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PART I: SECTION (I) — GENERAL

Government Notifications

L. D.—B. 203/33

THE FOREST ORDINANCE

REGULATIONS made by the Minister of Lands and Land Development, by virtue of the powers vested in him, by section 3 of the Forest Ordinance (Chapter 451), as amended by Act No. 13 of 1966 and Act No. 56 of 1979.

GAMINI DISSANAYAKE,

Minister of Lands and Land Development

Colombo, 7.11.1979.

Regulations

1. (1) These regulations may be cited as the Forest Regulations, No. 1 of 1979.

(2) These regulations shall apply in relation to all reserved forests.

2. No person shall use any poisonous substance whatsoever or dynamite, or any other explosive for the capture or destruction of any animal, bird or reptile in a reserved forest or of any fish in any waters situated within a reserved forest.

3. No person shall dig for plumbago, gems or minerals within a reserved forest except with the written authority of any forest officer not below the rank of Divisional Forest Officer.

4. (1) In any reserved forest, no person other than the holder of a permit issued in that behalf, shall—

(a) hunt, shoot at, kill or attempt to kill, or take any animal, bird or reptile; or

(b) cut grass or pasture cattle.

(2) Every permit issued under paragraph (1) shall be in such form as may be approved for the purpose by the Conservator of Forests and may be issued by a forest officer not below the rank of Divisional Forest Officer.

(3) The fee payable for each permit to cut grass or pasture cattle shall be in accordance with such rates as may be prescribed by the Conservator of Forests with the sanction of the Minister.

5. (1) In any reserved forest, no person shall except with the written authority of a forest officer not below the rank of Divisional Forest Officer—

(a) kindle, keep or carry any fire; or

(b) fell, girdle, lop, tap, burn, cut, saw, convert, collect, remove or transport any tree or timber, or collect, remove or transport any forest produce or be in possession, custody or control of any tree, timber or forest produce; or

(c) quarry stone, burn lime or charcoal, or collect, appropriate, or subject to any manufacturing process, or to use any forest produce; or

(d) erect any house or hut or occupy any house or hut so erected; or

(e) erect a scaffolding or construct a saw pit; or

(f) take or attempt to take or kill any fish in any water; or

(g) set any trap, snare or spring gun for the purpose of killing or capturing any animal, bird, reptile or fish; or

(h) construct any road or ambush or use any road or ambush so constructed.

(2) Every person having authority under this regulation to collect or remove any timber or other forest produce from a reserved forest shall be liable to pay a fee therefor, at such rates and in such manner as the Conservator of Forests may prescribe with the prior sanction of the Minister.

6. In any reserved forest, no person shall except with the written authority of the Conservator of Forests—

(a) make a fresh clearing or cultivate any land already cleared; or

(b) cut or set fire to any forest or chena or break up land; or

(c) alter or remove any boundary mark, wall, ditch, notice, board, embankment, fence, hedge or railing erected or dug or grown, by order of the Conservator of Forests.

7. No act permitted, or authorised, under any of the preceding regulations shall be done otherwise than in accordance with such conditions as may be set out in the permit or the written authority granted for the purpose.

8. (1) It shall be lawful for the Conservator of Forests or an officer authorised by him in that behalf to authorise free grants of timber or other forest produce from any reserved forest in the following cases, if the removal of such timber or forest produce does not interfere with the silvicultural requirements of the forest :—

- (a) Where the timber or other forest produce is required by the Forest Department for the construction or maintenance of any building, bridge, fence or road, under its management and control, or for the preparation of specimens of timber or for other similar purposes.
- (b) Where the timber or other forest produce is required by the Survey Department for the purpose of putting up camps and erecting stages in connection with surveys, provided that no timber from any scheduled tree is used for such purpose.
- (c) Where the timber or other forest produce is required for works of public utility in the construction or maintenance of which no contractor or other middle man is engaged with a view to profit, if other species of timber suitable for the purpose are not available in any other forest within a reasonable distance : Provided that no free grant of timber shall be made to any local authority, or other public body to which an annual grant is made from the public revenue or to any public institution maintained by the Government or for the maintenance of which a contribution is made from public revenue.

(2) Notwithstanding the preceding provisions of this regulation, the Conservator of Forests or any officer authorized by him for the purpose may, upon application made in that behalf, allow a free grant of timber from any reserved forest for the purpose of constructing a school building for any school, or for the purpose of making any extensions to any existing building of any school, if—

- (a) the application is made by any Rural Development Society or by the Parent-Teachers' Association of such school or by any other similar body ;
- (b) the plans and specifications relating to such building or such extensions, as the case may be, have been approved and the application has been recommended by the Director of Education ; and
- (c) the removal of such timber from such reserved forest is not likely to interfere with the silvicultural requirements of the forest.

(3) Notwithstanding the preceding provisions of this regulation, the Conservator of Forests or any officer authorised by him for the purpose may, upon application made in that behalf by any Rural Development Society, or any other similar body, allow a free grant of timber from any reserved forest for the purpose of constructing a building, for any weaving centre, industrial centre, or any work of public utility or for the purpose of making any extensions to any such existing building, if—

- (a) the case is one where labour for such construction work is provided free by such Society or other body and the Government contributes only the materials or the cost thereof, not exceeding seventy-five per centum of the total cost ;
- (b) the plans and specifications relating to the Building have been approved by the appropriate Department ; and

(c) the application has been recommended by the Government Agent of the Administrative District from where the timber is to be obtained.

(4) Where any reserved forest is being managed with the approval of the Minister as a forest intended mainly to meet the timber requirements of the villagers of a specific area, it shall be lawful for a forest officer not below the rank of Divisional Forest Officer to authorise free grants of timber and forest produce from such reserved forest to indigent or distressed resident villagers for the construction of village huts or well sweeps or of fences and cattle pens or for any similar domestic or agricultural purposes.

(5) Every permit authorising the issue of timber under this regulation, shall be in such form as may be approved for the purpose by the Conservator of Forests.

9. (1) No person shall, at any place outside a reserved forest which is within a distance of a quarter mile, of the boundary of that forest, set fire to any forest growth, chena or patana, or to any grass, whether standing or cut, unless—

- (a) he has given at least seven days' notice of his intention to do so to the nearest forest officer ;
- (b) he takes sufficient precautions to keep the fire under control and to prevent it from spreading beyond the limits within which the fire is necessary ; and
- (c) where the fire is to be kindled within one hundred yards of a reserved forest, he collects all the material which is to be burnt into one single heap before setting fire to it.

(2) Every person kindling a fire in the circumstances, specified in paragraph (1) of this regulation, shall, after the forest growth, chena, patana, or grass has been burnt, thoroughly extinguish any fire smouldering in the stumps of trees or in any rubbish heap, within one hundred yards of the boundary of the reserved forest.

10. The Forest Regulations published in Gazette Extraordinary No. 14,710/7 of August 29, 1966 as subsequently amended, are hereby rescinded.

11. In these regulations unless the context otherwise requires—

"Cattle" means neat cattle, sheep, goats, buffaloes and the young of the same, but does not include any of the other animals mentioned in the definition of cattle in Section 78 of the Ordinance ; and

"Divisional Forest Officer" means the forest officer appointed for the time being to be in charge of a Forest Division.