PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

—————————

PREVENTION OF MOSQUITO BREEDING

ACT, NO. 11 OF 2007

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[Certified on 11th April, 2007]

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Prevention of Mosquito Breeding Act, No. 11 of 2007 1

[Certified on 11th April, 2007]

L. D.—O. 98/2002

ANACT TO PROVIDE FOR THE PREVENTION OF MOSQUITO BREEDING ; FOR

THE ERADICATION OF PLACES OF MOSQUITO BREEDING AND FOR

MATTERS CONNECTEDTHEREWITH OR INCIDENTALTHERETO.

WHEREAS dengue fever and dengue haemorrhagic fever Preamble.

has become a major public health problem in Sri Lanka, with

the number of persons infected and dying of this disease

increasing rapidly :

AND WHEREAS there is at present no vaccine available to

prevent this serious disease nor is there any specific treatment

to cure the disease :

AND WHEREAS the only method of preventing and

controlling the spread of the disease is by destroying breeding

places of the mosquito which spread the disease :

AND WHEREAS it has become necessary to effectively deal

with this health problem from a national perspective by the

formulation of a National Policy and by the appointment of

a Competent Authority and other officers to be responsible

for the implementation of the National Policy :

NOW THEREFORE BE it enacted by the Parliament of the

Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Prevention of Mosquito Short title.

Breeding Act, No. 11 of 2007.

2. For the purpose of ensuring the prevention and Prohibition

eradication of all mosquito borne diseases, it shall be the against creating

duty of every owner or occupier of any premises to cause :— conditions

favourable to the

breeding of

(a) open tins, bottles, boxes, coconut shells, split

mosquitoes.

coconuts, tyres or any other article or receptacle

found in or within such premises , capable of holding

water, to be removed, destroyed or otherwise

effectively disposed of ;

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(b) gutters, down-pipes and drains to be cleared of all

obstructions, so as to allow a smooth flow of water;

(c) cisterns, tanks, air conditioners and other receptacles

for water to be maintained in good repair, closed

and covered so as to prevent the breeding of

mosquitoes;

(d) any well found in the premises and its surroundings

to be maintained and kept in good repair so as to

make it mosquito-proof and thereby prevent the

breeding of mosquitoes;

(e) any artificial pond or pool found in such premises

to be emptied at least once in every week;

(f) any casual collection of water within the premises

which is conducive to mosquito breeding, to be

regularly drained;

(g) shrubs, undergrowth and all other types of

vegetation, other than those grown for the purpose

of food or those which are ornamental, found within

or outside any building or structure within the

premises used as a dwelling place which has become

a breeding place for mosquitoes, to be removed;

(h) the removal and destruction of the water plants

having the botanical name “Pistia Stratiotes” and

commonly known as “Diya Parandal”,

“Kondepasei”, “Telpassy”, “Barawa-Pasi”,

“Nanayaviraddi” and of any other water plant, or

plants, found within the premises, which may

facilitate the breeding of mosquitoes;

(i) the prevention of the spread of any water plant

referred to in paragraph (h) by the erection of suitable

barriers where necessary, having obtained the

approval of any relevant authority, which will stop

such plant from floating along any water-course;

and

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(j) the elimination or the prevention of any other

condition favourable to the breeding of mosquitoes,

in or within the premises.

3. (1) Where it appears to the Competent Authority that Owner or

any premises or anything kept or maintained therein has occupier to be

directed to take

become favourable to the breeding of mosquitoes, the

certain measures.

Competent Authority may by written Notice require the

owner or occupier of such premises, to adopt or take any one

or more of the following measures within the time specified

in such Notice :—

(a) the repair of all gutters, down-pipes and drains of

any building found in that premises;

(b) the construction or reconstruction of any cistern,

tank or artificial pond found in the premises in such

manner so as to make it capable of being emptied

periodically;

(c) to temporarily drain and clear any cistern, tank or

pond found in the premises and the closing thereof

when it is no longer being used by the owner or

occupier of the premises;

(d) to maintain any well found in the premises in such

condition so as to prevent the breeding of mosquitoes;

(e) to fill-up, drain or treat with larvicide, any

excavation, disused well, cesspit, pond or any other

place where water is capable of being collected and

stagnated;

(f) to fill up pits and low lying areas found within the

premises;

(g) to fill-up or drain or treat once a week with larvicide,

swamps and water courses and water logged area as

found in the premises;

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(h) remove, uproot and destroy water plants having the

botanical name “Pistia Stratiotes” and commonly

known as “DiyaParandal”, “Kondepasei”, “Barawa

Pasei”, or “Nanayaviraddi” “Telpassy”, or of any

other water plant or plants which may be found to

afford breeding conditions to mosquitoes;

(i) prevent the spread of any water plant referred to in

paragraph (h), by the erection of suitable barriers

which will stop such plant from floating along any

water-course; and

(j) any other measures, which the Competent Authority

or any Public Health Inspector authorised in that

behalf, may deem necessary.

(2) The written Notice referred to in subsection (1), shall

further inform that in the event the owner or occupier neglects

or fails to comply with such Notice within the time specified

therein, the Competent Authority shall be forced to carry out

the measures specified in the Notice, and any expenses

incurred in carrying out the same shall be recovered from

such owner or occupier.

Failure to 4. (1) Every owner or occupier who contravenes or fails

comply with

to comply with any duty or requirements imposed by sections

requirements

imposed by 2 or 3 of this Act, shall be guilty of an offence under this Act

sections 2 or 3 to and shall on conviction after summary trial before a

be an offence. Magistrate, be liable to a fine not less than one thousand

rupees and not exceeding twenty five thousand rupees and

in the case of a continuing offence, to a fine of one hundred

rupees for each day on which such offence is continued to be

committed after conviction:

Provided that no such owner or occupier shall be deemed

to be guilty of that offence, if such owner or occupier proves

to the satisfaction of the Magistrate, that such offence was

committed without his knowledge or that he exercised all

due care and diligence to prevent the commission of such

offence.

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(2) The Magistrate may, where the person is found guilty

of having failed to comply with a duty imposed by section 2

of this Act, in addition to the imposition of the fine referred

to in subsection (1), require such owner or occupier to take

such preventive or corrective measures as the Magistrate may

deem appropriate in order to prevent the breeding of

mosquitoes, in compliance with the duties imposed on such

owner or occupier by that section.

5. (1) Where the owner or occupier of any premises on Competent

whom any written Notice has been issued under section 3 of Authority to

this Act, neglects or fails to comply with the requirements of carry out work

or measures.

such written Notice within the time specified therein, the

Competent Authority may authorize in writing any officer or

officers, as the case may be, to enter such premises at any

reasonable hour during the day and carry out the work or

measures specified in the Notice which the owner or occupier

has neglected or failed to do. Prior to commencing any work

or measure under this subsection, such officer or officers shall

be required to show the owner or occupier, a copy of the

document issued by the Competent Authority by which such

officer or officers were authorized to carry out such work or

measure.

(2) Nothing contained in subsection (1) shall preclude an

owner or occupier who failed to comply with a Notice so

issued, from being prosecuted for an offence under section 4

of this Act.

(3) Where any works or measures are adopted or executed

under subsection (1), the amount of expenses incurred as

cost shall be payable by the owner or occupier to the

Competent Authority, within two weeks of the date on which

the demand for payment of the same is communicated to

such owner or occupier.

(4) Where the owner of any premises in respect of which a

sum of money is due and owing under subsection (3) of this

section, sells or transfers such premises before payment of

the money due, such owner shall, notwithstanding the sale or

transfer of such premises, continue to be liable to pay the

amount due.

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Recovery of 6. (1) Where an owner or occupier fails to make the

expenses

incurred as cost payment within two weeks of the demand for payment being

under section 5. communicated to him under subsection (3) of section 5, the

Competent Authority shall issue a Certificate containing

particulars of the amount due as expenses incurred in carrying

out such work or measures, to the Magistrate having

jurisdiction over the area in which such premises is situated.

(2) The Magistrate shall thereupon summon such owner

or occupier, as the case may be, to appear before him and

show cause as to why further proceedings for the recovery of

the amount due should not be taken against him and in default

of sufficient cause being shown, the amount shall be deemed

to be a fine imposed by a sentence of the Magistrate on such

owner or occupier, for an offence punishable with a fine only

or not punishable with imprisonment .

(3) Where the Competent Authority issues a Certificate

under subsection (1), he shall also cause a notification thereof

to be issued to the relevant owner or occupier. Non-receipt of

a notification issued to an owner or occupier, shall not

invalidate any proceedings under this section.

(4) Nothing in this section shall authorize or require a

Magistrate in any proceedings thereunder, to consider,

examine or decide the correctness of any statement contained

in the Certificate issued by the Competent Authority.

(5) Any sum levied as a fine under subsection (2), shall be

transmitted by the Magistrate to the Competent Authority.

Spraying of 7. (1) The Competent Authority may by notice in writing

pesticides. served on any owner or occupier of a premises, require such

owner or occupier to spray any pond, cistern, fountain or any

other place where water collects and where mosquitoes are

found to be breeding, with such type of pesticide as specified

in such notice and within the time specified therein.

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(2) The failure to comply with a notice issued under

subsection (1) within the time specified shall be an offence

under this Act, and on conviction after summary trial before a

Magistrate, such owner or occupier shall be liable to a fine

not exceeding one thousand rupees.

8. (1) No owner, occupier or any other person shall Resisting or

knowingly or wilfully, resist or obstruct the Competent obstructing

Competent

Authority or any person to whom he has delegated the

Authority &c;.

performance or discharge of any of his duties or functions

under this Act, in the lawful performance or discharge of

those duties or functions.

(2) Any owner, occupier or any other person who acts in

contravention of the provisions of subsection (1) of this

section shall be guilty of an offence under this Act, and on

conviction after summary trial before a Magistrate, be liable

to a fine not exceeding fifty thousand rupees or to a term of

imprisonment not exceeding six months, or to both such fine

and imprisonment.

9. (1) An owner or occupier or any other person shall Lessening the

efficiency of any

not knowingly or willfully, commit any act which is likely

measures

to— adopted.

(a) cause the deterioration of any anti-mosquito

measures carried out or adopted in any premises ; or

(b) lessen the efficacy of any anti-mosquito measures

carried out or adopted in any premises,

whether such measures were carried out or adopted by the

owner or occupier of the premises or by the Competent

Authority as the case may be.

(2) Any owner, occupier or any other person who acts in

contravention of the provisions of subsection (1), shall be

guilty of an offence under this Act, and on conviction after

summary trial before a Magistrate, be liable to a fine not

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exceeding ten thousand rupees or to a term of imprisonment

not exceeding three months or to both such fine and

imprisonment.

Co-owners and 10. Where any premises are in the occupation of more

co-occupiers to than one person or where any property is co-owned by more

be liable

than one person, for the purpose of the enforcement of the

severally.

provisions of this Act, each of the occupiers and each of the

co-owners shall be severally liable for any neglect or failure

to comply with any requirements imposed by or under this

Act.

Protection for an 11. No suit or prosecution shall lie against an owner or

act or omission occupier of a premises, for any act or omission which is done

done or

purported to be or purported to be done in good faith.

done in good

faith.

Directions to be 12. (1) Where any drain, canal, water course or swamp

issued to local

found within the administrative limits of a local authority

authorities who

fail to maintain which such authority is required to maintain in proper

drains, canals condition, is found to have become conducive to the breeding

&c,. which they

of mosquitoes due to the failure or negligence on the part of

are required to

maintain. such local authority to maintain the same in such proper

condition, the Competent Authority shall have the power to

issue such directions as he may consider necessary or

appropriate, to rectify such situation and prevent the breeding

of mosquitoes.

(2) A local authority which fails to comply with any

directions issued under subsection (1) shall be guilty of an

offence under this Act, and any prosecution for such an

offence instituted by the Competent Authority, shall be filed

against the Chairman of such local authority or any other

Competent Authority appointed under any law relating to

local authorities to act on behalf of that local authority.

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13. (1) Subject to the provisions of subsection (2), the Power of entry

Competent Authority shall have the power to enter any and inspection.

premises at any reasonable time—

(a) to carry out any survey, inspection or search for the

purpose of determining whether—

(i) any duties imposed by section 2 of this Act

are being complied with by the occupier or

owner of such premises; or

(ii) any measures are necessary, and if so the

extent to which they are necessary, for the

elimination or the prevention of the breeding

of mosquitoes;

(b) to execute any work or measure required to be carried

out under section 5 of this Act.

(2) For the purpose of carrying out any survey, inspection

or search under subsection (1), written consent to enter the

premises shall be obtained —

(i) where the premises concerned is a place of

religious worship or is a place not open to

the public, from the person in charge of such

premises or any other competent person; or

(ii) where the premises concerned is used as a

place of private residence, from the owner or

occupier of such residence.

(3) Where a consent that is required to be obtained under

subsection (2) is unfairly refused and the Competent Authority

is satisfied that there is reason to suspect that any requirement

imposed under this Act is not being complied with, the

Competent Authority may obtain from a Magistrate’s Court a

search warrant for the purpose of entering such premises or

private residence, as the case may be, and exercise all or any

of the powers conferred upon him by such search warrant.

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Competent 14. (1) The Director-General of Health Services shall

Authority and be the Competent Authority for the purposes of this Act and

delegation by the

Competent shall be charged with the effective implementation of the

Authority. provisions of this Act.

(2) The Director-General of Health Services may,

whenever he considers it necessary and expedient, delegate

the performance or discharge of any duty or function imposed

upon him by this Act in his capacity as the Competent

Authority, to a Medical Officer of Health or to a Public Health

Inspector in any area, and the officer to whom the duty or

function was so delegated, shall perform or discharge the

same subject to the control and supervision of the Competent

Authority.

(3) An officer to whom a delegation is made under

subsection (2) of this section shall, in the performance and

discharge of the duties and functions so delegated, exercise

the same power of entry and inspection as given to the

Competent Authority under section 13 of this Act, and any

obstruction caused to such officer shall be an offence under

section 8 of this Act.

(4) The Competent Authority may give such directions

as he may deem necessary, to any Public Health Inspector or

Medical Officer of Health with regard to the effective

implementation of the provisions of this Act and any

regulations made thereunder and every such officer to whom

any such directions are given, shall be required to comply

with the same.

Offences to be 15. Notwithstanding anything to the contrary in the

cognizable Code of Criminal Procedure Act, No. 15 of 1979, every offence

offences.

under the Act shall be deemed to be a cognizable offence

within the meaning and for the purposes, of that Act.

Prosecutions 16. A prosecution for any offence under this Act shall

under this Act to not be instituted except with the sanction of the Competent

require sanction.

Authority or the Medical Officer of Health of the area where

the offence is alleged to have been committed.

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17. (1) Where an offence is found to have been Prosecution

committed under this Act by an owner or occupier, prior to a procedure.

prosecution being instituted, a Public Health Inspector shall

be required to serve a written notice upon the alleged offender

requiring such person to adopt or take such corrective

measures as shall be specified in such notice, within two

weeks of the receipt of the same. A person upon whom a

notice is served under this subsection may request for an

extension of time within which to adopt or take the corrective

measures required, and the Public Health Inspector may in

consultation with the Medical Officer of Health of the area,

grant or refuse to grant such extension. No extension shall be

granted beyond a period of a further two weeks.

(2) On the expiry of the time granted for adopting or taking

the required corrective measures under subsection (1), the

Public Health Inspector who served the notice shall inspect

the measures adopted or taken and within one week of

carrying out the inspection, submit a report on the same to

the Medical Officer of Health of the area. In the report

submitted, the Public Health Inspector may, where he

considers it necessary, recommend the institution of

proceedings against the alleged offender.

(3) Where the Public Health Inspector recommends being

institution of proceedings, the Medical Officer of Health

shall, subject to the provisions of subsection (4) of this section,

grant sanction for the same within one week of the receipt of

such recommendation.

(4) A Medical Officer of Health to whom a

recommendation for the institution of proceedings has been

made under subsection (2) may, where on the information

contained in the report submitted along with such

recommendation, he considers that the institution of

proceedings is not warranted, shall be required himself to

inspect the measures adopted or taken by the alleged offender

and submit his own recommendations on the same, to the

Competent Authority. The Competent Authority shall within

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two weeks of receiving the recommendation, arrive at a final

decision as to whether prosecution should or should not be

instituted against the alleged offender.

Competent 18. The Competent Authority and any person to whom

Authority etc. to any of his functions and duties has been delegated shall, in

be peace

officers. the discharge and performance of such function or duty, be

deemed to be peace officers within the meaning of the Code

of Criminal Procedure Act, No. 15 of 1979, for the purpose of

exercising any of the powers conferred upon peace officers

by that Act.

Service of 19. Any notice required to be served on an owner or

notices.

occupier of a premises under sections 3, 7 or 17 of this Act,

may be effected either personally by handing over such notice

to the owner or occupier of the premises or by affixing such

notice in a conspicuous place within the premises.

Act to bind the 20. The provisions of this Act shall apply to and shall

Republic etc. bind the Republic and any Ministry or Department of the

Government of Sri Lanka.

Protection for 21. No civil or criminal proceedings shall be instituted

action taken against the Competent Authority or against any Medical

under this Act.

Officer of Health or Public Health Inspector to whom the

performance or discharge of any function or duty imposed

upon the Competent Authority by this Act has been delegated

under subsection (2) of section 14 of this Act, for any act

which in good faith is done or purported to be done by such

Medical Officer of Health or Public Health Inspector, as the

case may be.

Offences 22. Where an offence under this Act is committed by a

committed by a body of persons, then —

body of persons.

(a) if that body of persons is a body corporate, every

director, manager or secretary of that body corporate;

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(b) if that body of persons is a partnership, every partner

of that partnership;

(c) if that body of persons is an unincorporated body,

every individual who is a member of that body; and

(d) if that body of persons is a local authority, the

Chairman of such local authority or any other

Competent Authority appointed under any law

relating to local authorities to act on behalf of that

local authority shall be guilty of that offence :

Provided that any person referred to in paragraphs (a),

(b), (c) and (d) above shall not be deemed to be guilty of

such offence, if such person proves to the satisfaction of

the court that such offence was committed without his

knowledge or that he exercised all due care and diligence

to prevent the commission of such offence.

23. (1) The Minister may make regulations for the Regulations.

purpose of carrying out or giving effect to the principles and

provisions of this Act.

(2) In particular and without prejudice to the generality

of the powers conferred by subsection (1), the Minister may

make regulations in respect of all or any of the following

matters:—

(a) issuing guidelines as to the form of any notice

required to be sent by the Competent Authority to

any owner or occupier under this Act;

(b) recommending the measures to be taken and the

type of pesticides to be used by an owner or occupier

of any premises to eradicate the breeding of

mosquitos; and

(c) issuing guidelines on Anti-Mosquito measures to

the Anti-Malaria Campaign and any other similar

Agency functioning under the Ministry, for the

prevention and eradication of the breeding of

mosquitos.

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(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 shall be

specified in the regulation.

(4) Every regulation made by the Minister shall as soon

as convenient after its publication in the Gazette, be brought

before Parliament for its approval.

(5) Any regulation which is not so approved shall be

deemed to be rescinded as from the date of such disapproval,

but without prejudice to anything previously done

thereunder.

(6) The date on which any regulation shall be deemed to

be rescinded, shall be published in the Gazette.

Sinhala text to 24. In the event of any inconsistency between the Sinhala

prevail in case of and Tamil texts of this Act, the Sinhala text shall prevail.

inconsistency.

Interpretation. 25. In this Act, unless the context otherwise requires—

“Director-General of Health Services” means the

Director of Health Services appointed under

section 3 of the Health Services Act

(Chapter219);

“Medical Officer of Health” means any officer

appointed to the designated post of Medical

Officer of Health in the Department of Health

Services or any officer acting in that post, and

includes a Chief Medical Officer of Health, a

Deputy Chief Medical Officer of Health and a

Medical Officer of Health in the service of a

Municipal Council who is serving within the

administrative limits of such Council;

“occupier” means a person in occupation of any

premises or having the charge, management or

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control thereof, whether on his own account or

as an agent of any other, but does not include a

lodger;

“owner” includes a co-owner, a lessee, any person

who by whatever right is entitled to the rent or

produce of any premises and any individual,

institution, body corporate or official who is

responsible for the proper maintenance of the

premises;

“premises” means any land together with any building

or part of a building standing thereon; and

“Public Health Inspector” means any officer

appointed to such post in the Department of

Health Services and includes any Public Health

Inspector of a local authority, who is authorized

by the Competent Authority to perform any

function as a Public Health Inspector under this

Act.

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