

## ***Forest (Amendment)***

### ***AN ACT TO AMEND THE FOREST ORDINANCE.***

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

Short title.1. This Act may be cited as the Forest (Amendment) Act, No. 56 of 1979.

Replacement of section 7 of Chapter 451. 2. Section 7 of the Forest Ordinance (hereinafter referred to as the “principal enactment” ) is hereby repealed and the following section substituted therefor :-

“Further 7.

prohibited acts.

(1) Any person who

(a) makes any fresh clearing in a reserved forest; or

(b) gets fire to a reserved forest, or in contravention of any regulations made by the Minister kindles any fire, or leaves any fire burning in such manner as to endanger the reserved forest or any part thereof;

or who, in a reserved forest-

(c) kindles, keeps or carries any fire except at such seasons and in such manner as a forest officer, specially empowered in this behalf, may from time to time notify ;

(d) fells, cuts, saws, converts, collects, removes or transports any trees or timber or collects, removes or trans-ports any forest produce or has in his possession custody or control any tree, timber or forest produce;

(e) erects a scaffolding or constructs a saw fit;

(f) clears or breaks up any land for cultivation or any other purpose or cultivates any land already cleared;

(g) erects any building whether permanent or temporary, or occupies any building so erected ;

(h) constructs or uses any road constructed by him; or

(i) damages, alters, or removes any wall, ditch, embankment, fence, hedge, railing or other boundary mark;

shall be guilty of an offence and be liable on conviction, In the case of an offence under paragraphs (a), (b), (c), (d) or (f) of this subsection, to imprisonment for a term which may extend to live years and in the case of an offence under any other

paragraph of this subsection, to imprisonment which may extend to one year or to a fine which may extend to one

thousand rupees or to both, in addition to such compensation for damage done to the forest as the convicting court may

direct to be paid. Such compensation when awarded shall be treated in all respects as a fine, shall be recoverable as such, and shall not exceed one thousand rupees.

(2) Any person who abets the commission of any offence specified in subsection (1) or causes any such offence to be committed, shall be guilty of an offence and, shall on conviction be liable to the same punishment as provided in that subsection.”.

Amendment of section 20 of the principal enactment.

3. Section 20 of the principal enactment is hereby amended as follows :-

(a) in subsection (1) thereof by the repeal of paragraph (c) and the substitution therefor of the following paragraph:-

” (c) regulate or prohibit the felling, cutting, sawing, conversion. collection, removal and transport of trees and timber and the collection, removal and transport of forest produce;” ;

(b) by the repeal of subsection (2) thereof and the substitution therefor of the following subsection :-

” (2) Any person who abets the commission of any offence specified in this Chapter or causes any such offence to be committed shall also be guilty of an offence and shall on conviction be liable to the same punishment as provided for the offence.”.

Amendment of section 21 of the principal enactment. 4. Section 21 of the principal enactment is hereby amended by the substitution for the proviso to that section, of the following new proviso :-

” Provided that any person who, in contravention of any rules made under section 20 (1) fells, cuts, saws, converts or removes any trees or timber from any forest or quarries coral- shall be guilty of an offence punishable by imprisonment for a term which may extend to two years”.

Amendment of section 24 of the principal enactment.

5. Section 24 of the principal enactment is hereby amended in subsection (1) thereof by the repeal of paragraphs (gg) and (h) and the substitution therefor of the following paragraphs :-

” (gg) authorize any forest officer to nominate checking stations or places to which timber or forest produce seized in transit may be brought, and to provide for the issue of permits for their transport;

(h) provide for the management and control of such checking stations and places and for regulating that appointment and duties of persons employed thereat;”.

Amendment of section 2 of the principal enactment.

6. Section 25 of the principal enactment Is hereby amended by the repeal of subsection (3) thereof and the substitution therefor of the following subsection:-

” (3) Any person who abets the commission of an offence specified in this Chapter, or causes any such offence to be committed shall also be guilty of an offence and shall on conviction be liable to the same punishment provided for the offence, “.

Amendment of section 27 of the principal enactment.

7. Section 27 of the principal enactment is hereby amended as follows :

(1) by the renumbering of that section as subsection (1) of that section and

(2) by the addition, immediately after the renumbered subsection (1), of the following new subsections :-

” (2) Where any forest officer, police officer or any other officer thereto authorized has reason to believe that any timber referred to in subsection (1) is being removed in any cart, boat or motor vehicle, contrary to the provisions of this Ordinance, he may

- (a) give such order, direction, signal or use such devices or take such other measures as may be necessary to stop the cart, boat or motor vehicle or cause such cart, boat or motor vehicle to be halted ;
  - (b) detain for inspection and search the cart, boat or motor vehicle ; and
  - (c) detain any timber found in the cart, boat or motor vehicle and deal with the timber as provided in Chapter VII.
- (3) Where any order, direction or signal is given under subsection (2) for the stopping of any cart, boat or motor vehicle the driver, boatman or other person, who is for the time being in charge of the cart, boat or motor vehicle, shall forthwith stop the cart, boat or motor vehicle or cause such cart, boat or motor vehicle to be halted in accordance with the order, direction or signal. Any driver, boatman or other person who fails or refuses to comply with the order, direction or signal or obstructs the inspection and search, shall be guilty of an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding five hundred rupees, or to both such imprisonment and fine.”.

Amendment of Section 30 of the principal enactment 8. Section 30 of the principal enactment is hereby amended by the repeal of sub-section (2) thereof, and the substitution therefor of the following subsection:

” (2) Such timber may be collected by any forest officer or other person authorized to collect the same and may be brought to such place as a forest officer empowered in this behalf may nominate.”.

Amendment of Section 40 of the principal enactment 9. Section 40 of the principal enactment is hereby amended by the repeal of the proviso to that section.

Amendment of section 41 of the principal enactment 10. Section 41 of the principal enactment is hereby amended by the addition of the following new proviso at the end of that section:

” Provided that, where any timber or forest produce is subject to speedy and natural decay the court may direct, at any stage prior to the conclusion of the trial, the sale of such timber or forest produce and that the proceeds of the sale be deposited in court to be dealt with at the conclusion of the trial in such manner as the court may direct. “.

Insertion of new section 49A in the principal enactment. 11. The following new section is hereby inserted immediately after section 49, and shall take effect as section 49A. of the Principal enactment:

” Penalty for obstructing or interfering with forest officer &c. 49A, Any person who threatens, intimidates or obstructs or in any way interferes with a forest officer, police officer or any other officer authorized to act in that behalf in the exercise, performance and discharge of his powers, duties and functions under this Ordinance, shall be guilty of an offence, and shall on conviction be liable to imprisonment of either description for a term not exceeding one year or to a fine not exceeding one thousand rupees, or to both such fine and imprisonment:

Provided that a prosecution shall not be instituted under this section, except with the sanction of an officer not below the rank of Divisional Forest Officer, Government Agent or Superintendent of Police.”.

Amendment of section 58 of the principal enactment 12. Section 58 of the principal enactment is hereby amended as follows :  
 (1) by the renumbering of that section as subsection (1) of that section ;  
 and

(2) by the addition, immediately after renumbered sub-section (1), of the following new subsection:-

” (2) Notwithstanding the provisions of sub-section (1), the Minister may authorize any employee of the State Timber Corporation established under the State Industrial Corporations Act, No. 49 of 1958, to perform the functions of a forest officer for the purposes of sections 24, 27, 37 or 48 of this Ordinance, and such employee shall, while engaged in the performance of these functions, be deemed to be a forest officer.”.

Amendment of section 64 of the principal enactment.

13. Section 64 of the principal enactment is hereby amended by the repeal of paragraph (c) of that section and the substitution therefor of the following paragraph:

” (c) to provide for the payment into such fund of the whole or part of sums received in composition of offences under this Ordinance and of awards made under the Informers’ Reward Ordinance to informers in cases of such offences, and for the- payment out of the fund, subject to such conditions as may be specified in the regulations, of rewards to informers and forest officers, of compensation for bodily injury caused to forest officers, police officers or other officers in the exercise, performance and discharge of their powers, duties and functions under this Ordinance, or when death results from such injury, of compensation to their heirs, and of travelling expenses properly incurred by witnesses in attending court for the purpose of giving evidence at trials under this Ordinance;”.

Amendment of section 78 of the principal enactment

14. Section 78 of the principal enactment is hereby amended as follows :

(a) by the substitution for the definition ” forest officer “, of the following definition :

“forest officer” means all persons appointed by name or as holding an office to be Conservators, deputy Conservators, Senior Assistant Conservators, Assistant Conservators, divisional forest officers, foresters, forest rangers, forest overseers, forest depot keepers, forest depot overseers, forest guards, forest watchers or forest labourers, or to discharge any function of a forest officer under this Ordinance or any regulation or rule made thereunder;

(b) by the substitution for paragraph (d) of the definition of “forest produce”, of the following paragraph:

” (d) peat, surface soil, rocks and minerals, including limestone, coral, laterite, bitumen, bituminous shale, asphalt, mineral oils and all product of mines or quarries;”.

(c) by the substitution for the definition “timber depot ” of the following definition :

” timber depot ” or ” timber yard ” means a place where timber is stored

(a) for the purpose of sale ; or

(b) for the purpose of transport; or

(c) for the purpose of being sawn by machinery or otherwise; or

(d) for the purpose of being subjected to any process of manufacture”.