PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

COAST CONSERVATION (AMENDMENT)

ACT, NO. 49 OF 2011

[Certified on 30th November, 2011]

Printed on the Order of Government

Published as a Supplement to Part II of the Gazette of the Democratic

Socialist Republic of Sri Lanka of December 02, 2011

PRINTEDATTHE DEPARTMENTOFGOVERNMENTPRINTING,SRILANKA

TO BEPURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 25.00 Postage : Rs. 20.00

Coast Conservation (Amendment) 1

Act, No. 49 of 2011

[Certified on 30th November, 2011]

L. D. —O. 47/99

AN ACT TO AMEND THE COAST CONSERVATION ACT, NO. 57 OF 1981;

TO AMEND CERTAIN PROVISIONS OF THE SRI LANKA LAND

RECLAMATION AND DEVELOPMENT CORPORATION ACT, NO. 15 OF

1968 AND THE BOARD OF INVESTMENT SRI LANKA LAW, NO. 4 OF

1978; AND TO PROVIDE 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 Coast Conservation Short title

(Amendment) Act, No. 49 of 2011.

2. The Long Title to the Coast Conservation Act, Amendment of

No. 57 of 1981 (hereinafter referred to as the “principal Long Title to

enactment”) is hereby amended by the substitution for the Act, No. 57 of

1981.

word “Scheme of work for Coast Conservation” of the words

“Scheme of work for Coast Conservation and Coastal

Resource Management”.

3. (1) In the principal enactment and in any other written “Coast

Conservation

law, there shall be substituted— Act”,

“Director of

(a) for the words “Coast Conservation Act”, the words Coast

Conservation”,

“Coast Conservation and Coastal Resource “Director” and

Management Act”; “coast

conservation” to

be known

(b) for the words “Director of Coast Conservation”, the as “Coast

words “Director-General of Coast Conservation and Conservation

and Coastal

Coastal Resource Management”; Resource

Management

(c) for the word “Director” the words “Director- Act”, “Director-

General of Coast

General”; and Conservation

and Coastal

Resource

(d) for the words “coast conservation” the words “coast Management”,

conservation and coastal resource management”, “Director-

General” and

“coast

(2) Every reference to the “Coast Conservation Act”, the conservation

“Director of Coast Conservation”, “Director” and “coast and coastal

resource

conservation” in any notice, notification or other document management”.

2—PL 006213—4,015 (08/2011)

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shall be read and construed as a reference respectively to

“the Coast Conservation and Coastal Resource Management

Act”, “the Director-General Coast Conservation and Coastal

Resource Management”, “the Director-General” and “Coast

Conservation and Coastal Resource Management”.

Amendment of 4. Section 3 of the principal enactment is hereby

section 3 of the amended by the substitution for sub-paragraph (i) of

principal

enactment. paragraph (b) of that section, of the following:—

“(i) such number of Directors, Deputy Directors and

Assistant Directors;”.

Amendment of 5. Section 4 of the principal enactment is hereby

section 4 of the

amended as follows:—

principal

enactment.

(1) in paragraph (b) of that section, by the substitution

for the words “Coastal Zone; and” of the words

“Coastal Zone;”; and

(2) by the repeal of paragraph (c) of that section and

the substitution therefor of the following

paragraphs:—

“(c) for the co-ordination of activities of other

departments, institutions and agencies in

connection with activities being carried out

within the Coastal Zone;

(d) for the preparation and implementation of the

Coastal Zone Management Plan prepared

under section 12;

(e) for the dissemination of information on coast

conservation and coastal resource

management, to the public and to other

departments, agencies and institutions and

where necessary to tender advice and

guidance;

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(f) for the conduct of research in collaboration with

other departments, agencies and institutions for the

purpose of ensuring effective coast conservation

and coastal resource management;

(g) for the implementation of the coast conservation

and coastal resources management programmes

specified in the National Fisheries Policy.”.

6. Section 5 of the principal enactment is hereby Replacement of

repealed and the following section substituted therefor:— section 5 of the

principal

“Director- 5. The Director-General may, delegate by enactment.

General may an authorization in writing in that behalf to

delegate any

any Divisional Secretary of a Division within

of his powers

&c,. under which any part of the coastal zone in situated

the Act to or to any prescribed public officer, as the case

Divisional may be, any power, duty and function

Secretaries or conferred or imposed on, or assigned to, the

to prescribed Director-General, by this Act, other than any

officers.

power, duty or function falling within Part III

of the Act. The Divisional Secretary or the

prescribed public officer shall within such

Divisional Secretary’s Division or other area

of authority exercise, perform and discharge

the power, duty or function so delegated subject

to the general direction and control of the

Director-General.”.

7. Section 6 of the principal enactment is hereby Replacement of

repealed and the following section substituted therefor:— section 6 of the

principal

“Coast 6. (1) There shall be established a Coast enactment.

Conservation Conservation and Coastal Resource

and Coastal

Management Advisory Council (hereinafter

Resource

Management referred to as “the Advisory Council”)

Advisory consisting of the following members:—

Council.

(a) the Secretary to the Ministry of the

Minister to whom the subject of Coast

Conservation and Coastal Resource

Management is assigned, who shall be

the Chairman;

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(b) the Secretary to the Ministry of the

Minister to whom the subject of Plan

Implementation is assigned or his

representative;

(c) the Secretary to the Ministry of the

Minister to whom the subject of Tourism

is assigned or his representative;

(d) the Secretary to the Ministry of the

Minister to whom the subject of Urban

Development is assigned or his

representative;

(e) the Secretary to the Ministry of the

Minister to whom the subject of Public

Administration is assigned or his

representative;

(f) the Secretary to the Ministry of the

Minister to whom the subject of

Industries is assigned, or his

representative;

(g) the Secretary to the Ministry of the

Minister to whom the subject of

Provincial Councils is assigned, or his

representative;

(h) the Secretary to the Ministry of the

Minister to whom the subject of

Environment is assigned, or his

representative;

(i) the Director-General of Fisheries and

Aquatic Resources, appointed under the

Fisheries and Aquatic Resources Act, No.

2 of 1996, or his representative;

(j) the Director-General of the National

Aquatic Resources Research and

Development Agency, appointed under

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the National Aquatic Resources,

Research and Development Agency Act,

No. 54 of 1981, or his representative;

(k) the Director-General of the Urban

Development Authority appointed under

the Urban Development Authority Law,

No.41 of 1978, or his representative;

(l) the Director-General of the Central

Environmental Authority appointed

under the National Environmental

Authority Act, No. 47 of 1980, or his

representative;

(m) The Director-General of the Geological

Survey and Mines Bureau appointed

under the Mines and Minerals Act, No.

33 of 1992, or his representative;

(n) the Land Commissioner or his

representative;

(o) the Director-General appointed under

section 3, who shall be the Secretary to

the Council; and

(p) three other persons appointed by the

Minister, one from among persons who

will represent the academic staff of the

Universities, one representing the non-

governmental organizations concerned

with the protection of the coastal

environment and the other who shall be

a representative of the fishing industry.

(2) The Advisory Council may where in its

opinion it appears to be necessary for the

effective discharge of its functions, co-opt any

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other Secretary to serve as a member of the

Advisory Council for so long as may be

necessary for such purpose. A Secretary co-

opted in terms of this subsection shall be present

at meetings of the Advisory Council only when

the specific matter, which necessitated his

presence, is being discussed. He shall not be

entitled to vote at such meetings.”.

Replacement of 8. Section 11 of the principal enactment is hereby

section 11 of the repealed and the following section substituted therefor:—

principal

enactment.

“Survey of 11. (1) The Director-General shall as soon

resources as practicable cause a survey of all the resources

within the

and activities within the Coastal Zone to be

Coastal Zone.

conducted and thereafter prepare a report based

on the results of such survey.

(2) In preparing the report required under

subsection (1), the Director-General shall have

regard to the relevant data and information

collected or compiled by government

departments, institutions and agencies. It shall

be the duty of the Heads of such Departments,

institutions and agencies to furnish any such

data or information as may be reasonably

required by the Director-General for the

purpose of preparing such report.”.

Amendment of 9. Section 12 of the principal enactment is hereby

section 12 of the amended as follows:—

principal

enactment.

(1) in subsection (1) of that section—

(a) by the substitution for all the words from

“The Director shall” to “the plan shall

include” of the words “The Director-General

shall, not later than three years from the date

of operation of this Act, prepare and submit

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to the Advisory Council, a Coastal Zone and

Coastal Resource Management Plan

(hereinafter referred to as “the Plan”) based

on the results of the survey conducted in

terms of section 11. The Plan shall include

guidelines for the management of coastal

resources and a comprehensive programme

for conservation of coastal resources for

sustainable development and also—”;

(b) in paragraph (b) of subsection (1) thereof,

by the substitution for items (ix) and (x) and

the words “within the coastal zone.” of the

following—

“(ix) agriculture;

(x) industry;

(xi) availability of coastal resources;

(xii) coastal erosion management;

(xiii) coastal water quality;

(xiv) zoning of coastal water usage; and

(xv) any other matters which in the

opinion of the Director-General is

relevant to coast conservation and

coastal resource management,

within the Coastal Zone.”;

(c) in paragraph (d) of subsection (1) thereof,

by the substitution for the words “Coastal

Zone regulation; and” of the words “Coastal

Zone regulation;”;

(d) in paragraph (e) of subsection (1) thereof,

by the substitution for the words “purposes

of coast conservation,” of the words

“purposes of coast conservation;”;

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(e) by the addition immediately after paragraph

(e) of subsection (1) thereof, of the following

new sub-paragraphs:—

“(f) recommendations identifying Special

Area Management sites, rating such

sites in terms of the severity of resource

management issues, bio diversity,

viability and economic significance;

(g) identify the routes, paths and corridors

of access available for the public to

access the beach and the coastal zone

and recommend measures required to

clear any obstructions therein;

(h) recommend guidelines required for the

sustainable development and

management of the coastal zone; and

(i) formulate policies and furnish

recommendations in relation to coast

conservation and coastal resources

management activities,”;

(2) by the insertion immediately after subsection (1) of

that section, of the following new subsection:—

“(1A) The Director-General shall cause the Plan

prepared in terms of section 12 to be revised, at

least once in every five years:

Provided that, the Director-General may where

he deems it to be so necessary, cause a survey in

terms of section 11 to be carried out at the time of

revision of the Plan, and revise the plan based on

the results of the survey so conducted.”;

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(3) in subsection (5) of that section, by the substitution

for the words “period of four years” wherever they

occur in that subsection of the words “period of

five years”.

10. Section 13 of the principal enactment is hereby Amendment of

amended by the substitution for the words “quality of the section 13 of the

principal

Coastal Zone” of the words “quality of the Coastal Zone and enactment.

the sustainability of the resources within the Coastal Zone”.

11. section 15 of the principal enactment is hereby Amendment of

amended as follows:— section 15 of the

principal

enactment.

(1) by the substitution in paragraph (a) of that section,

for the words “Coastal Zone Management Plan” of

the words “Coastal Zone and Coastal Resource

Management Plan”; and

(2) by the substitution in paragraph (b) of that section,

for the words “Coastal Zone” of the words “Coastal

Zone and the sustainability of the resources within

the Coastal Zone.”.

12. Section 16 of the principal enactment is hereby Amendment of

section 16 of the

amended as follows:—

principal

enactment.

(1) by the repeal of subsections (1) and (2) of that

section and the substitution therefor of the following

subsections:—

“(1) Upon receipt of an application for a permit

to engage in a development activity within the

Coastal Zone as required by subsection (3) of

section 14, the Director-General may require the

applicant to furnish an initial environmental

examination report or an environmental impact

assessment report relating to the development

activity as the case may be, or both such reports. It

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shall be the duty of the applicant to comply with

such requirement. Every initial environmental

examination report or environmental impact

assessment report shall contain such particulars

as may be prescribed:

Provided however, that the Minister may by

regulation prescribe the categories of development

activities in respect of which an initial

environmental examination report would not be

necessary.

(2) In cases where an initial environmental

examination report is requested by the Director-

General, he may, on receipt of such report and if it

appears that such report is sufficient for the purpose

of determining, whether or not to grant the permit,

dispense with the requirement of providing the

environmental impact assessment report.

(2A) Where the Director-General considers that

the initial environmental examination report is

sufficient to determine whether or not to issue the

permit, he may submit a copy of such report to the

Council for its comments, if any.

(2B) The Council shall, within thirty days of

the initial environmental examination report being

submitted to them, furnish its comments if any, to

the Director-General.

(2C) Where after considering an initial

environmental examination report submitted to

him under subsection (2A), the Director-General

considers that an environmental impact

assessment report is necessary to arrive at a

decision, he may require the applicant to submit

the same to him.

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(2D) Upon receipt of the environmental impact

assessment report, the Director-General shall

submit a copy of the same to the Council for its

comments and by Notification published in the

Gazette provide an opportunity for the public to

submit comments in respect of the same within

thirty days of the date of such Notification.”;

(2) in subsection (4) of that section, by the substitution

for the words “under subsection (3)” of the words

“under subsections (2A), (2C), (2D) and (3)”; and

(3) in subsection (5) of that section, by the substitution

for the words “under subsection (3)” of the words

“under subsections (2C), (2D) and (3)”.

13. Section 17 of the principal enactment is hereby Amendment of

amended by the substitution for the words “Coastal Zone, section 17 of the

principal

having regard to the Coastal Zone Management Plan” of the

enactment.

words “Coastal Zone and resource therein, having regard to

the Coastal Zone and Coastal Resource Management Plan”.

14. Section 18 of the principal enactment is hereby Amendment of

amended by the repeal of subsection (3) of that section and section 18 of the

principal

the substitution therefor of the following subsection:—

enactment.

“(3) A permit issued under this Part shall not be

transferred without the prior written approval of the

Director-General. The Director-General may, where he

has granted approval for a transfer, impose further

conditions on such permit. A transfer may be effected

only on payment of the prescribed fee. An order

transferring the permit should also be entered on the

permit, in order that the transfer be effective:

Provided however that the Director-General shall

not make an order under this section unless a period of

two years has elapsed from the original date of issue of

the permit.”.

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Amendment of 15. Section 19 of the principal enactment is hereby

section 19 of the

principal amended as follows:—

enactment.

(1) in paragraph (b) of that section, by the substitution

for the words “Costal Zone” of the word “Coastal

Zone or the resources therein”; and

(2) by the substitution for the words “to be served on

the permit holder.” of the words “to be sent by

registered post to the address stated by the permit

holder in the application submitted by him for the

permit or to such other address as intimated by him

in writing, to the Director-General.”.

Amendment of 16. Section 20 of the principal enactment is hereby

section 20 of the

amended in subsection (2) of that section, by the substitution

principal

enactment. for all the words “the Director may,” to the end of that

subsection, of the words “or within any extended period

given by the Director-General, cancel the permit issued to

that person. Notice of such cancellation, stating reasons

therefor, shall be sent to him by registered post to the address

stated by the permit holder in the application submitted by

him for the permit or to such other address as intimated by

him in writing, to the Director-General.”.

Amendment of 17. Section 21 of the principal enactment is hereby

section 21 of the

amended as follows:—

principal

enactment.

(1) by the re-numbering of that section as subsection

(1) of that section;

(2) in the re-numbered subsection (1), by the

substitution for the words “subject of Coast

Conservation.” of the words “subject of Coast

Conservation and Coastal Resource Management.”;

and

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(3) by the addition, immediately after the re-numbered

subsection (1) of the following new subsections:—

“(2) On receipt of an appeal under subsection

(1) the Secretary shall forthwith require the

Director-General to forward to him all relevant

documents and files. The Director-General shall

comply with such request within a period of

fourteen days of the receipt of such request.

(3) The Secretary shall within sixty days of the

receipt by him of the appeal under subsection (1),

decide the matter and inform the Director-General

and the party appealing, of his decision. The

decision of the Secretary on an appeal shall be

final.

(4) It shall be the duty of the Director-General

to carry out the decision of the Secretary in respect

of an appeal.

(5) The procedure to be followed in appeal shall

be as prescribed.”.

18. The following new section is hereby inserted Insertion of new

section 22A in

immediately after section 22 of the principal enactment and

the principal

shall effect as section 22A of that enactment:— enactment.

“Application 22A. (1) Notwithstanding the provisions of

of the Mines

the Mines and Minerals Act, No. 33 of 1992,

and Minerals

Act. the Director-General of the Geological Survey

and Mines Bureau shall not issue, in relation

to an area lying within the Coastal Zone, a

permit under the provisions of this Act, without

having obtained the prior consent of the

Director-General, in respect of such issue.

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(2) Where the Director-General consents to

the grant of a permit by the Director-General of

the Geological Survey and Mines Bureau, the

Director-General may require that such

conditions as he deems necessary in the

circumstances be attached to the permit so

granted.

(3) Where, a person to whom a permit is

issued by the Director-General of the

Geological Survey and Mines Bureau, fails to

comply with the conditions attached to his

permit, the Director-General shall notify the

Director-General of the Geological Survey and

Mines Bureau of the same.

(4) On receipt of such notification,

the Director-General of the Geological

Survey and Mines Bureau shall issue a

direction to the permit holder who has

contravened the provisions of the permit,

requiring him to forthwith comply with the

same within the period to be specified in the

direction, or such later date to which

period has been extended. Where the permit

holder fails to comply with the direction,

the Director-General of the Geological

Survey and Mines Bureau shall, after

consultation with the Director-General, cancel

the permit.

(5) Where a permit is cancelled in terms

of subsection (4), the provisions of sections

38, 39 and 40 of the Mines and Minerals

Act, No. 33 of 1992, shall mutatis mutandis

apply in respect of such cancellation.”.

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19. The following new Parts are hereby inserted Insertion of new

immediately after Part III of the principal enactment and Parts IIIa, IIIb,

IIIc and IIId in

shall have effect as Part IIIA, IIIB, IIIC and IIID (section 22B, the principal

22C, 22D, 22E, 22F and 22G) of that enactment:— enactment.

“PART III A

AFFECTED AREAS

Declaration 22B. (1) The Minister may, by Order

of affected published in the Gazette declare any area:—

areas.

(a) within the Coastal Zone or adjacent to

the Coastal Zone or falling within both

such areas; or

(b) within any water body or part of any

water body; or

(c) within any lagoon or part of any lagoon

or any peripheral area of a lagoon,

as an “affected area”.

(2) Any development activity which could

be carried on in terms of a permit obtained

under section 14, would if it is carried out in an

area declared to be an affected area under

paragraph (a) of subsection (1), be considered

a prohibited activity. Any person, who engages

in a prohibited activity, shall be guilty of an

offence.

(3) No person shall in any area declared to

be an affected area under paragraph (b) of

subsection (1) fill, erect, construct, obstruct,

pollute or introduce any waste matter, or do

any act which will harm the aquatic or marine

life in such area. Any person who fills, erects,

constructs, obstructs, pollutes, introduces any

waste matter or does any act which harms the

aquatic or marine life in such area shall be guilty

of an offence.

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(4) The provisions of section 27A and

section 28 shall mutatis mutandis apply to an

in relation to any development activity carried

on in contravention of the provisions of

subsections (2) and (3).

(5) The onus of proving that the act in

question was committed in an area outside the

affected area, shall lie on the person engaging

in the same.

(6) The Minister may make regulations for

setting out the manner in which these areas are

to be administered and the activities prohibited

within such area.

PART III B

BEACH PARKS AND CONSERVATION AREAS

Beach 22C. (1) Where the Minister is of opinion

Parks that it is necessary for the preservation of the

scenic beauty and the biodiversity of any area

within the Coastal Zone to do so, declare by

Order published in the Gazette, any area within

the Coastal Zone to be a “Beach Park”.

(2) The Minister may make regulations

setting out the manner in which such parks

should be administered, the activities which

can be carried out within such area and the

persons who are permitted to enter into such

areas.

Conservation 22D. (1) The Minister may by Order

Areas. published in the Gazette, declare as a

“Conservation Area”, any area in which special

measures need to be taken for the protection of

the coastal and aquatic eco-system.

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(2) No development activity or collection

and gathering of aquatic resources shall be

carried out in any area declared under

subsection (1). The Director-General may

however issue permits, in respect of

applications made in the prescribed form, to

persons intending to engage in scientific study

and research within such area.

(3) The Minister may make regulations

prescribing the manner and mode of

administrating such areas, the activities

permitted within such areas and the persons

who may engage in such activities within such

areas.

PART III c

SPECIAL MANAGEMENTAREAS

Special 22E. (1) The Minister may, in respect of any

Management area of land within the Coastal Zone or adjacent

areas.

to the Coastal Zone or comprising both areas

from the Coastal Zone and the adjacent area of

land, declare such area by Order published in

the Gazette, to be a “Special Management

Area” if it appears to him that it is necessary to

do so due to the need to adopt a collaborative

approach to planning resource management

within the defined geographic area:

Provided that no area shall be declared as a

Special Management Area, unless such area

has been included in the Coastal Zone and

Coastal Resource Management Plan prepared

under the provisions of this Act.

(2) The Minister may make regulations

prescribing the manner and mode in which,

and the persons by whom, such Special

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Management Area should be administered, the

persons entitled to have access to these areas

and the activities which can be carried out

within such areas.

PART III D

COASTAL ACCESS PLAN

Coastal 22F. (1) The Director-General shall cause

Access Plan. to be carried out, as soon as possible after the

coming into operation of this Act, a survey

which would identify all the routes, paths and

corridors which provide access to the public to

the beaches, and routes, paths and corridors

which provide access to the Coastal Zone.

Based on the findings of the survey he shall

prepare a comprehensive Report which he shall

submit to the Council.

(2) The Director-General is hereby

empowered to call for and obtain information

reasonably required by him for the compilation

of this Report from any government

department, institution or agency concerned

in related activities. It shall be the duty of these

departments, institutions and agencies to

furnish the Director-General with the relevant

information.

(3) The Director-General shall within sixty

days of the Coastal Access Plan being submitted

to him by the Director-General after inclusion

of such modifications, if any suggested by the

Council, make the plan available to the public

for its comments. Any member of the public

may, within sixty days of the Coastal Access

Plan being made available to them, forward

his comments to the Director-General. It shall

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be the duty of the Director-General to include

any comments received by the public in the

plan and submit a revised plan to the Minister.

(4) The Minister shall thereupon submit the

revised Coastal Access Plan to the Cabinet of

Ministers for its approval. Upon approval of

the said Plan by the Cabinet of Ministers, the

Minister shall cause the Coastal Access Plan

to be published in the Gazette. The Coastal

Access Plan shall be operative as from the date

of publication in the Gazette or from such later

date as may be specified therein.

(5) The Minister may make regulations

specifying the matters which need to be

included in the Coastal Access Plan, the

activities which could be carried out in

conformity with such plan, and details as to

ownership of the lands included in the plan

inclusive of extents and locations.

(6) Any person who acts in contravention

of the provisions of this section or any

regulation made thereunder, shall be guilty of

an offence and shall on conviction after

summary trial before a Magistrate be liable to

a fine of not less than five thousand rupees and

not more than twenty five thousand rupees or

to imprisonment of either description for a term

of not less than three months and not more

than two years, or to both such fine and

imprisonment.

Application 22G. The provisions contained in the Act,

of the

shall where relevant to the implementation of

provisions of

Act to Parts Parts IIIA, IIIB, IIIC and IIID (as inserted herein),

IIIA, IIIB, of this Act, mutatis mutandis apply in relation

IIIC and IIID. to Parts IIIA, IIIB, IIIC and IIID (as inserted herein)

of the Act.”.

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Amendment of 20. Section 24 of the principal enactment is hereby

section 24 of the

amended in subsection (1) of that section by the substitution

principal

enactment. for the words “lying within the Coastal Zone.” of the words

“lying within the Coastal Zone, for the purpose of promoting

scientific study and research.”.

Amendment of 21. Section 25 of the principal enactment is hereby

section 25 of the

amended as follows:—

principal

enactment.

(1) in subsection (1) of that section, by the substitution

for the words “or the stability of the Coastal Zone”

of the words “or the stability of the Coastal Zone or

the resources within the Coastal Zone”;

(2) by the insertion immediately after subsection (1) of

that section, of the following new subsection:—

“(1A) Where a notice is served under

paragraph (a) of subsection (1), the person on

whom the notice is so served, shall comply with

the said notice within the period specified in such

notice. The Director-General shall, after the period

specified has elapsed, take such measures as may

be necessary to prevent such intrusion or activity.

All expenses incurred by the Director-General in

preventing the intrusion or the activity, shall be

recovered from the person on whom notice is

served, as a debt due to the State.”;

(3) in subsection (2) of that section, by the substitution

for all the words from “If a local authority is unable”

to the end of that subsection of the words “If a local

authority or an agency is unable to comply with

such a request it shall forthwith inform the Director-

General of such inability. Upon being so informed,

the Director-General shall require, by notice in

writing, the person responsible for such waste or

foreign matter or such activity, to take corrective

measures or to desist from engaging in such

activity.”; and

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(4) by the addition immediately after subsection (2) of

that section of the following new subsection:—

“(3) Where notice has been served under

subsection (2), the person on whom such notice is

served shall take steps to comply with the notice

in the time specified. Where, after the expiry of a

reasonable period of time, no steps have been taken

to comply with the notice, the Director-General

shall take such measures as may be necessary to

prevent such intrusion or activity. All expenses

incurred by the Director-General in preventing

the intrusion or the activity, shall be recovered

from the person on whom notice is served, as a

debt due to the State.”.

22. Section 26 of the principal enactment is hereby Amendment of

amended by the substitution for the words “permit issued section 26 of the

principal

under this Act.” of the words “permit issued under this

enactment.

Act, or any license issued under the Mines and Minerals

Act, No. 33 of 1992 in respect of which the Director-General

has imposed conditions under this Act,”.

23. The following new section is hereby inserted Insertion of new

immediately after section 26 of the principal enactment, section 26A in

the principal

and shall have effect as section 26A of that enactment:—

enactment.

“Issue of 26A. (1) The Director-General shall have the

directions to power to issue directions to any person engaged

abate

in, or likely to engage in, any development

activity.

activity which is causing or is likely to cause

damage or detriment to the Coastal Zone or to

the resources therein, regarding the measures

to be taken in order to prevent or abate such

damage or detriment, and it shall be the duty

of such person to comply with such directions.

(2) Where any person fails to comply with

any directions issued under subsection (1),

the Magistrate shall, on an application made

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by the Director-General order the temporary

suspension of the project or activity, until the

person complies with the directions.

(3) Any person who fails to comply with

the order of the Magistrate shall be liable to a

fine of rupees ten thousand for each day in

respect of which he fails to comply with such

order and shall in addition be guilty of

Contempt of Court and shall be dealt with

accordingly.”.

Amendment of 24. Section 27 of the principal enactment is hereby

section 27 of the amended as follows:—

principal

enactment.

(1) by the renumbering of that section as subsection

(1) thereof; and

(2) by the addition immediately after the renumbered

subsection (1), of the following new subsection:—

“(2) Any person who fails to comply with the

notice issued in terms of subsection (1) within such

time as may be indicated in such notice, shall, if he

fails to comply with the notice even after a reminder

in respect thereof being sent to him, be liable to

have the permit so issued to him cancelled.”.

Amendment of 25. Section 28 of the principal enactment is hereby

section 28 of the amended by the repeal of subsection (1) of that section and

principal

the substitution therefor of the following subsection:—

enactment.

“(1) Any person who acts in contravention of

the provisions of section 14 shall be guilty of an

offence under this Act and shall on conviction,

after summary trial before a Magistrate, be

liable—

(a) in the case of a first offence, to a fine of

not less than five thousand rupees and not

more than twenty-five thousand rupees,

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or to imprisonment of either description

for a term not exceeding one year, or to

both such fine and imprisonment; and

(b) in the case of a second or subsequent

offence, to a fine of not less than fifty

thousand rupees and not more than one

hundred thousand rupees, or to

imprisonment of either description for a

term not less than one year and not

exceeding three years, or to both such fine

and imprisonment.”.

26. Section 29 of the principal enactment is hereby Amendment of

amended as follows:— section 29 of the

principal

enactment.

(a) in paragraph (a) of that section, by the substitution

for the words and figures “section 25;”, of the word

and figures “section 25 or under subsection (2) of

section 25”; and

(b) by the substitution for the words “to a fine not less

than one thousand five hundred rupees and not

exceeding twenty five thousand rupees” of the

words “to a fine not less than five thousand rupees

and not exceeding fifty thousand rupees”;”.

27. Section 30 of the principal enactment is hereby Amendment of

amended in subsection (1) of that section, by the substitution section 30 of the

principal

for the words “to a fine not exceeding five hundred rupees

enactment.

for each day” of the words “to a fine not less than one

thousand rupees and not exceeding five thousand rupees for

each day”.

28. Section 31 of the principal enactment is hereby Amendment of

amended by the repeal of subsections (3) and (4) of that section 31 of the

principal

section, and the substitution therefor of the following

enactment.

subsection:—

“(3) Any person aggrieved by any direction issued

by the Director-General under subsection (2), may

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within three days of the affixing of the notice, appeal

therefrom to the Secretary to the Ministry of the

Minister to whom the subject of coast conservation

has been assigned,

(3A) On receipt of an appeal under subsection (3),

the Secretary shall forthwith require the Director-

General to forward all relevant documents and files to

him. It shall be the duty of the Director-General to

forward, within fourteen (14) days of such a request,

all relevant documents and files if any, to the Secretary.

The Secretary may, where he is of the opinion that it is

essential in order to arrive at a decision, give the

appellant an opportunity to be heard in person.

(3B) The Secretary shall within forty five (45) days

of the receipt of the appeal, make his decision on such

appeal and inform both, the Director-General and the

appellant of his decision. It shall be the duty of the

Director-General to give effect to such decision. The

decision of the Secretary on any such appeal shall be

final.

(3C) No person on whom a order has been served

under subsection (2), or who has appealed against the

order under subsection (3), shall continue to erect or

construct any unauthorized structure, house, hut, shed

or other building or permit any such unauthorized

structure, house, hut, shed or other building to remain

standing in such place.

(3D) Any person who contravenes the provisions of

subsection (3C) shall be guilty of an offence and shall

on conviction after summary trial before a Magistrate

be liable to a fine not less than fifty thousand rupees,

and not exceeding five hundred thousand rupees, or

to imprisonment of either description for a term of not

less than one year and not exceeding three years or to

both such fine and imprisonment.

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(4) The Director-General shall either upon the

serving of an order of demolition in terms of subsection

(2) or on the conclusion of any appeal in terms of

subsection (3), cause the construction of the

unauthorized structure, house, hut, shed or other

building to be taken down and removed from the land.

The total cost incurred in the taking down of the

unauthorized structure, house, hut, shed or other

building and the cost incurred in the removal of all

materials used in the construction of the unauthorized

structure, house, hut, shed or other building shall be

recovered from such person as a debt due to the State:

Provided that it shall be the responsibility of any

person who is required in terms of the preceding

provisions of this section, to take down and remove

any unauthorized structure, house, hut, shed or other

building as is specified, prior to the expiration of the

period specified, to remove or cause to be removed

therefrom all of his possessions as are presently within

such unauthorized structure, house, hut, shed or other

building.

(4A) Where any person alleges at any time after the

taking down and removal of any unauthorized

structure, house, hut, shed or other building as

aforesaid, that any item of his possessions has been

lost, the onus shall lie on such person to prove beyond

reasonable doubt, that the item was in his possession

immediately prior to such taking down and removing,

as the case may be.

(4B) Wherever in any proceeding in terms of this

section the question arises as to the existence of an

unauthorized structure, house, hut, shed or other

building which has been taken down and removed, a

Certificate under the hand of the Director-General shall

be admissible in evidence and shall be prima facie

evidence thereof.”.

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Insertion of new 29. The following new section is hereby inserted

section 31BB in immediately after section 31B of the principal enactment

the principal

and shall have effect as section 31BB, of that enactment :

enactment.

“Sea Corals. 31BB (1). The provisions of sections 31A

and 31B shall mutatis mutandis apply in

relation to the mining, collecting, possession,

processing, storing, burning and transporting

of sea coral within or outside the Coastal Zone.

(2) In any prosecution if the question arises

as to whether the article being mined, collected,

possessed, processed, stored, burnt and

transported was sea coral, then a Certificate

under the hand of the Director-General to that

effect shall be admissible in evidence and shall

be prima facie evidence of the facts stated

therein.”.

Replacement of 30. Section 31E of the principal enactment is hereby

section 31F of repealed and the following section substituted therefor :—

the principal

enactment.

“Transport 31E. (1) Any police officer shall have the

and storage power to—

of sand or

sea shells.

(a) stop and examine any vehicle, vessel,

boat or craft transporting or suspected of

transporting sand or sea shells ;

(b) enter and inspect any premises on which

sand or sea shells are stored.

(2) The onus of proving that such sand or

sea shells were obtained lawfully shall be on

the person transporting or storing, as the case

may be, such sand or sea shells. Any person

who is unable to furnish proof that the

transporting or storing was lawful, shall be

guilty of an offence.”.

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31. Section 31F of the principal enactment is hereby Amendment of

amended as follows :— section 31F of

the principal

enactment.

(1) by the renumbering of that section as subsection

(1) thereof ;

(2) in the renumbered subsection (1) by the substitution

for the words “credited to the Police Reward Fund

established under the Police Ordinance, fifty per

centum” of the words “established a Fund called

the “Coastal Protection Reward Fund” (hereinafter

referred to as “the Fund”) to which shall be credited

all fines recovered under this Act and all sums of

money realized by the disposal of articles forfeited

under the provisions of this Act.” ; and

(3) by the addition immediately after the renumbered

subsection (1) of the following new subsections :—

“(2) The Director-General shall be responsible

for the administration of the Fund and for the

maintenance of the accounts of the Fund. The

Auditor-General shall annually audit the accounts

of the Fund.

(3) The Director-General may, with the

concurrence of the Secretary to the Ministry of

the Minister to whom the subject of Coast

Conservation and Coastal Resource Management

is assigned, and of the Secretary to the Ministry of

the Minister to whom of the subject of Finance is

assigned, pay a reward to any person eligible to

receive the same. The Minister shall from time to

time issue guidelines designed to assist in the

determination of the qualifications for eligibility

and other criteria governing the payment of any

such reward.”.

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Insertion of new 32. The following new sections are hereby inserted

section 31G and immediately after section 31F of the principal enactment

31H and 31I in

and shall have effect as sections 31G and 31H of that

the principal

enactment. enactment :—

“Filling of 31G. (1) No person shall, within the Coastal

land or water Zone, fill any land or any water body without a

bodies

without a permit issued in that behalf by the Director-

permit to be General.

an offence.

(2) The Director-General may, by giving

notice to the person or persons acting in

contravention of the provisions of subsection

(1) direct such person or persons to forthwith

remove the substance or matter used for filling

up the land or water body in question from

such land or water body and restore the land or

water body to the condition it was in prior to

such filling, within such time as the Director-

General may specify in such notice.

(3) Any person aggrieved by the direction

of the Director-General made under subsection

(2) may, within three days of the date of the

notice being served on him, appeal therefrom

to the Secretary to the Ministry of the Minister

to whom the subject of Coast Conservation

and Coastal Resource Management is assigned.

The decision of the Secretary on any such

appeal shall be final.

(4) On receipt of an appeal under subsection

(3), the Secretary shall forthwith require the

Director-General to forward all relevant

documents and files to him. It shall be the duty

of the Director-General to forward, within seven

days of such a request, all relevant documents

and files if any, to the Secretary. The Secretary

may, where he is of the opinion that it is

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essential in order to arrive at a decision, give

the appellant an opportunity to be heard in

person.

(5) The Secretary shall make his decision

on such appeal within thirty days of the receipt

of the appeal and inform both the Director-

General and the appellant of his decision. It

shall be the duty of the Director-General to

give effect to such decision. The decision of

the Secretary on any such appeal shall be final.

(6) No person on whom a direction has been

served under subsection (2), or who has

appealed against the order under subsection

(3), shall continue to fill any land or water body.

(7) Any person who contravenes the

provisions of subsection (6) shall be guilty of

an offence and shall on conviction after

summary trial before a Magistrate be liable to

a fine not less than fifty thousand rupees and

not exceeding five hundred thousand rupees,

or to imprisonment of either description for a

term of not less than one year and not exceeding

three years or to both such fine and

imprisonment.

(8) Where any person or persons fails to

remove the substance or matter used for filling

up the land or water body in question from

such land or water body and restore the land or

water body to the condition it was in prior to

such filling, within such time as the Director-

General had specified in the notice under

subsection (2) or as specified by the Secretary

when rejecting the appeal, the Director-General

shall cause the substance or matter to be

removed from the land or the water body as the

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case may be, and the total cost of the removal

of the substance and matter used for filling the

land or the water body as the case may be, shall

be recovered from such person as a debt due to

the State.

(9) Wherever in any proceeding in terms of

this section the question arises as to the

existence of a land or water body which has

been filled and from which the substance or

matter used for filling has subsequently been

removed, a Certificate under the hand of the

Director-General shall be admissible in

evidence and shall be prima facie evidence

thereof.

Bail not to be 31H. No bail shall be allowed by a Magistrate

allowed. during the continuance of any proceedings in

respect of an offence under this Act :

Provided however that the High Court of

the Province established under Article 154G of

the Constitution may, for exceptional

circumstances shown to the satisfaction of the

Court, allow bail to an accused person in

respect of on offence under this Act.”.

Replacement of 33. Section 35A of the principal enactment is hereby

section 35A of

amended by the repeal of subsection (1) of that section and

the principal

enactment. the substitution therefor of the following subsections :—

“(1) A police officer may without an order from a

Magistrate and without obtaining a warrant, arrest any

person reasonably suspected of having been concerned

in, or connected with, the commission of an offence

under this Act, punishable with imprisonment for a

term exceeding six months.”

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34. The following new sections are hereby inserted Insertion of new

sections 35A and

immediately after section 35A of the principal enactment

35AAA in the

and shall have effect as section 35AA and 35AAA of that principal

enactment :— enactment.

“Offences 35AA. Every offence under this Act shall be

under the Act

a cognizable offence within the meaning, and

to be

cognisable for the purposes of the Code of Criminal

offences. Procedure Act, No. 15 of 1979 and the

provisions of such Act shall apply accordingly.

Immunity 35AAA. No civil or criminal action shall be

from suit.

instituted against a police officer acting under

the provisions of this Act, for any lawful act

which is done or purported to be done in good

faith by such police officer in pursuance of his

duties under this Act.”.

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

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

of inconsistency.

36. Section 42 of the principal enactment is hereby Amendment of

section 42 of the

amended as follows :—

principal

enactment.

(1) by the insertion immediately after the definition of

the expression “coast conservation” of the

following new definitions :—

‘ “coastal access” means the right of the public, to

approach, enter or use an approach to enter

into, or to go along a coastal margin in a

physical and visual sense and also includes

access along the shoreline, usually a strip of

land parallel to the waters edge or path or

trail which runs parallel to or along, the

shoreline, path or trail which connects the

nearest public roadway with a shoreline

destination along a reasonable direct route

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or access to the shoreline from a public road

to the Mean High Water Level ;

“coastal resource” includes all living and non-

living resources found within the Coastal

Zone ;

“management” means the managing of renewable

and non-renewable coastal resources, either

separately or in an integrated fashion but

excluding fisheries and aquatic resources

which fall within the provisions of the

Fisheries and Aquatic Resources Act, No. 2

of 1996 ;”;

(2) in the definition of the expression “Coastal Zone”

by the substitution for the words “any other body

of water so connected to the sea;” of the words “any

other body of water so connected to the sea, and

shall also include the area lying within a further

extended limit of one hundred metres inland from

the Zero Mean Sea Level along the periphery ;”;

(3) by the insertion immediately after the definition of

the expression “foreshore” of the following new

definition :—

“initial environmental examination report” means

a written report wherein possible impacts of

the development activity on the environment

shall be assessed with a view to determining

whether the impacts are significant and

therefore requires the preparation of an

environmental impact assessment report.

Such report shall contain all details and

descriptions, data maps, designs and other

information which is relevant to the

development activity ;”;

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(4) by the insertion immediately after the definition of

the expression “straight base line” of the following

new definition :—

‘ “sustainability” is the alternative to resource

depletion caused by excessive exploitation

for short term profit and implies the need for

the wise use and careful management of

individual species and communities, together

with the habitats and ecosystems on which

they depend, so that their current or potential

use to people is not impaired’; and

(5) by the insertion immediately after the definition of

the expression “public corporation” of the

following new definition :—

‘ “water body” includes rivers and any other body

of water so connected to the sea, marshes,

mudflats, lagoons and mangrove swamps ;’.

37. The Sri Lanka Land Reclamation and Development Amendment to

Corporation Act, No. 15 of 1968 and the Board of Investment the Sri Lanka

Land

of Sri Lanka Law, No. 4 of 1978 are hereby amended in the

Reclamation and

sections set out in Column I of the Schedule to this Act, to Development

the extent and in the manner set out in the corresponding Corporation Act

entry in Column II of the said Schedule. and the Board of

Investment of

Sri Lanka Law.

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SCHEDULE (Section 37)

AMENDMENTS TOTHESRI LANKALAND RECLAMATION ANDDEVELOPMENT

CORPORATION ACT, NO. 15 OF 1968

Column I Column II

Section EXTENT OF AMENDMENT

Section 2 by the addition immediately after subsection (4) of

that section of the following new subsection :—

“(5) Nothing contained in this Act shall be deemed

to confer on the Minister the power to declare any

area within the Coastal Zone as a “Reclamation and

Development Area” without the concurrence of the

Minister to whom the subject of Coast Conservation

and Coastal Resource Management is assigned.

In this subsection “Coastal Zone” shall have the

same meaning as is assigned to it in the Coast

Conservation and Coastal Resource Management Act,

No. 57 of 1981.”.

Section 9 by the repeal of paragraph (BB) of subsection (1) of

that section and the substitution therefor of the

following paragraph :—

“(BB) to construct harbours and anchorages and

to undertake work in the field of irrigation,

in such Areas ;”.

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AMENDMENTS TO THE BOARD OF INVESTMENT OFSRILANKA

LAW, NO. 4 OF 1978

Column I Column II

Section EXTENT OF AMENDMENT

Section 20 by the repeal of the proviso to paragraph (b) of

subsection (1) of that section and the substitution

therefor of the following proviso:–

“Provided however that no by-law, regulation,

order or notification shall be made or issued by the

Board in terms of the provisions of the National

Environmental Act, No. 47 of 1980, and no power

or function shall be exercised or discharged by the

Board under the aforesaid Act, except in consultation

with and after having obtained the concurrence of,

the Central Environmental Authority established

under the National Environmental Act, No. 47 of

1980 or the Director-General of Coast Conservation

and Coastal Resource Management, appointed under

the Coast Conservation and Coastal Resource

Management Act, No. 57 of 1981.”.

Section 20A by the repeal of the proviso to subsection (2) of that

section and the substitution therefor of the following

proviso :—

“Provided that no power, duty or function under

the National Environmental Act, No. 47 of 1980 or

the Coast Conservation and Coastal Resource

Management Act, No. 57 of 1981 shall be exercised

or discharged by Board under the aforesaid Act,

except in consultation with and after having obtained

the concurrence of the Central Environmental

Authority established under the National

Environmental Act, No. 47 of 1980 or the Director-

General of Coast Conservation and Coastal Resource

Management, appointed under the Coast Conservation

and Coastal Resource Management Act, No. 57 of

1981.”.

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GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th

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