence and shall on conviction be liable to a fine of not less than thirty thousand rupees and not exceeding one hundred and fifty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years, or to both such fine and imprisonment.

Inspection of places where tusks and tushes are kept.

[29, 49 of 1993]

24B. The Director or any officer authorised by him may at any time enter any premises where he has reason to believe that tusks or tushes are being kept, and to make such inquiries and investigation thereon as may be necessary to ascertain whether the provisions of this section are being complied with.

Power of Director, &c, to seize elephant, tusk or tush on suspicion. **25.**

[19, 44 of 1964]

[[37, 1 of 1970]

[[2,1 of 1970]

(1) Where it appears to the Director or to any police officer or other prescribed officer that any person is in unlawful possession of any elephant, tusk or tush, it shall be lawful for the Director or such police or other prescribed officer to seize such elephant, tusk or tush and detain such elephant and to apply to the Magistrate having jurisdiction over the place where the elephant, tusk or tush was seized to make order for the disposal of such elephant, tusk or tush and the Magistrate to whom such application is made may, after such inquiry as he may deem necessary, make such order for the disposal of the elephant, tusk or tush as the justice of the case may require.

[19, 44 of 1964]

[[2,1 of 1970]

(2) An order made under this section shall not affect the liability of any person to be prosecuted for any offence

committed in respect of the elephant, tusk or tush to which the order relates.

26. Repealed.

[30, 49 of 1993]

Special regulations for Part II.

[37, 1 of 1970]

27. Regulations may be made prescribing the circumstances in which and the conditions subject to which the Director may waive or reduce the fee prescribed for the issue of any licence under this Part of this Ordinance.

Interpretation Part II.

[31, 49 of 1993]

[26, 22 of 2009]

28. In this Part of this Ordinance, unless otherwise expressly provided or unless the of context otherwise requires -

[26, 22 of 2009]

"elephant" means a wild elephant and includes a tusker and for the purposes of section 22A, includes a tame or domestic elephant or tusker;"

[26, 22 of 2009]

""tusker" means the tusker of a tusker;"

[21,44 of 1964]

" tush " means the tush of a tusker;

[14, 1 of 1970]

" tusker " means a wild elephant with a pair of incisors (teeth) or a single incisor.

Elephant orphanages.

[32, 49 of 1993]

29. There shall be established and maintained, within or outside any National Reserve or Sanctuary such number of elephant orphanages or similar establishments providing for the care and attention of orphaned elephants as the Director may deem necessary, for the protection and preservation of elephants.

PART III

VERTEBRATES AND INVERTEBRATES

Offences relating to mammals and reptiles not included in Schedule I.

[22,44 of 1964]

[34,49 of 1993]

[5, 12 of 2005]

[27, 22 of 2009]

30.

[5, 12 of 2005] (1) Any person who in any area outside a National Reserve
[27, 22 of 2009] or a Sanctuary-

(a) kills, wounds, injures or take any mammal or reptile not included in Schedule I ;or

(b) takes or destroys the eggs or nest of any such reptile; or

(c) uses any boat or any lime, snare, net, spear, trap, gun, rod, line or hook with any accessory or bait, or explosives of any description or other instrument for the purpose of killing, wounding, injuring or taking any such mammal or reptile; or

[27, 22 of

"(d) has in his possession or under his control

2009] any such mammal or reptile killed, dead or taken or any article made out of any part of such mammal or reptile killed, dead or taken or the meat or flesh of any such mammal or reptile killed, dead or taken or the meat or flesh of any such mammal or reptile killed, dead or taken or the eggs of any such reptile; or".

[27, 22 of 2009] (e) has in his possession or under his control, the hide or skin of any such mammal or reptile killed, dead or taken, or the horns or antlers of such mammal ; or

[27, 22 of 2009] "(f) exposes for sale, any such mammal or reptile or any part of such mammal or reptile, or the eggs of any such reptile; or".

(g) purchases the hide or skin of any such mammal or reptile for the purpose of tanning or preparing such hide or skin for use,

[27, 22 of 2009] "(h) transports any protected mammal or reptile not included in Schedule I or any part of such mammal or reptile including the nest or eggs of any such reptile."

shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty thousand rupees and not exceeding fifty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years, or to both such fine and imprisonment.

[5, 12 of 2005] The provisions of this section shall not apply to any domestic animal as defined in section 11.

[27, 22 of 2009] "(2) Any person who commits any act prohibited under this section, against any mammal or reptile specified in Schedule II of this Ordinance, shall be guilty of an offence and shall on conviction be liable to a fine not less than thirty thousand rupees and not more than one hundred thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

[27, 22 of 2009] (3) The Minister may by regulation add to, rescind, vary, or amend the matters specified in Schedule II."

[23, 44 of 1964]
[[15, 1 of 1970]
[34, 49 of 1993]
[28, 22 of 2009]

[28, 22 of 2009] (1) Any person who in any area outside a National Reserve or a Sanctuary-

(a) kills, wounds, injures or take any bird ; or

(b) takes or destroys the eggs or nest of any bird;
or

(c) uses any boat, or any lime, snare, net, spear, trap, gun, rod, line, or book with any accessory or bait or explosive of any description or other instrument for the purpose of killing, wounding, injuring or taking any bird; or

[28, 22 of 2009] (d) has in his possession or under his control , any bird killed, dead or taken skin of any bird killed, dead or taken, or the feather or any other par of any bird killed, dead or taken, or the eggs of any bird ; or

[28, 22 of 2009] (e) exposes or offers for sale, any bird or any part of any bird or the eggs of any bird;

[28, 22 of 2009] "(f) transports any bird, any part of a bird or eggs of any bird;"

[5, 12 of 2005] shall be guilty of an offence and shall on conviction be
[28, 22 of 2009] liable to a fine not les than ten thousand rupees and not exceeding twenty thousand rupees, or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

Provided that a person shall be deemed not to have committed an offence under this section in relation to any bird specified in Schedule II.

The provisions of this section shell not apply to any domestic animal as defined in section 11.

[28, 22 of 2009] "(2) Any person who commits an act prohibited under this section against any bird specified in Schedule IV of this Ordinance, shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty thousand rupees and not more than forty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

(3) The Minister may by regulation add to, rescind, vary, or amend the matters specified in Schedule IV."

Offences relating to amphibians and fishes included in Schedules III and IV.

[35, 49 of 1993]

[29, 22 of 2009]

31A. Any person who in any area outside a National Reserve or a Sanctuary-

[29, 22 of 2009] (a) knowingly kills, wounds, injures, takes or collects any amphibian or fish not included in Schedule V but included in Schedule VI; or

(b) takes or destroys the eggs, spawn, or nest of any such amphibian or fish; or

(c) uses any boat, lime, snare, net, spear, trap, gun, rod, line or hook with any accessories or bait or explosives of any description or any other instrument for the purpose of killing, wounding, injuring or taking any such amphibian or fish ; or

[29, 22 of 2009] (d) has in his possession, under his control, any such amphibian or fish killed, dead or taken or any part of any such amphibian or fish; or

[29, 22 of 2009] (e) exposes or offers for sale or transports, any part or any part of the life cycle of of any such amphibian or any part or eggs fish or part of any such amphibian or fish ; or

[29, 22 of 2009] (f) purchases such amphibian or fish for the purposes of drying, curing or any other purpose; or

[29, 22 of 2009] "(g) transports any such amphibian or fish or any part of such amphibian or fish or the eggs of any amphibian or fish."

[5, 12 of 2005]

shall be guilty of an offence and shall on conviction be liable to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

Offences relating to invertebrates included in Schedule IV A.

[35, 49 of 1993]

[30, 22 of 2009]

31B. Any person who in any area outside a National Reserve or Sanctuary-

(a) knowingly kills, wounds, injures, takes or collects any invertebrate included for the time being in Schedule IVA ; or

(b) takes or destroys the eggs, spawn, larva or nest of such invertebrate ; or

(c) uses any boat, lime, snare, net, spear, trap, gun, rod, line or hook with any accessories or bait or explosives of any description or any other instrument used for the

purpose of killing, wounding, injuring, taking or collecting any such invertebrate : or

[30, 22 of 2009] (d) has in his possession or under his control, any such invertebrate killed, dead or taken or any part or the eggs, spawn or larva of such invertebrate;

(e) exposes or offers for sale, or transports any such invertebrate or part of such invertebrate; or

[30, 22 of 2009] (f) purchases such invertebrate for the purpose of drying, curing or for any other purpose; or

[30, 22 of 2009] "(g) transport any such invertebrate or any part of such invertebrate or the eggs, spawn, larva, or nest of any such invertebrate";

[5, 12 of 2005] shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty five thousand rupees and not exceeding one hundred thousand rupees or imprisonment of either description for a term not less than two years and not more than five years or to both such fine and imprisonment.

Repealed.
[36, 49 of 1993]

32. Repealed

Alteration of Schedules I, II, III and IV.

[24, 44 of 1964]
[31, 22 of 2009]

Proof of species of mammals, birds, reptiles, amphibians, fishes or invertebrates.

[17, 1 of 1970]
[[25, 44 of 1964]
[[17,1 of 1970]
[37, 49 of 1993]
[32, 22 of 2009]

34. The Minister may by regulation add to, rescind, vary, or amend any of the provisions of Schedule I, III, V, VI and VII.

35.

(1) A certificate purporting to be signed by any competent authority to the effect that any mammal, bird, reptile, amphibian, fish or invertebrate or a part of any mammal, bird, reptile, amphibian, fish or invertebrate forwarded to such authority for examination and report is a mammal, bird, reptile, amphibian, fish or invertebrate, or a fish or invertebrate of a species included in Schedule I, Schedule II, Schedule III, Schedule IV or Schedule IVA, as the case may be, shall, on production in any court of law, be sufficient evidence of the facts stated in such certificate until the contrary is proved.

[32, 22 of 2009] "(2) For the purposes of subsection (1), the expression, "Competent Authority" means-

(a) the Director of National Museums;

[32, 22 of 2009] (b) the Director of National Zoological Gardens; and

[32, 22 of 2009] (c) an officer of the Department of Wildlife

Conservation who has a period of service of not less than ten years in that Department."

Temporary prohibition against killing or taking of birds in specified areas.

[18,1 of 1970]

[38, 49 of 1993]

[5, 12 of 2005]

36. The Minister may by notification in the Gazette declare that for a specified period no person shall shoot, kill, or take any bird of any species or take the eggs or nest or any such birds in any area outside a National Reserve or a Sanctuary mentioned in the notification, and any person who in any such area and during such specified period shoots, kills or takes any bird or the eggs or nest of any such bird, shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees or to imprisonment of either description for a term not less than one year and not exceeding two years or to both such fine and imprisonment.

Prohibition of import of mammals birds, reptiles, fishes and invertebrate's without permits.

[39, 49 of 1993]

37.

(1) No person shall import into Sri Lanka any mammal, bird, reptile, amphibian, fish, or invertebrate whether dead or alive, or any part of any such mammal, bird, reptile, amphibian, fish or invertebrate or the eggs, spawn or larva of any such mammal, bird, reptile, amphibian, fish or invertebrate except under the authority of a permit issued in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

(2) This section shall have effect as if it formed part of the Customs Ordinance and the provisions of that Ordinance shall apply accordingly.

(3) The provisions of this section shall not apply to any domestic animal as defined in section 11, or to any tropical aquarium fishes.

"Tropical aquarium fish" means any species of fresh water fish specified in Schedule IV.

(4) In case of doubt or dispute, a certificate purporting to be signed by the Director to the effect that any fish belongs to a species of tropical aquarium fish or that any species of fish is a species of tropical aquarium fish shall be admissible in evidence and shall be prima facie proof of the facts stated therein.

Regulation relating to mammals, birds, reptiles, amphibians, fishes and invertebrates.

[39, 49 of 1993]

38. Regulations may be made-

(a) requiring any person who imports any mammal, bird, reptile, amphibian, fish or invertebrate on a permit issued under section 37, to provide a certificate from an approved authority that such mammal, bird, bird, reptile, amphibian,

fish or invertebrate is free from disease or infection ;

(b) prohibiting any mammal, bird, reptile, amphibian, fish or invertebrate imported under the authority of a permit issued under section 37, from being liberated or released in any part of Sri Lanka or prescribing any area or areas within which any such mammal, bird, reptile, amphibian, fish, or invertebrate may be liberated or released.

Penalties for unlawful import or release of mammals, birds, reptiles, amphibians, fishes and invertebrates.
[39, 49 of 1993]
[33, 22 of 2009]

39.

(1) Any person who-

(a) imports into Sri Lanka any mammal, bird, reptile, amphibian, fish or invertebrate in contravention of the provisions of section 37, or any regulation made under section 38; or

[5, 12 of 2005]
[33, 22 of 2009]

(b) contravenes any regulation made under section 38, shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand rupees and not more than one hundred thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

[26, 44 of 1964]
[5, 12 of 2005]

(2) Any person who liberates or releases any mammal, bird, reptile, amphibian, fish or invertebrate which has been imported into Sri Lanka in contravention of the provisions of section 37 shall be guilty of an offence and shall, in addition to any punishment to which he may be liable under subsection (1), be liable on conviction to a fine of three thousand rupees in respect of each mammal, bird, reptile, amphibian, fish or invertebrate so liberated or released.

Prohibition of export of mammals, birds, reptiles, amphibians, fishes, corals and invertebrates without a permit.
[39, 49 of 1993]

40.

(1) No person shall export from Sri Lanka-

(a) any mammal, bird, reptile, amphibian, fish, coral or invertebrate whether dead or alive ; or

(b) the eggs, feathers, or plumage of any bird, the horns, antlers, skin or hide of any mammal or reptile, or any part of any mammal, bird, reptile, amphibian, fish, coral or invertebrate,

except under the authority of a permit issued in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

[27,44 of 1964] (2) Such permit shall not be issued except for the promotion of scientific knowledge including supplies to foreign museums, foreign zoological gardens in exchange for supplies to local museums or local zoological gardens.

[[27,44 of 1964]

(3) This section shall have effect as if it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

[27,44 of 1964] (4) The preceding provisions of this section shall not apply to-

(a) any domestic animal as defined in section 11 ;
or

(b) any mammal, bird, reptile, amphibian, fish, coral or invertebrate of a species which is not indigenous to Sri Lanka.

[27,44 of 1964] (5) In case of doubt or dispute a certificate- purporting to be signed by the Director of Museums, Director of the National Zoological Gardens or Director of the National Aquatic Resources Authority to the effect that any mammal, bird, reptile, fish, amphibian, coral or invertebrate belongs to a species which is not indigenous to Sri Lanka, or that any species of any mammal, bird, reptile, fish, amphibian, coral or invertebrate is a species not indigenous to Sri Lanka, or that any part of any mammal, bird, reptile, fish, amphibian, coral or invertebrate- is a part of a mammal, bird, reptile-, fish, amphibian, coral, or invertebrate of a species which is not indigenous to Sri Lanka, or that any part of any reptile, or bird, is the egg of a reptile or bird of a species which is not indigenous to Sri Lanka be admissible in evidence and shall be prima fade proof of the facts stated therein.

(6) Regulations may be made-

(a) prescribing the officer who shall have power to inspect prior to its export any item referred to in this section ;

(b) prescribing the officer who shall have power to seal any such item after such inspection;

(c) prescribing the documents to be furnished by the exporter of any such item, in proof of the circumstances under which such exporter obtained possession of such item.

Penalty for unlawful export or re-export of mammals, birds, reptiles, amphibians, fishes, and invertebrates.
[39, 49 of 1993]
[5, 12 of 2005]
[34, 22 of 2009]

41. Any person "who exports or re-exports from Sri Lanka any mammal, bird, reptile, amphibian, fish or invertebrate whether dead or alive or any part, any secretion or body fluid of any mammal, bird, reptile, amphibian, fish or invertebrate, or any eggs, feathers, plumage, horns, antlers, skins or hide of any such mammal, bird, reptile, amphibian, fish or invertebrate in contravention of the provisions of section 40, shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty five thousand rupees and not exceeding seventy five thousand rupees or to imprisonment of either description for a term not less than five years and not exceeding ten years or to both such fine and imprisonment.

PART IV FLORA

Protection of plants included in Schedule V.
[19,1 of 1970]
[39, 49 of 1993]
[35, 22 of 2009]

42.

[35, 22 of 2009] (1) No person shall in any area-

(a) remove, uproot or destroy or cause any damage or injury. to, any plant which is for the time being included in Schedule V and-

(i) is growing on the property of any other person : or

(ii) is growing in any public place ; or

(b)destroy any plant which is for the time being included in Schedule V, and growing on his own property ; or

(c) sell or expose for sale any plant for the time being included in Schedule V ; or

(d) remove ,uproot or destroy, or cause any damage or injury to any tree upon which any orchid or any other epiphytic plant is growing.

[35, 22 of 2009] "(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and on conviction be liable to a fine not less than ten thousand rupees and not more than twenty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment."

Protected trees.

43. No person shall uproot or destroy or cause any damage or injury to any tree (hereinafter called a " protected tree") growing in any public

place and included for the time being in Schedule VI:

[29,44 of 1964]

Provided that nothing herein contained shall be deemed to prohibit or to penalize any act done by or on the orders of any person entrusted by the State or by any local authority with the charge or care of any protected tree if such act is done in order to stimulate the growth or to improve the condition or appearance or to secure the safety or to preserve the existence of any such tree.

Alteration of Schedules V and VI.
[30,44 of 1964]

44. The Minister may by regulation add to, rescind, vary or amend any of the provisions of Schedule V or Schedule VI;

Provided that no tree shall be so added to the list of trees in Schedule VI unless that tree is growing in a public place and unless in the opinion of the Minister the preservation or protection of that tree is necessary or desirable for scientific or aesthetic purposes or on religious or historical grounds.

Regulations relating to flora.

[40, 49 of 1993]

[36, 22 of 2009]

45. Regulations may be made -

[31,44 of 1964] (a) prohibiting or regulating the exportation from Sri Lanka of any specified plant, whether or not such plant is included for the time being in Schedule V;

(b) prohibiting or regulating the cultivation of any specified plant;

"(c) prescribing the procedure for the inspection, prior to the export of any specified plant referred to in this section and prescribing the officer who shall be empowered to carry out such inspection;

[36, 22 of 2009] (d) prescribing the procedure for sealing of any specified plant after it has been inspected and prescribing the officer who shall be empowered to carry out such sealing;

(e) prescribing the documents to be furnished by the exporter of any such specified plant and the proof of the manner by which or the circumstances under which such exporter obtained possession of such plant;

(f) prohibiting or regulating the importation into Sri Lanka of any specified plant or part thereof;".

[36, 22 of 2009] (g) generally, for the protection and conservation of the wild vegetation, plant life and flora of Sri Lanka.

Offences under Part IV.

[41, 49 of 1993]

[37, 22 of 2009]

46. Any person who acts in contravention-

[37, 22 of 2009] (a) of the provisions of section 43 ; or

[37, 22 of 2009] (b) of any regulation made under section 45,

[5, 12 of 2005] shall be guilty of an offence and shall on conviction be
[37, 22 of 2009] liable to a fine not less than five thousand rupees and not more than twenty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

Certificate of proof.
[38, 22 of 2009]

46A. A Certificate signed by the Competent Authority certifying that any plant or part thereof forwarded to the Competent Authority for examination and report to the effect that such plant or part thereof is a plant or a part included in Schedule VIII, shall be admissible in evidence and shall be prima facie evidence of the matters stated therein.

In this section "Competent Authority" shall mean-

(a) the Director of the National Botanical Gardens; and

(b) the Conservator-General of the Department of Forests."

Savings-Part IV.

47. Nothing in this Part of this Ordinance shall affect the provisions of -

(a) the Forest Ordinance, or any rules or regulations made thereunder;

(b) the Water Hyacinth Ordinance ;

(c) the Plant Protection Ordinance, or of any regulation made thereunder;

(d) the Tea Control Act, or of any regulation made thereunder;

(e) the Rubber Control Act, or of any regulation made thereunder;

(f) any other written law relating to the cultivation or to the regulation or the prohibition of the cultivation of any plant.

Interpretation of
Part IV.
[42, 49 of 1993]
[39, 22 of 2009]

48. In this Part IV of this Ordinance unless the context otherwise requires-

" public place" means any State land or land at the disposal of the State or land belonging to, or vested in, a local authority or public corporation and includes any land which is not private property.

PART V

MISCELLANEOUS PROVISIONS

Taxidermists and
traders in animals,
skins, &c, to be
licensed.
[32, 44 of 1964]
[43, 49 of 1993]
[40, 22 of 2009]

49.

(1) No person shall carry on or exercise the business or trade of a taxidermist, tanner, curer or trophy dealer, or any other business or trade involving the purchase, sale or exposure for sale or transport of any animal, whether dead or alive, or of any part of any dead animal, except upon a licence in respect of each such business or trade, issued in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

[40, 22 of 2009] "(2) A licence issued under subsection (1) shall-

(a) prohibit the carrying on or exercising of the trade or business relating to animals and if it is so carried on or exercised within a radius of ten miles from the boundary of any National Reserve;

(b) be subject to the prescribed conditions and if no fee is prescribed for the issue of such licence, be issued free of charge."

(3) In this section "animal" means an animal as defined in section 11, but does not include a domestic animal as defined in that section.

Registration of
animals in the
possession of
individuals.
[44, 49 of 1993]

49A.

(1) No person shall after the date of the coming into force of this section, have in his possession or custody or under his control, any animal in excess of the prescribed number, except under the authority and in accordance with the conditions of a permit issued in the prescribed form, by the Director on payment of the prescribed fee :

Provided that where any person has in his possession, or custody or under his control any animal, in excess of the prescribed number, prior to the date of the coming into force of this section, such person shall within a period of three months from the date of the coming into force of this section obtain a permit under subsection (1).

(2) The Director or any prescribed officer shall have the power to-

(a) enter, inspect and search any premises on which any animal is being kept under the authority of a permit issued under subsection(1) and satisfy himself that the conditions of the

permit are being complied with ;

(b) seize any animal found in such premises, in contravention of the provisions of the ' permit issued under subsection (1).

(3) The Director may order the confiscation of any animal seized under subsection (2) after such inquiry as he may deem necessary Any person aggrieved by the order of the Director may within fourteen days of the confiscation, give notice in writing to the Director that he intends to institute action in the appropriate court against such confiscation.

(4) No order of confiscation made under subsection (3) shall take effect until the expiry of a period of fourteen days from the date of such order, or where an action has been instituted in respect of such order, until the final determination of such action by court.

No gun to be discharged on a prohibited road.
[45, 49 of 1993]
[41, 22 of 2009]

50.

(1) The Minister may by notification in the Gazette declare any road in any area outside a National Reserve or a Sanctuary to be a prohibited road for the purposes of this Ordinance.

(2) Any person who discharges any gun on any prohibited road or on any land adjoining any such road and reserved for its extension, protection or benefit,

[5, 12 of 2005]
[41, 22 of 2009] shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not more than thirty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

(3) Regulations may be made prescribing the means by which and the manner in which the fact that any road is a prohibited road for the purposes of this Ordinance may be brought to the notice of members of the public who have occasion to use that road or to travel thereon.

Prohibition of shooting from vehicles.
[46, 49 of 1993]

51. No person shall shoot at any animal from any position in or on any moving or stationary vehicle of any kind.

Prohibition of use of artificial lights.
[47, 49 of 1993]

52. No person shall use any artificial light, for the purpose of enabling or facilitating the destruction or the capture of any animal whether by

dazzling the vision of any such animal, or by attracting any such animal to such artificial light or otherwise.

Prohibition of shooting, &c. in vicinity of water holes.

[33, 44 of 1964]

[[20. 1 of 1970]

[47, 49 of 1993]

No food or substance to be used for inducing any animal.

[42, 22 of 2009]

[42, 22 of 2009]

Regulation of hunting, shooting &c. on State land or public thoroughfare outside National Reserves.

[34, 44 of 1964]

[[2], 1 of 1970]

[47, 49 of 1993]

52A. No person shall shoot at, injure or kill any animal within a distance of one hundred yards from a water-hole or place where such animal usually goes to drink water.

52B. No person shall use any food, scent, colour or any substance or device for the purpose of inducing or attracting any animal into his property for the purpose of capture or any other purpose.

53. Except in accordance with regulations, no person shall, on any State land or any public thoroughfare outside a National Reserve,-

(a) hunt, shoot, kill or take any animal between sunset and sunrise :

(b) set, lay or spread any net, pitfall, trap, snare or other instrument for the purposes of killing or taking any animal ;
or

(c) construct or use any ambush, or hide on the ground or on a tree for the purpose of shooting or injuring any animal.

Prohibition of the poison &c on animals.

[35, 44 of 1964]

[47, 49 of 1993]

53A. No person shall use any poison, explosive or stupefying substance for the purpose of poisoning, killing or stupefying any animal.

Prohibition on the possession &c. of the flesh of any animal killed or taken by the use of poison, &c.

[35,44 of 1964]

[47, 49 of 1993]

53B. No person shall have in his possession, sell, expose for sale or transport the flesh of any animal which has been killed or taken by the use of any poison, explosive or stupefying substance :

Provided that no person shall be convicted under this section if he proves that he did not know and had no reasonable cause to believe that the animal whose flesh he is charged with having in his possession selling, exposing for sale or transporting ,had been killed or taken by the use of any poison, explosive, or stupefying substance.

Proof in case of identification of flesh of animals.

[48, 49 of 1993]

[43, 22 of 2009]

53C.

(1) In case of doubt or dispute, in a prosecution for an offence under section 53B, as to whether any flesh is the flesh of an animal taken or killed by the use of any poison, explosive or stupefying substance a certificate purporting to be signed by a competent authority to the effect that the flesh in question is the flesh of an animal, which had been killed or taken by the use of any poison, explosive, or stupefying substance, shall on production in any court of law be sufficient evidence as to the facts stated in such certificate, until the contrary is proved.

[43, 22 of 2009] (2) In this section "competent authority" means-
(a) a Government Medical Officer; or

[43, 22 of 2009] (b) a Government Veterinary Surgeon; or

"(c) a veterinary surgeon of the Department of Wildlife Conservation".

Prohibition on
serving as food the
flesh of any animal,
the killing of which
is prohibited.
[49, 49 of 1993]
[44, 22 of 2009]

54.

[44, 22 of 2009] (1) No person shall at any restaurant hotel, rest house or eating house, serve or offer or authorize the serving or offering of of any food which constitutes or contains the flesh of animal, the billing of which is at that prohibited under this Ordinance.

[5, 12 of 2005] (2) Any person who contravenes the provisions of subsection (1) shall be guilty offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty five thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or both such fine and imprisonment.

Circumstances in
which acts
otherwise prohibited
may be authorized.
[37, 44 of 1964]
[[37,1 of 1970]
[50, 49 of 1993]
[45, 22 of 2009]

55.

[45, 22 of 2009] (1) The Director may by a writing under his hand authorize any person to do any act otherwise prohibited or penalized under this Ordinance or any regulation made thereunder, if in the opinion of the Director such act should be authorized-

(a) for the protection, preservation or propagation of the fauna and flora of Sri Lanka; or

(b) for the scientific management or scientific study or investigation of the fauna and flora of Sri Lanka; or

(c) for the rehabilitation and conservation of species which are threatened or likely to become endangered.";

[45, 22 of 2009] "(2) Any authorization made under subsection (1), shall specify the conditions subject to which such authorized acts shall be carried out and shall contain procedures for the monitoring of such acts."

[45, 22 of 2009] (3) No person authorized under subsection (1) to do any act shall, by reason only of the commission of that act, be guilty of an offence under this Ordinance or any regulation made thereunder.

Interpretation of Part V.

[51, 49 of 1993]

[46, 22 of 2009]

55A. In this Part of this Ordinance-

"animal" means any mammal, bird, reptile, amphibian, fish, coral or invertebrate and does not include a domestic animal as defined in section 11.

Powers of Director-General to confiscate timber felled in a National Reserve or Sanctuary.

[47, 22 of 2009]

55B.

(1) The Director-General or any officer authorized in that behalf by the Director-General may after an inquiry seize and confiscate any timber felled in any National Reserve or any state land in a Sanctuary.

(2) The Director-General may order the sale of the timber confiscated under this section by public auction and credit the proceeds of such sale to the Wildlife Preservation Fund.

Seizure of timber felled within a National Reserve or Sanctuary.

[47, 22 of 2009]

55C. It shall be lawful for an officer of the Department of Wildlife Conservation to enter and search any timber depot or any place of any description where he has reasonable grounds to believe that any timber felled within any National Reserve or Sanctuary is being kept or stored.

Transportation of timber seized in terms of sections 55B and 55C.

[47, 22 of 2009]

55D.

(1) Notwithstanding anything to the contrary in the Forest Ordinance it shall be lawful for any wildlife officer of the Department of Wildlife Conservation-

(a) to seize timber if found after due investigation to have been felled within any National Reserve or any State land within a Sanctuary; and

(b) to transport timber to the nearest wildlife station, police station or to any court, any timber seized and confiscated in terms of this Ordinance under the authority of written permit issued in that behalf by an officer not below the rank of an Assistant Director of Wildlife Conservation in the region.

(2) The Minister may make regulations for the issue of permits for the purpose of subsection (1)."

PART VI
GENERAL LICENCES AND PERMITS

Refusal and
revocation of
licences and
permits.
[37, 1 of 1970]

56.

(1) The Director or any officer empowered to issue a licence or permit under this Ordinance or any regulation made thereunder may in his discretion -

(a) insert in any such licence or permit any condition which he may consider necessary or expedient;

(b) refuse to issue any such licence or permit;

(c) revoke any such licence or permit, by notice in writing to the person to whom such licence or permit was issued.

(2) Any person aggrieved by the refusal or revocation of any permit or licence (other than a licence under section 49) may appeal against such refusal or revocation to the Minister.

(3) Any person aggrieved by the refusal to issue a licence under section 49 or by the revocation of any licence issued under that section may appeal against such refusal or revocation to the Minister.

(4) The decision of the Minister on any appeal preferred under subsection (2) or subsection (3), as the case may be, shall be final and conclusive.

(5) Regulations may be made prescribing the time within which appeals shall be preferred and generally in respect of all matters incidental to or connected with the hearing or disposal of such appeals.

Licences and
Permits not to be
transferred.
[52, 49 of 1993]
[48, 22 of 2009]

57.

(1) No person other than the person named in any licence or permit issued under this Ordinance or any regulation made thereunder shall be entitled under cover of that licence or permit to do any act to authorize which that licence or permit was issued.

[5, 12 of 2005]
[48, 22 of 2009]

(2) Any person who transfers to any other person any licence or permit issued to him under this Ordinance or any regulation made thereunder shall be guilty of an offence

and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees or to imprisonment of either description for a term not less than one year and not exceeding two years or to both such fine and imprisonment.

"Power to recover charges and fees.
[49, 22 of 2009]

57A. Where the Director-General or any wildlife officer is empowered under this Ordinance-

- (a) to grant any permission or approval; or
- (b) to make any registration; or
- (c) to issue any licence or permit; or
- (d) to supply any service, product or commodity; or
- (e) to give any information, advice or opinion,

in relation to any matter under this Ordinance, the Director-General or such authorized officer may make, demand, levy or recover such specified charges or fees, as the case may be in respect of any matters referred to in paragraphs (a) to (e)."

OFFENCES AND PENALTIES

General Penalty.
[38,44 of 1964]
[53, 49 of 1993]
[5, 12 of 2005]
[50, 22 of 2009]

58. Any person who does any act in contravention of any of the provisions of this Ordinance, or of any regulation, or of any condition inserted in any licence or permit issued under this Ordinance or any regulation, shall be guilty of an offence punishable, where no other penalty is expressly provided by this Ordinance, with a fine not less than fifteen thousand rupees and not more than thirty thousand rupees or with imprisonment of either description for a term not less than one year and not exceeding two years or to both such fine and imprisonment,

Special penalty for offences against elephants.
[22, 1 of 1970]
[53, 49 of 1993]
[5, 12 of 2005]
[51, 22 of 2009]

58A. Notwithstanding anything in any other provisions of this Ordinance, where any person is convicted of the offence of killings hunting, shooting, injuring or taking, or having in his possession or under his control, any wild elephant within a National Reserve or Sanctuary he shall be liable to be punished with a fine not less than two hundred and fifty thousand rupees and not more than five hundred thousand rupees or to imprisonment of either description for a term not less than five years and not exceeding ten years or to both such fine and imprisonment.

Attempts and abetment.

59. Any person who attempts to commit or abets the commission of any offence under this Ordinance or any regulation made thereunder shall himself be guilty of the same offence.

(1) An act otherwise prohibited or penalised under this Ordinance or any regulation made thereunder, shall not be an offence, if it is done for the purpose of protecting any human being from any immediate danger or from injury by any wild animal.

(2) In this section "wild animal" means any wild animal as defined in section 11.

(3) The following provisions shall apply in any case where any wild animal is killed or taken by any person in such circumstances that such killing or taking is not an offence by virtue of the operation of subsection(1): -

[52, 22 of 2009]

(a) such person shall forthwith report such killing or taking to any wildlife officer, police officer or grama seva niladhari entitled to officiate in the area within which such killing or taking took place, or to any prescribed officer;

[52, 22 of 2009]

(b) such wildlife officer, police officer or grama seva niladhari or prescribed officer, as the case may be, shall, upon the receipt of such report, investigate the circumstances in which such killing or taking took place and report the result of the investigation to the Director;

[52, 22 of 2009]

(c) such wild animal shall be the property of the State and accordingly such wildlife officer, police officer or grama seva niladhari or prescribed officer, as the case may be -

(i) shall, if such wild animal was so taken, take over such wild animal for and on behalf of the State; or

(ii) shall, if such wild animal was so killed, take over the car case of such wild animal for and on behalf of the State, and shall thereafter sell such car case by public auction, issue a receipt in respect of such sale to the purchaser, and credit the proceeds of such sale to the Wild Life Preservation Fund.

[40,44 of 1964]

[[23, 1 of 1970]

[5, 12 of 2005]

[52, 22 of 2009]

(4) Any person who fails to report the killing or taking of any wild animal to any wildlife officer, police officer or Grama Niladhari or prescribed officer as required by paragraph (a) of subsection (3) shall be guilty of an offence and shall on conviction be liable to a fine not less than one hundred thousand rupees and not more than two hundred

and fifty thousand rupees or to imprisonment of either description for a term not less than, two years and not exceeding five years or to both, such fine and imprisonment.

"Certificate in respect of inability to produce.
[53, 22 of 2009]

60A. In any prosecution under the Act, for an offence alleged to have been committed with respect to any plant or part thereof or animal, animal carcass or part thereof which is of such nature that it is difficult to move or transport, a Certificate issued by a-

(a) a wildlife officer not below the rank of a wildlife ranger;
or

(b) a police officer not below the rank of an Assistant Superintendent of Police,

stating the facts as to why the plant or animal carcass cannot be produced, shall be admissible in evidence and shall be prima facie evidence of such facts stated therein until the contrary is proved.

Indemnity for acts done in good faith.
[53, 22 of 2009]

60B. No suit or prosecution shall lie against any wildlife officer for anything lawfully done or omitted to be done by him in good faith under this Act:

Provided that where it is evident that any wildlife officer is guilty of mala fide in relation to the discharge of any function under this Act, a prosecution may lie against such officer.

Presumption of ownership of plants and animals.
[53, 22 of 2009]

60C. In any proceedings under the Act, if a question arises as to whether any plant or part thereof or any animal or carcass or any part thereof is the property of the State, such property shall be presumed to be the property of the State until the contrary is proved.

Director- General's certificate to be prima facie evidence.
[53, 22 of 2009]

60D. In any proceedings under this Act, if a question arises as to whether any area of land is State Land, a Certificate issued under the hand of the Director-General stating that such area of land is State land shall be admissible in evidence and shall be prima facie evidence of the fact stated therein that such land is State land:

Provided that such Certificate shall be issued based on a Certificate issued in respect of such land under the hand of the Surveyor-General.

Public Litigation.
[53, 22 of 2009]

60E. Proceedings may be instituted by any person in any court of law for an order to remedy or restrain any contravention of any provision of this Act whether or not any right of such person has been infringed by or as a consequence of, such contravention:

Provided that such person has given not less than sixty days notice to

the Director-General of his intention to institute such proceedings.".

62. Repealed.

[37, 1 of 1970]

[55, 49 of 1993]

Offences to be
triable summarily by
Magistrates Courts.

[56, 49 of 1993]

63. It shall be lawful for a Magistrate summarily to try any offence under this Ordinance or under any regulation made thereunder, notwithstanding that the punishment specified for such offence is in excess of the ordinary jurisdiction of such Magistrate.

Power of
Magistrate's Court
to make order of
confiscation.

[2,1 of 1970]

[[24,1 of 1970]

[56, 49 of 1993]

[54, 22 of 2009]

64.

[54, 22 of 2009]

"(1) Except as hereinbefore expressly provided in regard to the disposal of any elephant or of the carcass of any elephant or the tusks or tushes of any elephant, on the conviction of any person for an offence under this Ordinance, any animal, plant or part of such animal or part which is the property of the State under this Ordinance and any gun, vehicle, boat, artificial light, snare, net, trap or any other instrument, contrivance, appliance or thing used in or for the commission of any offence, shall by reason of that conviction, in addition to any other punishment specified for such offence, be forfeited to the State:

Provided however, where the owner of such gun, vehicle, boat, artificial light, snare, net , trap or other instrument, contrivance, appliance or thing used in or for the commission of any offence is a third party, no forfeiture shall be made if such owner proves to the satisfaction of the court that he had used all due diligence to prevent the use of such gun, vehicle, boat, artificial light, snare, net, trap or other instrument, contrivance, appliance or thing used in or for the commission of any offence."

(2) Any property forfeited to the State under subsection (1) shall-

(a) if no appeal has been preferred to the Court of Appeal against the relevant conviction, vest in the State with effect from the date on which the period prescribed for preferring an appeal against such conviction expires;

(b) if an appeal has been preferred to the Court of Appeal against the relevant conviction, vest in the State with effect from the date on which such conviction is affirmed on appeal.

In this subsection, " relevant conviction" means the conviction consequent to which any property is forfeited under subsection (1). The Director shall take possession, on behalf of the State, of any property vested in the State under this section.

(3) In this section "animal" means any mammal, bird, reptile, amphibian, fish or invertebrate but does not include a domestic animal as defined in section 11.

Wildlife
Preservation Fund.

65.

[41, 44 of 1964]
[[25, 1 of 1970]
[[37, 1 of 1970]
[54, 22 of 2009]

(1) There shall be established a fund called "the Wildlife Preservation Fund" (hereinafter referred to as "the fund") by the Director-General in such manner as is provided for in this Ordinance, in consultation with the Secretary to the Ministry of the Minister in charge of the subject of Wildlife Conservation.

(2) There shall be paid into the Fund-

(a) all sums of money received in respect of licences and permits issued under this Ordinance or any regulation made thereunder;

(b) fees and any charges collected under this Ordinance or any regulation made thereunder;

(c) all sums of money recovered as penalties under this Ordinance;

(d) all sums of money received as donations for wildlife conservation; and

(e) any income from the management of any national reserve, sanctuary or other area declared under the Ordinance.

(3) No money shall be paid out of the fund except as specified by regulations made under the Ordinance.

(4) The financial year of the Fund shall be the calendar year."

Powers of arrest
and search.

66.

[42, 44 of 1964]
[[26, 1 of 1970]
[57, 49 of 1993]
[56, 22 of 2009]

(1) Where a police officer or prescribed officer has reasonable grounds for believing that any person has committed an offence he may, subject to such restrictions as may be prescribed -

(a) require such person to produce for his inspection any animal or the car case or part of the car case of any animal or bird in his possession, or any licence, permit or other document issued to him or required to be kept by him under the provisions of this Ordinance ;

(b) stop and search any person or any boat, vessel or vehicle and open any package or container found on such person or carried in such boat, vessel or vehicle;

[56, 22 of 2009]

"(bb) enter and search without warrant any hut, house, wadi, any shop, hotel, restaurant, rest house or eating house and question any person found in such hut, house, wadi, any shop, hotel, restaurant, rest house or eating house;"

(c) seize any animal or the car case or part of the car case of any animal in the possession of any person and appearing to such officer to be the property of the State under the provisions of this Ordinance ;

(cc) seize and take possession of any animal or the carcass or part of the carcass of any animal which may be produced in evidence of the offence;

[26,1 of 1970]

[56, 22 of 2009]

(d) unless he is satisfied that such person will appear and answer any charge preferred against him, arrest and detain such person without warrant and seize anything in his possession which may be produced in evidence of his offence. Any person arrested under this paragraph shall be produced before the magistrate within twenty four hours excluding the time required for travel;;

[26, 1 of 1970]

(e) seize any boat, vessel, vehicle, gun, cartridge, knife, torch, battery, or any other article or equipment which appears to such officer to have been used in the commission of the offence, or which may be produced in evidence of the offence.

(2) Any person who without reasonable cause fails to produce and hand over anything which a police officer or prescribed officer acting under the provisions of this section may require him to produce or hand over, shall be guilty of an offence.

[26, 1 of 1970]
[56, 22 of 2009]

(3) Any person who -

(a) fails or refuses to stop any boat, vessel or vehicle when called upon to do so by a police officer or prescribed officer, or

(b) does not allow the search of any boat, vessel

or vehicle by a police officer or prescribed officer,
or

[56, 22 of
2009]

(c) refuses to be searched by, or obstructs, or assaults, threatens or resists, or escapes or attempts to escape from the custody of a police officer or prescribed officer acting under the provisions of this Ordinance; or

(d) does not allow entry into, or the search of, any hut, house, wadi or premises by a police officer or prescribed officer in the exercise of the powers conferred on such police officer or prescribed officer by subsection (1).

[5, 12 of 2005]
[56, 22 of 2009]

shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty thousand rupees and not more than one hundred thousand rupees or to imprisonment of either description for a term not less than five years and not exceeding ten years or to both such fine and imprisonment.

[56, 22 of 2009] "(4) For the purpose of this section-

(a) "animal" means any mammal, bird, reptile, amphibian, fish or invertebrates, but does not include any domestic animal as defined in section 11;

(b) "wildlife officer" means the Director- General or the Directors, Deputy Directors, Assistant Directors, Wildlife Rangers, Range Assistant or Wildlife Guards of the Department of Wildlife Conservation unless otherwise any other meaning is specified under this Ordinance."

Offences by officers.
[27,1 of 1970]
[58, 49 of 1993]
[57, 22 of 2009]

66A."Any officer appointed for the purposes of this Ordinance under section 68-

(a) who is guilty of prevarication in any Judicial trial for an offence under this Ordinance; or

(b) who willfully neglects or fails to perform any duty under this Ordinance or neglects or fails to report any offence under this Ordinance; or

(c) who aids and abets in the commission of any offence under this Ordinance,".

[5, 12 of 2005]

shall be guilty of an offence and shall on conviction be liable to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees or to imprisonment of either description for a term not less than one year and not exceeding two years or to both such fine and imprisonment.

Power to ascertain name and address of an offender.

[27, 1 of 1970]

[59, 49 of 1993]

[5, 12 of 2005]

[58, 22 of 2009]

66B. Where any person is found offending against any part of this Ordinance, it shall be lawful for any prescribed officer to require the person offending to state his name and place of abode, and in case a person so offending after being so required refuses to state his correct name or place of abode or states a name or place of abode which is incorrect, he shall be guilty of an offence and shall, on conviction, be liable to a fine not less than one thousand rupees and not more than two thousand rupees.

Special powers in respect of unlicensed guns.

[60, 49 of 1993]

[59, 22 of 2009]

66C.

[59, 22 of 2009]

(1) It shall be lawful for any wildlife officer or police officer or prescribed officer-

(a) to require any person possessing, carrying or using a gun to produce the licence issued in respect of such gun under any written law;

(b) to enter and search any premises in which he has reasonable grounds for believing, that any person is manufacturing, selling, repairing or has in his possession any unlicensed gun;

(c) to stop and search any boat, vessel or conveyance in which he suspects that any unlicensed gun is being carried;

[59, 22 of 2009]

(d) to take into custody any unlicensed gun and produce such gun at the nearest police station, Divisional Secretariat or in Court.

(2) Any person who-

(a) fails to produce a licence in respect of any gun in his possession; or

(b) refuses to allow the search of any premises ;
or

(c) fails or refuses to stop any boat, vessel or conveyance when called upon to do so by an officer referred to in subsection (1), in contravention of the provisions of subsection (1),

[5, 12 of 2005] shall be guilty of an offence and shall on conviction be

liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

Director to control roads within the boundaries of any National Reserve.
[60, 49 of 1993]
[60, 22 of 2009]

66D.

[60, 22 of 2009]

(1) Where any road is constructed within the boundaries of any National Reserve by any other agency, it shall be lawful for any wildlife officer to-

(a) erect barriers on any such road or any part of such road at any point within such National Reserve, in order to exercise control over access to the Reserve ;

(b) make such arrangements as may be necessary for the opening and closing of such barriers, to facilitate access to, and from, such Reserve ;

(c) stop and search, at such barriers, or on any road or part thereof any vehicle suspected to be connected with the commission of any offence under this Ordinance.

[5, 12 of 2005]

(2) No person shall, at any barrier erected under subsection (1) or on any road or part thereof within a National Reserve, fail to stop any vehicle when called upon to do so or fail to obey any direction lawfully given by the Director or other officer under subsection (1), and any person who fails to stop when so called upon or to obey any direction so given shall be guilty of an offence and shall on conviction be liable to a fine not less than seven thousand five hundred rupees and not exceeding fifteen thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

Erection of barriers and search of vehicles, &c. on roads adjoining National Reserve, & c.

67.

[61, 22 of 2009]

(1) For the purpose of preventing the commission of offences against section 8 of this Ordinance on any portion of any road running along-side a National Reserve or Sanctuary-

(a) it shall be lawful for the Director to cause barriers to be placed across each end of that portion of the road, so as to enable vehicles to be stopped and searched thereat as hereinafter provided ; and

[28,1 of 1970]

[[37, 1 of 1970]

[61, 49 of 1993]

[61, 22 of 2009]

(b) it shall be lawful for a prescribed officer to stop at such barrier any vehicle which is about to enter that portion of the road, and to search the vehicle and any person in the vehicle, for the purpose of ascertaining whether any gun is being carried therein, and in any case where any gun is so found therein, to require the person for the time being in charge of the vehicle to permit such officer or any other person specified by such officer to travel in that vehicle during the whole or any part of the journey to be performed on that portion of the road.

(2) Where the person for the time being in charge of any vehicle which is stopped at any barrier under subsection (1) refuses, upon being required so to do under that subsection, to permit a prescribed officer or any person specified by such officer to travel in the vehicle, it shall be lawful for the prescribed officer to take such steps as may be necessary to prevent the vehicle from proceeding beyond the barrier.

[61, 22 of 2009] "(3) For the purpose of preventing the commission of any offence under the Ordinance, it shall be lawful for the Director-General to cause barriers to be placed on any road outside the boundaries of any National Reserve or Sanctuary suspected of being used for the commission of any offence and to stop and search any vehicle."

Jurisdiction over offences committed at sea.
[29, 1 of 1970]
[62, 49 of 1993]

67A. Where any offence under this Ordinance is committed by any person in any part of the territorial sea, the Magistrate's Court having jurisdiction -

(a) over the part of the coast nearest to which the offence was committed ; or

(b) over the place at which the person came ashore after the commission of the offence, shall have jurisdiction to try the offence.

Offences under the Ordinance to be cognizable and bailable.
[29, 1 of 1970]
[62, 22 of 2009]

67B.

(1) Notwithstanding anything to the contrary in the First Schedule to the Code of Criminal Procedure Act, every offence under this Ordinance shall be a cognizable offence and a bailable offence of within the meaning of that Act.

(2) The Director and every prescribed officer shall have the power to release any person arrested under this Ordinance on bail or on such person executing a bond with or without sureties.

[62, 22 of 2009] "(3) Notwithstanding anything in subsection (1) of this section an offence under sections 6, 7, 8, 20 and 30(2) of the Ordinance shall be non bailable offences."

The Director and prescribed officers to be peace officers.
[29, 1 of 1970]

67C. The Director and every prescribed officer shall be deemed to be a peace officer within the meaning of the Code of Criminal Procedure Act for exercising, for the purposes of this Ordinance, any power conferred on peace officers by that Act.

Power of Director and prescribed officers to hold inquiries.
[63, 22 of 2009]

67D.
[63, 22 of 2009] (1) The Director and, subject to the provisions of subsection (2), every prescribed officer shall exercise the powers that may be exercised in respect of cognizable offences by an inquirer, or by an officer in charge of a police station, under the provisions of Chapter XI of the Criminal Procedure Code Act, No. 15 of 1979.

(2) The powers referred to in subsection (1) shall not be exercised by a prescribed officer in any place which is outside the limits of the area to which he is appointed.

(3) An inquiry under this section shall be held at or in the neighbourhood of the place in which the offence is alleged to have been committed.

Arrests, searches, &c., how to be made.
[29, 1 of 1970]

67E. The provisions of the Code of Criminal Procedure Act relating to arrests, searches, search warrants, the release of persons arrested on bail or on the execution of bonds, the production of persons arrested, and the investigation of offences shall be held to be applicable to all action taken in these respects under this Ordinance.

Ejection from Crown Land.
[29, 1 of 1970]
[63, 49 of 1993]
[64, 22 of 2009]

67F.
[64, 22 of 2009] (1) any person who is in unlawful and unauthorized possession of any State land to which, the provisions of this Ordinance are applicable shall be liable to an ejection and the provisions of State Lands (Recovery of Possession) Act, No. 7 of 1979 shall mutatis mutandis apply, of every such ejection.

(2) Any reference in the said Act to a Competent Authority shall be considered as a reference to the Wildlife Ranger of the area in which such State land is situated.

(3) Any proceedings instituted under the said Act for the recovery of possession of State land shall be concluded within one year from the date of commencement of such proceedings.

APPOINTMENT OF OFFICERS AND ADVISORY COMMITTEE

Appointment of officers.
[65, 22 of 2009]

68.

(1) For the purposes of this Ordinance, there may be appointed-

[30,1 of 1970]
[65, 22 of 2009] (a) a person by name or by office to be or to act as Director-General or as Director or Deputy Director, Wildlife Conservation,

[30,1 of 1970] (b) a person by name or by office to be or to act as district director, Wildlife Conservation, for any specified district or area;

[43,44 of 1964] (c) a person to act as an honorary district director. Wildlife Conservation, for any specified district or area;

[30, 1 of 1970] (d) such other officers and servants as may, from time to time, be required.

(2) In the exercise of their powers and in the discharge of their duties under this Ordinance all persons, officers and servants appointed under this section shall be subject to the general direction and control of the Minister.

[37, 1 of 1970] (3) All persons, officers and servants appointed under this section shall be deemed to be public servants within the meaning of the Penal Code.

Plans and programmes for Wildlife Conservation.
[66, 22 of 2009]

68A.

(1) The Director-General in consultation with the Minister shall develop wildlife, their habitats and the biological diversity in line with appropriate national and international standards and criteria. plans and programmes for the conservation of

(2) The Department of Wildlife Conservation shall include the expenditure estimated for the implementation of the plans and programmes developed in terms of subsection (1) in its estimates for such financial year.

Guidelines to be framed by the Director- General.
[66, 22 of 2009]

68B. The Director-General shall wherever specified in this Ordinance and in general where necessary, frame guidelines for the implementation of the provisions of the Ordinance and to carry out the powers, functions and duties under the Ordinance.

Delegation of
Powers of director.
[44,44 of 1964]

69. The Director may with the approval of the Minister delegate to any district director or to any honorary district director in respect of his district or area any power or duty conferred or imposed on the Director by this Ordinance or by any regulation made thereunder.

Advisory committee.
[37, 1 of 1970]
[64, 49 of 1993]

70.

(1) The Minister may appoint an Advisory Committee which shall consist of the Secretary to the Ministry in charge of the subject of Wild Life Conservation as Chair-ten other persons for the purpose of advising the Director and making recommendations to the Minister on all matters and questions relating to the fauna and flora of Sri Lanka.

(2) Meetings of the advisory committee shall be held at least four times in every year.

(3) The advisory committee shall be entitled to determine its own procedure in any matter of procedure for which no provision is prescribed.

GENERAL REGULATIONS

General regulations.
[37,1 of 1970]
[65,49 of 1993]
[67, 22 of 2009]

71.

(1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters : -

(a) the circumstances in which and the conditions subject to which the Director may exercise the powers conferred on him by section 55 ,

(b) the circumstances in which and the conditions subject to which any licence or permit may be issued free of charge;

(c) the fee to be paid for any licence or permit issued under this Ordinance or under any regulation, and the mode and manner of payment or recovery of any such fee ;

(d) the prohibition or regulation of the import, manufacture, sale, possession or the use of any spear gun or of any head-gear so constructed as to be capable of being fitted with any lamp or artificial light or of any lamp constructed so as to

be capable of being fitted into any head-gear ;

[67, 22 of 2009] "(e) the manner in which meetings of the Advisory Committee shall be conducted, the procedure to be followed in the transaction of business at such meetings and the manner in which the recommendations of the Committee are to be made;"

[67, 22 of 2009] "(f) all matters necessary for the regulation of access to the genetic resources from fauna and flora indigenous to Sri Lanka and the revenue generated from such genetic resources."

[45, 44 of 1964] (g) the establishment and administration the " Wildlife Preservation Fund " and the purposes for which that Fund may be employed ; and

[45,44 of 1964] (h) all matters for which regulations are required or authorised to be made under this Ordinance, all matters stated or required by this Ordinance to be prescribed, and ail other matters incidental to or connected with such matters.

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

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

INTERPRETATION AND SAVINGS

Interpretation.
[66, 49 of 1993]
[68, 22 of 2009]

72.

[31,1 of 1970] (1) In this Ordinance, unless the , context otherwise
[68, 22 of 2009] requires -

[68, 22 of 2009] " "Advisory Committee" means the Wildlife Conservation Advisory Committee established under section 70(1) of this Ordinance;

[68, 22 of 2009] "Authorized Officer" means any Wildlife Officer appointed

by the Director-General for the purposes of this Act.";

" Buffer Zone " means a Buffer Zone constituted by Order under section 2 (1)

" cultivated land " includes land used for chena cultivation when a crop is growing on such land ;

[68, 22 of 2009] " "development activity" means any activity which has an impact on the physical nature of the land or the natural biological phenomenon of fauna and flora of such land.";

" coast" means the border of land which is adjacent, to the sea and not covered by sea water;

[68, 22 of 2009] " "Director-General" means the person appointed to be or to act as the Director-General, Wildlife Conservation, for the purposes of this Ordinance, and includes the Director and the Deputy Director, Wildlife Conservation, appointed for such purposes;"

[31, 1 of 1970] "district director" means a district director. Wildlife Conservation, appointed for the purposes of this Ordinance;

[68, 22 of 2009] " "explosive" has the same meaning assigned to it in the Explosives Act, No. 21 of 1956;

[68, 22 of 2009] "Fund" means the Wildlife Preservation Fund established under section 65 of this Ordinance;"

"Invertebrate" means a member of the phyla, protozoa, porifera (Sponges), coelentreata, arthropoda, moilusca, annelida ;

"gun" has the same meaning as in the Firearms Ordinance and includes a speargun or a "cap-chur" gun ;

[68, 22 of 2009] " "habitat" includes the physical environment, the biomass and all living organisms;"

[46, 44 of 1964] "honorary district director" means an honorary district director. Wildlife Conservation, appointed for the purposes of this Ordinance;

[68, 22 of 2009] " "invertebrate" means any animal without a spinal column;;

[46, 44 of 1964] "Jungle Corridor" means the land deemed to be allocated
[68, 22 of 2009] for the purposes of facilitating the free movement of elephants from one reserve to another and declared as a

Jungle Corridor for elephants constituted by Order made under section 2(1);

"local authority" means Municipal Council, Urban Council or Pradeshiya Sabha said includes any authority created and established by, or under, any law to exercise, perform or discharge powers, duties and functions corresponding to, or similar to powers, duties and functions exercised, performed and discharged by any such Council or Sabha ;

"National Park " constituted 2(1) means a National Park by Order under section " National Reserve " means a National Reserve constituted by Order under section 2(1);

[46,44 of 1964] " Nature Reserve" means a Nature Reserve constituted by Order under section 2(1);

" offence " means an offence under this Ordinance or under any regulation ;

[68, 22 of 2009] " "plant" means any member of the plant kingdom including a tree or any part thereof, dead or alive and any propagatory plant material and any extraction of such plant;"

" police officer " means a member of an established police force and includes a police reservist;

" prescribed" means prescribed by this Ordinance or by regulation ;

[68, 22 of 2009] " "prescribed officer" means any wildlife officer unless otherwise defined in this Ordinance;

"Sanctuary" means lands deemed to be dedicated for the purposes of human activity, but where activities specified in section 7 of the Ordinance and strictly prohibited other than in accordance with the regulations made thereunder and has been declared as a Sanctuary under section 2(2) of the Fauna and Flora Protection Ordinance;

"Strict Natural Reserve" means an area of 1 (land) and deemed to be dedicated to species of animals and plants to thrive on with the least disturbance for the purposes of ensuring the survival of threatened species in their natural habitat facilitating appropriate scientific research and declared as a Strict Natural Reserve constituted under section 2(1) of the Fauna and Flora Protection Ordinance;

"wildlife officer" means the Director-General of the Department of Wildlife Conservation or any Director,

Deputy Director or Assistant Director or Wildlife Ranger or Range Assistant or Wildlife Guard in the Department of Wildlife Conservation, unless any provision in the Ordinance specifically mentions otherwise;";

" public corporation" means any corporation, board or other body which was, or is established, by or under any written law other than the Companies Act, with funds or capital wholly or partly provided by the Government by way of grant, loan or otherwise ;

" regulation " means a regulation made by the Minister under this Ordinance ;

"Sanctuary" means a Sanctuary constituted by Order under section 2(2);

" Sri Lanka " includes the territorial sea of Sri Lanka;

" Sri Lanka" includes the territorial waters of Sri Lanka ;

" State land " means all land to which the State is lawfully entitled together with all rights, interests and privileges attached or appertaining thereto;

" State land " means land to which the State is lawfully entitled or which may be disposed of by the State together with any building standing therein, and with all rights, interests and privileges attached or appertaining thereto, and shall be deemed to include land vested in, or under the control of the River Valley Development Board and the Mahaweli Development Board or any other authority charged with the function of developing State land, or in any local authority ;

" Strict Natural Reserve " means a Strict Natural Reserve constituted by Order under section 2(1);

[31,1 of 1970] "territorial sea" means the area declared as the territorial sea of Sri Lanka by Proclamation, made under the Maritime Zones Law, No. 22 of 1976;

"tourist," means any local or foreign visitor who enters any national park ;

" tourist hotel" means an organization, institution or an enterprise which provides not less than ten rooms for accommodation;

"vertebrate", means a member of the class of pisces, amphibia, reptilia, aves or mammalia; and

[68, 22 of 2009] " wild life " means, plants and animals including different stages of their life cycle which owe their existence to natural phenomena or processes that occur autonomously.

(2) Any reference in this Ordinance or in any regulation or in any other written law to a Schedule of this Ordinance shall be deemed to be a reference to the Schedule for the time being in force.

Savings Licenses. **73.** Every licence issued by any authority under any written law repealed by Ordinance No. 2 of 1937 for the doing of any act for which a licence is required by this Ordinance shall be valid and continue in force until the expiration of the period for which it was granted.

Savings Proclamations, notifications &c. **74.** All such proclamations, notifications and orders issued, and all such regulations and rules made, and all such concessions, rules permissions and authorizations given, and all such royalties fixed under any written law repealed by Ordinance No. 2 of 1937 as are in force at the date on which this Ordinance comes into operation shall, so far as they relate to matters for which provision may in any manner be made under this Ordinance and so far as they are not inconsistent with the provisions of this Ordinance, continue in force unless or until provision in regard to such matters is made in accordance with the provisions of this Ordinance.

Operation of Fisheries Ordinance. **75.** The provisions of the Fisheries Ordinance shall cease to be in operation in any National Reserve or Sanctuary as from the date on which such National Reserve or Sanctuary is duly constituted under section 2 ; but, subject as aforesaid, the provisions of that Ordinance shall continue to be in operation in any area outside a National Reserve or a Sanctuary.

Schedules

See Schedules ,

49 of 1993