

Forest (Amendment) Act, No. 84 of 1988

[Certified on 20th December, 1988]

L.D.-O. 16/85.

AN ACT TO AMEND THE FOREST ORDINANCE

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-1.

This Act may be cited as the Forest (Amendment) Act, No. 84 of 1988.

2. Section 7 of the Forest Ordinance (hereinafter referred to as the 'principal enactment') is hereby amended by the repeal of subsection (3) of **that** section and the substitution therefor of the following subsection :-

(3) No prosecution for 'an offence under this section shall be instituted except with the written sanction of the Conservator of Forests, the Deputy Conservator of Forests, an Assistant Conservator of Forests, or a Divisional Forest Officer.'.

3. The following new section is hereby inserted immediately after section 40, and shall have effect as section **40A**, of the **principal enactment** :-

Section 306 of the Code of Criminal

Procedure Act, No. 15 of 1979, not to apply to persons who plead guilty to, or is found guilty of a forest offence.

40A. The provisions of section 306 of the Code of Criminal Procedure Act, No. 15 of 1979, shall not apply to, or in relation to, any person who pleads guilty to, or is found guilty of, a forest offence.'.

4. Section 49A of the principal enactment is hereby repealed and the following section substituted therefor : --

L Penalty for obstructing a forest officer.

49A. Any person who threatens, intimidates, assaults 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 **Short title.**

Amendment of section 7 of Chapter 451.

Insertion of a new section 49A in the principal enactment,

Section

49A of the principal enactment. *2 Forest (Amendment) Act, No. 84 of 1988*

term not less than three years and not exceeding seven years or to a fine not less than two thousand rupees and not exceeding five 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 48 of the principal enactment.

5. Section 48 of the principal enactment is hereby amended by the repeal of subsection (2) of that section, and the substitution therefor of the following subsection: -“

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested to the nearest police station or, if there is no police station in the division, before the divisional revenue officer of the division, together with a statement showing the offence with which the accused is charged. The officer-in-charge of the Police station or the Divisional Revenue Officer shall, without unnecessary delay, take or send the person arrested to the nearest Magistrate :

Provided, however, that where the arrest of any person under this section is made by a forester or a range forest officer such person may be produced before the Magistrate by such forester or the range forest officer, if he is of opinion that undue delay is likely to be caused if such person is to be produced before the Magistrate through the officer in charge of the police station or the divisional revenue officer. “.

6. Section 58 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection :-“

(2) Notwithstanding the provisions of subsection (1) the Minister may authorize-

a) any employee of the State Timber Corporation established under the State Industrial Corporations Act, No. 49 of 1957, to perform the functions of a forest officer for the purposes of sections 24, 27, 37 or 43 of this Ordinance; or *Forest (Amendment) Act, No. 84 of 1988* 3

(b) any employee of the Sri Lanka State Plantations Corporation established under the Sri Lanka State Plantations Corporation Act, No. 4 of 1958, or the Janatha Estate Development Board or the Agricultural Development Authority established under the State Agricultural Corporations Act, No. 11 of 1972, to perform the functions of a forest officer for the purposes of sections 27, 37 or 48 of this Ordinance,

and any such employee or officer shall while engaged in the performance of these functions be deemed to be a forest officer. “.

7. 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 : - **64 of the principal enactment.** “ (c) to provide for the payment into such fund of the whole or part of sums received in composition of **OFFICIALS** under this Ordinance and awards made

under the Informers' Reward Ordinance to informants in case of such offences, and such other contributions as may be made to the fund by the Government, any public or private corporation or any individual, and for the payment out of the fund, subject to such conditions as may be specified in the regulations, of rewards to informers and the 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, of travelling expenses properly incurred by witnesses in attending court for, the purposes of giving evidence in trials under this Ordinance, of expenses for carrying on raids to abate illicit fellings of, and illicit transport of, timber and of expenses incurred in forest protection activities including the conduct of training programmes for forest officers enabling them to carry out their functions efficiently under this Ordinance. “.

8. Section 78 of the principal enactment is hereby amended in the definition of “ forest officer ” by the addition of the words “Additional Conservators ” immediately after the word “ Conservators ” thereof.