

National Heritage **Wilderness Areas**
Act, No. 3 of 1988

[Certified on 4th March, 1988]

L. D.-O. 23/85.

AN ACT TO MAKE PROVISION FOR THE DECLARATION OF NATIONAL HERITAGE WILDERNESS AREAS; FOR THE PROTECTION AND PRESERVATION OF SUCH AREAS; AND FOR **MATTERS CONNECTED** THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the National Heritage **short title,** Wilderness Areas Act, No. 3 of 1988.

2. (1) For the purpose of preserving in their natural state, unique eco-systems, genetic resources ; or physical and biological formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation ; for enhancing the natural beauty of the wilderness of Sri Lanka and for promoting the scientific study and enjoyment thereof by the public, the Minister may, after consultation with-

Declaration
of National
Heritage
Wilderness
Areas.

- (a) the Minister in charge of the subject of Environment ;
- (b) the Minister in charge of the subject of Wild Life Conservation ;
- (c) the Minister in charge of the subject of Fisheries ;
- (d)** the Minister in charge of the subject of Agriculture ;
- (e) the Minister in charge of the subject of Cultural Affairs ; and
- (f) the Minister in charge of the subject of Indigenous Medicine,

by Order published in the Gazette, declare any area of State land which in his opinion has unique em-systems, genetic resources or any outstanding **natural** features, to be a National Heritage Wilderness Area.

(2) No Order made under subsection (1) shall have **effect** until it is approved by the President and confirmed by Parliament and notification of such approval and confirmation is published in the **Gazette**.

(3) Every area to be declared as a National Heritage Wilderness Area shall be identified and mapped out by the Surveyor-General and any Order made under subsection (1) shall refer to the map prepared by the Surveyor-General in respect of the area to which such Order refers.

(4) Where any immovable property not being State land, with any of the features referred to in subsection (1) is required to be acquired for the purposes of this Act, and the Minister shall by Order published in the *Gazette* approve of that proposed acquisition, that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act.

3. (1) No person other than the Competent Authority shall enter, or remain, within, any National Heritage Wilderness Area except—

Restriction
of entry
into National
Heritage
Wilderness
Areas.

(a) for the purpose of discharging any official duty on the instruction, or with the written permission, of the Competent Authority ; or

(b) under the authority and in accordance with the conditions of a written permit from the Competent Authority.

(2) A permit referred to in paragraph (b) of subsection (1) shall be issued by the Competent Authority on an application made therefor, only for the purpose of observing the fauna or flora therein or for conducting such scientific studies as are specified in such permit.

4. (1) No person shall in a National Heritage Wilderness Area—

Acts
prohibited in
National
Heritage
Wilderness
Areas.

(a) cut, mark, lop, girdle, saw, convert, collect or remove any plant, tree or any part thereof or any other forest produce ;

(b) wilfully strip off the bark or leaves from, or otherwise damage or interfere with, any tree ;

(c) cut grass or pasture cattle ;

(d) pollute water ;

(e) remove, uproot or destroy, or cause any damage or injury to, any plant ;

(f) sell, expose or offer for sale, any plant ;

- (g) shoot, trap or snare, molest or disturb, any bird or animal ;
- (h) sell, expose or offer for sale, any bird, beast or reptile or any part of any such bird, beast or reptile ;
- (i) take or destroy any egg of any bird or reptile or nest of any bird ;
- (j) 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 ;
- (k) 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 ;
- (l) erect any building, whether permanent or temporary, or occupy any building so erected ;
- (m) make any fresh clearing ;
- (n) kindle or keep or carry any fire ;
- (o) remove any forest produce in any form ;
- (p) clear or break up any land for cultivation or any other purpose ;
- (q) construct any road ; or
- (r) damage, alter or remove any wall, ditch, embankment, fence, hedge, railing or other boundary mark.

(2) Nothing in paragraph (1) of subsection (1) shall be read or construed as prohibiting the Competent Authority, from erecting and occupying any building within National Heritage Wilderness Area, for the purposes of this Act.

5. (1) The Minister may make regulations in respect of **Regulations.**
- (a) the ~~administration~~ and management of National Heritage Wilderness Areas ;
 - (b) the implementation of the co-ordinated management plan prepared under section 10 in respect of a National Heritage Wilderness Area ; and
 - (c) every matter which is required by this Act to be prescribed or in respect of which regulations are required or authorized to be made.

**National Heritage Wilderness Areas
Act, No. 3 of 1988**

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

(3) Every regulation made by the Minister shall as soon as convenient after its publication in the **Gazette** be brought before Parliament for approval.

(4) 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.

(5) The date on which any regulation shall be deemed to be so rescinded shall be published in the Gazette.

6. Nothing in this Act shall effect the exercise, discharge or performance by a member of the Armed Forces or the Police Force, of any power, function or duty conferred or imposed on, or assigned to, such member by any written law :

Nothing
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Act to
effect the
exercise,
discharge or
performance
of any
power,
function or
duty
of a member
of the Armed
Forces
and the
Police
Force.

Provided that where a member of the Armed Forces or the Police Force in the exercise, discharge or performance of any such power, function or duty commits any of the acts prohibited by this Act within any National Heritage Wilderness Area, it shall be the duty of the Competent Authority to take such steps as are necessary against such acts.

7. The Conservator of Forests shall be the Competent Authority for the purposes of this Act.

The
Conservator
of Forests
to be
the
Competent
Authority.

8. Notwithstanding anything in contrary to any other law, the Competent Authority shall in relation to a National Heritage Wilderness Area, be charged with the duty of-

Duty of the
Competent
Authority.

(a) discharging the functions assigned to him by the provisions of this Act ; and

- (b) for encouraging the provision or improvement of facilities for observation, study and enjoyment, of such National Heritage Wilderness Area.

9. The Minister may give to the Competent Authority such directions of a general character as may appear to ~~the~~ Minister expedient in relation to the discharge of the functions of the Competent Authority and the Competent Authority shall comply with such directions.

Power of Minister to give directions to the Competent Authority.

10 (1) As soon as may be after the coming into operation of an Order made under section 2, the Competent Authority shall prepare, in the prescribed manner, a co-ordinated management plan in respect of the National Heritage Wilderness Area declared by such Order with the assistance of-

Co-ordinated management plan.

- (u) the Forest Department ;
- (b) the Department of Wild Life Conservation ;
- (c) the Department of Fisheries ;
- (d) the Department of Agriculture ,
- (e) the Central Environment Authority ;
- (f) the Department of Cultural Affairs ; and
- (g) the Department of Ayurveda.

(2) The co-ordinated management plan shall be implemented in the prescribed manner within the National Heritage Wilderness Area in respect of which such plan was made.

11. The provisions of this Act shall have effect notwithstanding anything to the contrary in the provisions of any other written law other than the Constitution and accordingly, in the event of any conflict of inconsistency between the provisions of this Act and the provisions of such other written law, the provisions of this Act shall prevail over the provisions of such other written law.

This Act to prevail over written law.

12. Any person who acts in contravention of any provisions of this Act, or any regulation made thereunder shall be guilty of an offence and shall on conviction by a Magistrate be liable to a fine not less than two hundred rupees and not exceeding twenty thousand rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

Offences and penalties.

National Heritage Wilderness Areas
Act, No. 3 of 1988

13. In this Act unless the context otherwise requires- **Interpre-**
tation.

“ Conservator of Forests ” means the Conservator of Forests appointed under section 58 of the Forests Ordinance (Chapter 451) ;

“ forests produce ” shall have the same meaning as in the Forests Ordinance (Chapter 451) ;

“ tree ” shall have the same meaning as in the Forests Ordinance (Chapter 451) ; and

“ timber ” shall have the same meaning as in the Forests Ordinance (Chapter 451.).