

# **FAUNA AND FLORA PROTECTION ORDINANCE**

Amalgamated Version

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# NATIONAL ENVIRONMENTAL ACT

AN ACT TO ESTABLISH A CENTRAL ENVIRONMENTAL AUTHORITY; TO MAKE PROVISION WITH RESPECT TO THE POWERS, FUNCTIONS AND DUTIES OF THAT AUTHORITY; AND TO MAKE PROVISION FOR THE PROTECTION, MANAGEMENT AND ENHANCEMENT OF THE ENVIRONMENT, FOR THE REGULATION, MAINTENANCE AND CONTROL OF THE QUALITY OF THE ENVIRONMENT; FOR THE PREVENTION, ABATEMENT AND CONTROL OF POLLUTION AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

S. 2 of Act No. 56  
of 1988

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 Environmental Act and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title and  
date of  
operation

## PART I ESTABLISHMENT OF THE CENTRAL ENVIRONMENTAL AUTHORITY AND AN ENVIRONMENTAL COUNCIL

2. (1) For the purposes of this Act there shall be established an Authority called the Central Environmental Authority.

Establishment  
of the  
Authority

(2) The Central Environmental Authority established under subsection (1) (hereinafter referred to as "the Authority") shall consist of persons who are for the time being members of the Authority under subsection (1) of section 3.

(3) The Authority shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue or be sued in such name.

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| <p>3. (1) The Authority shall consist of three members appointed by the President in consultation with the Minister –</p> <p>(a) two of whom shall have adequate expertise and qualifications in the subject of the environment; and</p> <p>(b) one of whom shall have suitable administrative skill and experience in environmental management.</p> <p>(2) The President shall appoint one of such members to be the Chairman of the Authority.</p>   | <p>Members of the Authority</p>  |
| <p>4. (1) The seal of the Authority shall be in the custody of the Authority.</p> <p>(2) The seal of the Authority may be altered in such manner as may be determined by the Authority.</p> <p>(3) The seal of the Authority shall not be affixed to any instrument or document except in the presence of two members of the Authority both of whom shall sign the instrument or document in token of their presence.</p>  | <p>Seal of the Authority</p>   |
| <p>5. (1) The Authority shall have its own Fund. There shall be credited to the Fund of the Authority –</p> <p>(a) all such sums of money as may be voted from time to time by Parliament for the use of the Authority;</p> <p>(b) all such sums of money as may be received by the Authority in the exercise, discharge and performance of its powers, functions and duties;</p> <p>(c) all such sums of money as may be received by the Authority by way of loans, donations, gifts, or grants from any sources whatsoever, whether in or outside Sri Lanka; and</p> | <p>Fund of the Authority</p> <p>S. 3(1) of Act No. 56 of 1988</p> <p>S. 3(2) of Act No. 56 of 1988</p> |

- (d) all such sums of money as may be received by the Authority as licence fee.

S. 3(3) of Act  
No. 56 of 1988

(2) There shall be paid out of the Fund of the Authority all such sums of money required to defray any expenditure incurred by the Authority in the exercise, discharge and performance of its powers, functions and duties.

(3) The initial capital of the Authority shall be twenty million rupees. The amount of the initial capital shall be paid out of the Consolidated Fund in such installments as the Minister in charge of the subject of Finance may in consultation with the Minister determine and such sums shall be credited to the Fund established under subsection (1).

6. (1) The Financial Year of the Authority shall be the calendar year.

Financial Year  
and the audit of  
accounts of the  
Authority

(2) The Authority shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Authority.

(3) The Auditor-General shall audit the accounts of the Authority every year in accordance with Article 154 of the Constitution.

(4) The Authority shall annually prepare a report of the work of the Authority and forward such report to the Auditor-General who shall, together with his report table such reports in Parliament and such reports shall be published in the *Gazette* for general information before the lapse of the year succeeding the year to which such report of the finances relate.

7. (1) There shall be established the Environmental Council (hereinafter referred to as "the Council") which shall consist of the following members appointed by the Minister:—

Environmental  
Council

- (a) a senior officer of the Ministry of the Minister in charge of the subject of Local Government nominated by such Minister;

- (b) a senior officer of the Ministry of the Minister in charge of the subject of Finance nominated by such Minister;
- (c) a senior officer of the Ministry of the Minister in charge of the subject of Plan Implementation nominated by such Minister;
- (d) a senior officer of the Ministry of the Minister in charge of the subject of Lands nominated by such Minister;
- (e) a senior officer of the Ministry of the Minister in charge of the subject of Health nominated by such Minister;
- (f) a senior officer of the Ministry of the Minister in charge of the subject of Industries nominated by such Minister;
- (g) a senior officer of the Ministry of the Minister in charge of the subject of Transport nominated by such Minister;
- (h) a senior officer of the Ministry of the Minister in charge of the subject of Power and Energy nominated by such Minister;
- (i) a senior officer of the Ministry of the Minister in charge of the subject of Highways nominated by such Minister;
- (j) a senior officer of the Ministry of the Minister in charge of the subject of Agriculture nominated by such Minister;
- (k) a senior officer of the Ministry of the Minister in charge of the subject of Fisheries nominated by such Minister;

- (l) a senior officer of the Ministry of the Minister in charge of the subject of Tourism nominated by such Minister;
- (m) a senior officer of the Ministry of the Minister in charge of the subject of Labour nominated by such Minister;
- (n) a senior officer of the Ministry of the Minister in charge of the subject of Textile Industry nominated by such Minister;
- (o) a senior officer of the Ministry of the Minister in charge of the subject of Plantation Industry nominated by such Minister;
- (p) a senior officer of the Ministry of the Minister in charge of the subject of Foreign Affairs nominated by such Minister;
- (q) a senior officer of the Ministry of the Minister in charge of the subject of Education nominated by such Minister;
- (r) a senior officer of the Ministry of the Minister in charge of the subject of Trade and Shipping nominated by such Minister; S. 4 of Act No. 56 of 1988
- (s) a senior officer of the Ministry of the Minister in charge of the subject of Defence nominated by such Minister; S. 4 of Act No. 56 of 1988
- (t) a senior officer nominated by the Minister in charge of the Greater Colombo Economic Commission established under the Greater Colombo Economic Commission Law No.4 of 1978; S. 4 of Act No. 56 of 1988
- (u) the person holding office for the time being as the Director-General of the Authority; S. 4 of Act No. 56 of 1988

(v) seven members to represent the interests of voluntary agencies in the field of environment; and S. 4 of Act No. 56 of 1988

(w) two members from among persons with adequate expertise or experience in environmental protection and management. S. 4 of Act No. 56 of 1988

(2) The Minister shall appoint one of the members appointed under subsection (1) to be the Chairman of the Council.

(3) The functions of the Council shall be –

(a) generally to advise the Authority on matters pertaining to its responsibilities, powers, duties and functions; and

(b) to advise the Authority on any matters referred to the Council by the Authority.

8. (1) A person shall be disqualified from being appointed or from continuing as a member of the Authority or Council – Disqualification of members, & c.

(a) if he is, or becomes, a member of Parliament; or

(b) if he is not, or ceases to be, a citizen of Sri Lanka.

(2) The persons appointed under sections 3(1) and 7(1) shall, subject to the provision of subsections (4) and (5) of this section, as the case may be, hold office for a term of three years and shall be eligible for reappointment.

(3)(a) No member of the Authority shall be a member of the Council; and

(b) No member of the Council shall be a member of the Authority.

(4) The President in consultation with the Minister shall remove from office any member of the Authority –

- (a) if he becomes subject to any of the disqualifications set out in subsection (1); or
- (b) if he becomes permanently incapable of performing his duties owing to any physical disability or unsoundness of mind; or
- (c) if he does any act which, in the opinion of the President, is likely to bring the Authority into disrepute.

(5) The Minister shall remove from office any member of the Council –

- (a) if he becomes subject to any of the disqualifications set out in subsection (1); or
- (b) if he becomes permanently incapable of performing his duties owing to any physical disability or unsoundness of mind; or
- (c) if he does any act which in the opinion of the Minister is likely to bring the Council into disrepute.

Provided, however, that no member of the Council shall be removed from office, without the concurrence of the Minister who nominated such member.

(6) In the event of the vacation of office of the Chairman or any other member of the Authority from office under the provisions of this section the President in consultation with the Minister may appoint another person to hold such office during the unexpired part of the term of office of the member whom he succeeds.

(7) In the event of the vacation of office of the Chairman or any other member of the Council from office under the provisions of this section the Minister may appoint another person to hold such office during the unexpired part of the term of office of the member whom he succeeds.

Provided, however, that no appointment shall be made under this subsection, without the concurrence of the Minister who nominated such member.

(8) If the Chairman or any member of the Authority is temporarily unable to discharge the duties of his office due to ill health or absence from Sri Lanka or for any other cause, the President in consultation with the Minister may appoint some other person to act in his place as Chairman or as member.

(9) If the Chairman or any member of the Council is temporarily unable to discharge the duties of his office due to ill health or absence from Sri Lanka or for any other cause the Minister may appoint some other person to act in his place as Chairman or as member:

Provided, however, that no such appointment shall be made without the concurrence of the Minister who nominated such member.

(10) The Chairman or any member of the Authority may at any time resign his office by letter in that behalf addressed to the President.

(11) The Chairman or any member of the Council may at any time resign his office by letter in that behalf addressed to the Minister.

(12) The Chairman or any member of the Authority, or the Chairman or any member of the Council may be paid such remuneration out of the Fund of the Authority as may be determined by the Minister.

(13) The Chairman of the Authority or Council shall, if present, preside at all meetings of the Authority, or Council, as the case may be. In the absence of the Chairman of the Authority or Council at any such meeting, the members present shall elect one of the members to preside at the meeting.

- (14) (a) The quorum for any meeting of the Authority shall be two members.
- (b) The quorum for any meeting of the Council shall be seven members.
- (15) (a) The Authority or Council, as the case may be, may regulate the procedure in regard to the meetings of such Authority or Council and the transaction of business at such meetings.
- (b) Meetings of the Authority shall be held at such times and places as the Authority determines.
- (c) The Council shall meet at least four times each year at such times and places as are fixed by the Authority.

(16) The Authority shall, in the exercise, discharge and performance of its powers, functions and duties under this Act, be subject to such general or special directions as may, from time to time, be issued by the Minister.

(17) A member of the Authority shall not, except in special circumstances and with the consent in writing of the President in consultation with the Minister during his continuance in office, directly or indirectly engage in any paid employment outside the duties of his office.

(18) No act or proceeding of the Authority or Council shall be invalid by reason of the existence of a vacancy among their respective members or any defect in the appointment of a member.

9. (1) The Authority shall appoint a District Environmental Agency for each administrative district consisting of such members as the Authority may determine.

District  
Environmental  
Agency

(2) The Government Agent of each administrative district shall be the Chairman of each District Environmental Agency.

(3) A District Environmental Agency shall exercise, discharge or perform any such powers, functions or duties of the Authority as may be delegated to such agency by the Authority.

(4) The members of a District Environmental Agency may be paid such remuneration as the Minister may in consultation with the Minister in charge of the subject of Finance, determine.

**PART II**  
**POWERS, FUNCTIONS AND DUTIES OF**  
**THE AUTHORITY**

10. The powers, functions and duties of the Authority shall be –

- (a) to administer the provisions of this Act and the regulations made thereunder;
- (b) to recommend to the Minister, national environmental policy and criteria for the protection of any portion of the environment with respect to the uses and values, whether tangible or intangible, to be protected, the quality to be maintained, the extent to which the discharge of wastes may be permitted without detriment to the quality of the environment and long range development uses and planning and any other factors relating to the protection and management of the environment;
- (c) to undertake surveys and investigations as to the causes, nature, extent and prevention of pollution and to assist and co-operate with other persons or bodies carrying out similar surveys or investigations;
- (d) to conduct, promote and co-ordinate research in relation to any aspect of the environmental degradation or the prevention thereof, and to

Powers, functions and duties of the Authority

S.s. 10(1) has been re-numbered as Section 10

S.s. 10(2) in Act No. 47 of 1980 has been repealed by S. 5(1) of Act No 56 of 1988

develop criteria for the protection and improvement of the environment;

- (e) to specify standards, norms and criteria for the protection of beneficial uses and for maintaining the quality of the environment;
- (f) to be responsible for the co-ordination of all regulatory activities relating to the discharge of wastes and pollutants into the environment and the protection and the improvement of the quality of the environment;
- (g) to regulate, maintain and control the volume, types, constituents and effects of waste, discharge, emissions, deposits, or other sources and sub-sources of pollution which are of danger or potential danger to the quality of the environment of any segment of the environment;
- (h) to require the submission of proposals for new projects and changes in or abandonment of existing projects, for the purpose of evaluation of the beneficial and adverse impacts of such proposals on the environment;
- (i) to require any local authority to comply with and give effect to any recommendations relating to environmental protection within the limits of the jurisdiction of such local authority and in particular any recommendations relating to all or any of the following aspects of environmental pollution;
  - (i) the prohibition of the unauthorized discharge, emission or deposit of litter, waste, garbage and sewage
  - (ii) the prevention of the discharge of untreated sewage or substandard industrial effluents or toxic chemicals into soil, canals or water ways;

S.s. 10 (f), (g), (h), (i) and (j) have been added by S. 5(4) of Act No. 56 of 1988

- (iii) the prohibition of the display of posters or bills on walls or buildings or any other unauthorized places and regulations of the erection of advertising hoardings;
  - (iv) the prevention of the defacement of the scenic places and public property;
  - (v) the control of the pollution of the atmosphere;
  - (vi) the control of noise pollution; and
  - (vii) the storage, transport and disposal of any material which is hazardous to health and environment;
- (j) to appoint special committees to assist it in performance of its functions;
  - (k) to publish reports and information with respect to any aspects of environmental protection and management;
  - (l) to undertake investigations and inspections to ensure compliance with this Act and to investigate complaints relating to non-compliance with any of its provisions;
  - (m) to specify methods to be adopted in taking samples and making tests for the purposes of this Act;
  - (n) to provide information and education to the public regarding the protection and improvement of the environment;
  - (o) to establish and maintain liaison with other countries and international organizations with respect to environmental protection and management;

S.s. 10 (f), (g), (h), (i), (j), (k), (l), and (m) of Act No. 47 of 1980 have been re-numbered as S.s. 10 (k), (l), (m), (n), (o), (p), (q) and (r) by S. 5(3) of Act No. 56 of 1988

- (p) to report to the Minister upon matters concerning the protection and management of the environment and upon any amendments it thinks desirable in existing legislation concerning any portion of the environment, and upon any matters referred to it by the Minister;
- (q) to promote, encourage, co-ordinate and carry out long range planning in environmental protection and management;
- (r) to encourage, promote and give effect to methods of converting and utilising residues.

11. The Authority may, with the consent of the Minister, or in accordance with the terms of any general authority given by him, borrow temporarily, by way of overdraft or otherwise, such sum as the Authority may require for meeting the obligations of the Authority in discharging its duties under this Act:

Borrowing powers of the Authority

Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Authority under this subsection shall not at any time exceed such sum as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

12. (1) The Authority may with the concurrence of the Minister from time to time, give to any local authority in writing such directions whether special or general to do or cause to be done any act or thing which the Authority deems necessary for safeguarding and protecting the environment within the local limits of such local authority.

Power to give direction to local authorities

(2) Every local authority to which a direction has been given under subsection (1) shall comply with such direction.

### PART III STAFF OF THE AUTHORITY

13. (1) There shall be a Director-General of the Authority appointed by the Minister, who shall be the chief executive officer of the Authority.

S. 6 of Act No. 56 of 1988

(2) The Director-General shall, subject to the general direction and control of the Chairman, be charged with the direction of the business of the Authority, the organization and execution of the powers, functions and duties of the Authority and the administration and control of the employees of the Authority.

“Director-General, Secretary and staff of the Authority”

S. 6(2) of Act No. 56 of 1988.

(3) The Director-General shall also function as Secretary to the Authority.

S. 6(3) of Act No. 56 of 1988

(4) The Secretary shall be entitled to be present and to speak at meetings, but shall not be entitled to vote at such meetings.

14. (1) The Authority may appoint such officers and servants as it considers necessary for the efficient exercise, discharge and performance of its powers, functions and duties.

Appointment of officers, servants and agents

(2) The officers and servants of the Authority shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by such regulations as may be prescribed.

(3) At the request of the Authority any officer in the public service may, with the consent of that officer and the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority with like consent, or be permanently appointed to such staff.

(4) Where any officer in the public service is temporarily appointed to the staff of the Authority, the provisions of subsection (2) of section 13 of the Transport Board Law, No 19. of 1978, shall *mutatis mutandis*, apply to and in relation to him.

(5) Where any officer in the public service is permanently appointed to the staff of the Authority, the provisions of subsection (3) of section 13 of the Transport Board Law, No. 19 of 1978, shall *mutatis mutandis*, apply to and in relation to him.

(6) Where the Authority employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service with the Authority by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(7) At the request of the Authority any member of the Local Government Service or any other officer or servant of any local authority may with the consent of such member, officer or servant and the Local Government Service Advisory Board or that local authority, as the case may be, be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority with like consent or be permanently appointed to such staff on such terms and conditions including those relating to pension or provident fund rights as may be agreed upon by the Authority and the Local Government Service Advisory Board or that local authority.

(8) Where any person is temporarily appointed to the staff of the Authority in pursuance of the provisions of sub section (7), such person shall be subject to the same disciplinary control as any other member of such staff.

#### **PART IV ENVIRONMENTAL MANAGEMENT**

15. The Authority in consultation with the Council shall, with the assistance of the Ministry of the Minister in charge of the subject of Lands, formulate and recommend to the Minister a land use scheme consistent with the following objects –

Land use  
Management

- (a) to provide a rational, orderly and efficient system of the acquisition, utilization and disposition of land and its resources in order to derive there from maximum benefits; and

- (b) to encourage the prudent use and conservation of land resources in order to prevent an imbalance between the needs of the nation and such resources.

16. The Land Use Scheme formulated under section 15 may include –

Land use  
Scheme

- (a) a scientifically adequate land inventory and classification system;
- (b) a determination of present land uses, the extent to which such land is utilized, under-utilized or rendered idle or abandoned;
- (c) a comprehensive and accurate determination of the adaptability of land for community development, agriculture, industry or commerce;
- (d) identification of areas having important historic, cultural or aesthetic value where uncontrolled development could result in irreparable damage;
- (e) a method for exercising control by the Government over the use of land in areas where environment control is deemed necessary; and
- (f) a policy for influencing the location of new areas for the resettlement of persons and the methods for assuring appropriate controls over the use of land in and around such areas.

### ***Natural Resources***

17. The Authority in consultation with the Council shall recommend to the Minister the basic policy on the management and conservation of the country's natural resources in order to obtain the optimum benefits there from and to preserve the same for future generations and the general measures through which such policy may be carried out effectively.

Natural  
Resources,  
Management  
and  
Conservation

### ***Fisheries***

18. The Authority in consultation with the Council shall, with the assistance of the Ministry of the Minister in charge of the subject of Fisheries, recommend to the Minister a system of rational exploitation of fisheries and aquatic resources within the territorial waters of Sri Lanka, or within its exclusive economic zone, or within its inland waters and shall encourage citizen participation therein to maintain and enhance the optimum and continuous productivity of such waters.

Management policy for Fisheries and Aquatic Resources

19. Measures for the rational exploitation of fisheries and other aquatic resources may include the regulation of the marketing of threatened species of fish or other aquatic life.

Measures for rational exploitation of fisheries & c.

### ***Wildlife***

20. The Authority in consultation with the Council shall, with the assistance of the Ministry of the Minister in charge of the subject of Wildlife conservation, recommend to the Minister a system of rational exploitation and conservation of wildlife resources and shall encourage citizen participation in such activities.

Management policy for wildlife

### ***Forestry***

21. The Authority in consultation with the Council shall, with the assistance of the Ministry of the Minister in charge of the subject of Forestry, recommend to the Minister a system of

Management policy for forestries

—

- (a)
  - (i) rational exploitation of forest resources,
  - (ii) regulation of the marketing of threatened forest resources,
  - (iii) conservation of threatened species of flora, and shall encourage citizen participation therewith to keep the country's forest resources at maximum productivity at all times;

- (b) promoting a continuing effort on reforestation, timber stand improvement, forest protection, land classification, forest occupancy management, industrial tree plantation, parks and wildlife management, multiple use forest, timber management and forest research.

### **Soil Conservation**

22. The Authority in consultation with the Council shall, with the assistance of the Ministry of the Minister in charge of the subject of Soil Conservation, recommend soil conservation programmes including therein the identification and protection of critical watershed areas, encouragement of scientific farming technique, physical and biological means of soil conservation, and short term, long term research and technology for effective soil conservation.

Management policy on Soil Conservation

23. The Authority may undertake and promote continuing studies and research programmes on environmental management and shall from time to time, determine priority areas of environmental research.

Environmental research

## **PART IV A ENVIRONMENTAL PROTECTION**

Parts IV A, IV B and IV C have been added by S. 7 of Act No. 56 of 1988

23A. (1) The Minister shall determine by Order published in the *Gazette* the activities in respect of which a licence is required to be obtained under this Act (hereinafter referred to as "prescribed activities") being activities which involve or result in discharging, depositing or emitting waste into the environment causing pollution.

S. 2 of Act No. 53 of 2000 {S. 23A (1) to 23A(4)}

Minister to determine activities in respect of which a licence is required under this Act

(2) No person shall carry on any prescribed activity except –

- (a) under the authority of a licence issued by the Authority; and
- (b) in accordance with such standards and other criteria as may be prescribed under this Act.

(3) Every person who carries on any prescribed activity in contravention of subsection (2) of this section, shall be guilty of an offence and on conviction be -

- (a) liable to a fine not less than fifteen thousand rupees or to a term of imprisonment not less than one year or to both such fine and imprisonment; and
- (b) required to obtain within such period of time as may be determined by court, a licence under subsection (2).

Amended by  
Second Schedule  
'Increase of  
Fines Act' No. 12  
of 2005

(4) Where any person convicted under subsection (3), continues to carry on such activity without obtaining a licence within the time determined by court under that subsection, the court shall upon on application for closure being made by the Director-General or any officer authorized in that behalf by the Director-General, order the closure of the factory or premises in which such prescribed activity is being carried on, until such person obtains a licence under subsection (2) and copy of the licence so obtained is produced before court.

23B (1) The Authority may, on application being made therefore to the Authority in such form as may be prescribed, and on payment of the prescribed fee, issue a licence to any person authorizing such person to discharge, deposit or emit, waste into the environment, in accordance with such standards and criteria as may be prescribed under this Act.

(2) Every licence issued under this Part shall –

- (a) be in such form as may be prescribed;
- (b) be subject to such terms, conditions and such standards as may be prescribed;
- (c) be valid for such period as shall be specified in the licence, provided, it shall not be for more than a period of three years; and
- (d) be renewable

S. 3 of Act No. 53 of 2000

23C. (1) On receipt of an application under section 23B, the Authority may, where it considers necessary, refer such application to an appropriate Government department or public corporation requesting that a report be submitted on such application.

Authority may refer application to a Government department or public corporation

(2) Where an application is referred to a Government department or public corporation under subsection (1), the Authority shall not take any decision on such application until it receives the report relating to the same from such department or corporation.

23D. Where a licence has been issued to any person under this Part and such person acts in violation of any of the terms, standards and conditions of the licence, or where since the issue of the licence, the receiving environment has been altered or changed due to natural factors or otherwise, or where the continued discharge, deposit, or emission of waste into the environment under the Authority of the licence will or could affect any beneficial use adversely, the Authority may by order suspend for any period specified in such order, or cancel such licence.

Suspension or cancellation of licence

23E. (1) Any applicant for a licence under this Part who is aggrieved by the refusal of the Authority to grant a licence, or, any holder of a licence issued under this Part who is aggrieved by the suspension or cancellation, or refusal to renew a licence so issued may, within thirty days after the date of

Appeals against refusal of licence &c.

the notification of such decision appeal in writing against such refusal, suspension, cancellation or refusal to renew, as the case may be to the Secretary to the Ministry, of the Minister.

(2) The decision of the Secretary to the Ministry of the Minister on any such appeal shall be final.

## **PART IV B ENVIRONMENTAL QUALITY**

23G. Subject to section 23A of this Act, with effect from the relevant date, no person shall deposit or emit waste into the inland waters of Sri Lanka, except in accordance with such standards or criteria as may be prescribed under this Act.

Restriction, regulation and control of pollution of the inland waters

23H. (1) No person shall pollute any inland waters of Sri Lanka or cause or permit to cause pollution in the inland waters of Sri Lanka so that the physical, chemical or biological condition of the waters is so changed as to make or reasonably expected to make those waters or any part of those waters unclean, noxious, poisonous, impure, detrimental to the health, welfare, safety or property of human beings, poisonous or harmful to animals, birds, wildlife, fish, plants or other forms of life or detrimental to any beneficial use made of those waters.

Pollution of inland waters of Sri Lanka.

(2) Without limitation to the generality of subsection (1) a person shall be deemed to contravene the provisions of that subsection, if –

- (a) he places in or on any waters or in a place where it may gain access to any waters any matter, whether solid, liquid, or gaseous, that is prohibited by or under this Act or by any regulations made thereunder;
- (b) he places any waste, whether solid, liquid, or gaseous, in a position where it falls, descends, drains, evaporates, is washed, is blown or percolates, is likely to fall, descended, drain, evaporate, be washed, be blown, percolate into any waters or on the bed of any river, stream or other waterway when dry, knowingly

or through his negligence whether directly or indirectly, causes or permits on such matter to place in such a position;

- (c) he places waste on the bed, when dry, of any river, stream or other waterway or knowingly or through his negligence causes or permits any wastes to be placed on such a bed; or
- (d) he causes the temperature of inland, coastal or off-shore waters of Sri Lanka to be raised or lowered by more than the prescribed limits.

(3) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence, and on conviction shall be –

- (a) liable to a fine not less than fifteen thousand rupees and not exceeding one hundred and twenty thousand rupees, and thereafter in the event of the offence being continued to be committed, to a fine of seven hundred and fifty rupees for each day on which the offence is so continued to be committed; and
- (b) required to take within such period as may be determined by court, such corrective measures as may be deemed necessary to prevent further damage being caused to the inland, coastal and off-shore waters of Sri Lanka and furnish at the end of such period sufficient and acceptable proof of the incorporation of such corrective measures. The court shall also order such person convicted, to bear the expenses that may have been incurred by the authority in the correction of damage already caused as a consequence of the commission of such offence, and where such person fails to bear the expenses so incurred be recovered in like manner as a fine imposed by the court.

Amended by  
Second Schedule  
'Increase of  
Fines Act' No. 12  
of 2005

(4) Where any person convicted of an offence under subsection (3) continues to commit such offence after a period of six weeks from the date of his conviction, the court may upon an application for closure being made by the Director-General or any officer authorized in that behalf by the Director-General order the closure of such factory or trade, or business being carried at such premises, which caused the pollution of inland, coastal or off-shore waters of Sri Lanka, until such time such person takes adequate corrective measures to prevent further damage being caused.

(5) In any case where such person fails to comply with the closure order issued under subsection (4), the Magistrate shall forthwith order the fiscal of the court requiring and authorizing such fiscal before a date specified in such order not being a date earlier than three or later than seven clear days from the date of issue of such order to close such factory or trade or business being carried at such premises. Such order shall be sufficient authority for the said fiscal or any police officer authorized by him in that behalf to enter the premises with such assistants as the fiscal or such police officer shall deem necessary to close such factory or trade or business being carried at such premises.

23J. Subject to section 23A of this Act, with effect from the relevant date, no person shall discharge or emit waste into the atmosphere except in accordance with such standards or criteria as may be prescribed under this Act.

Restriction on pollution of the atmosphere

23K. (1) No person shall pollute the atmosphere or cause or permit the atmosphere to be polluted so that the physical, chemical or biological condition of the atmosphere is so changed as to make or reasonably be expected to make the atmosphere or any part thereof unclean, noxious, poisonous, impure, detrimental to the health, welfare, safety, or property of human beings, poisonous or harmful to animals, birds, wildlife, plant or all other forms of life or detrimental to any beneficial use of the atmosphere.

Pollution of atmosphere

(2) Without limitation to the generality of subsection (1) a person shall be deemed to contravene that subsection if –

- (a) he places in or in such manner that it may be released into the atmosphere, any matter, whether liquid, solid, or gaseous, that is prohibited by or under this Act or by any regulation made thereunder to be placed in the atmosphere or does not comply with any regulations prescribed therefore under this Act;
- (b) he causes or permits the discharge of odours which by virtue of their nature, concentration, volume, or extent are obnoxious or unduly offensive to the senses of human beings;
- (c) he burns, wastes otherwise than at times of in the manner or place prescribed;
- (d) he uses an internal combustion engine or fuel burning equipment not equipped with any device required by the regulations to be fitted to such engine for the prevention or reduction of pollution; or
- (e) he uses or burns any fuel which is prohibited by regulations made under this Act.

(3) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence, and on conviction shall be –

- (a) liable to a fine not less than fifteen thousand rupees and not exceeding one hundred and twenty thousand rupees and thereafter in the event of the offence being continued to be committed, to a fine of seven hundred and fifty rupees for each day on which the offence is so continued to be committed;
- (b) required to take within such period as may be determined by court, such corrective measures may be deemed necessary, to prevent further damage being caused by the pollution of atmosphere, and furnish at the end

Amended by  
Second Schedule  
'Increase of  
Fines Act' No. 12  
of 2005

of such period sufficient and acceptable proof of the incorporation of such corrective measures. The court shall also require such person convicted to bear the expenses incurred by the authority in the correction of damage already caused as a result of the commission of such offence.

(4) Where any person convicted of an offence under subsection (3) continues to commit such offence after a period of six weeks from the date of his conviction, the court may upon an application for closure being made by the Director-General or any officer authorized in that behalf by the Director-General order the closure of such factory, trade or business being carried at such premises which caused the pollution of atmosphere until such time, such person takes adequate corrective measures to prevent further damage being caused.

(5) In any case where such person fails to comply with the closure order issued under subsection (5), the Magistrate shall forthwith order the fiscal of the court requiring and authorizing such fiscal, before a date specified in such order not being a date earlier than three or later than seven clear days from the date of issue of such order to close such factory or trade or business being carried at such premises. Such order shall be sufficient authority for the said fiscal or any police officer authorized by him in that behalf to enter the premises with such assistants as the fiscal or such police officer shall deem necessary to close such factory or trade or business being carried at such premises.

23L. Any person who owns, uses, operates, constructs, sells, installs or offers to sell or install any machinery, vehicle or boat required by or under this Act or any regulation made thereunder to be built, fitted or equipped with any device for preventing or limiting pollution of the atmosphere without such machinery, vehicle or boat being so built, fitted or equipped shall be guilty of an offence. All devices built, fitted or equipped under this section shall be maintained and operated at the cost of the owner.

Failure to fit and maintain prescribed control devices an offence

23M. Subject to section 23A of this Act, with effect from the relevant date, no person shall discharge or deposit waste into the soil, except in accordance with such standards or criteria as may be prescribed under this Act.

Restriction, regulation and control of pollution of the soil

23N. (1) No person shall pollute or cause or permit to be polluted any soil or the surface of any land so that the physical, chemical or biological condition of the soil or surface is so changed as to make or be reasonably expected to make the soil or the produce of the soil poisonous or impure, harmful or potentially harmful to the health or welfare of human beings, poisonous or harmful to animals, birds, wildlife, plants or all other forms of life or obnoxious or, unduly offensive to the senses of human beings or so as to be detrimental to any beneficial use of the land.

Pollution of soil an offence

(2) Without limitation to the generality of subsection (1), a person shall be deemed to contravene that subsection if –

- (a) he places in or on any soil or in any place where it may gain access to any soil, any matter, whether liquid, solid or gaseous, that is prohibited by or under this Act or any regulation made thereunder or does not comply with such regulations as may be prescribed; and
- (b) he establishes on any land a refuse dump, garbage dip, soil and rock disposal site, sludge deposit site, waste injection well, or otherwise uses land for the disposal of or repository for solid or liquid wastes so as to be obnoxious or unduly offensive to the senses of human beings or will pollute or adversely affect underground water or be detrimental to any beneficial use of the soil or the surface of the land.

(3) Prior exemptions may, however, be granted for valid reasons such as the application of an approved preparation in a prescribed manner for the control of a given pest, provided that such treatment does not damage the soil seriously.

(4) Any person who contravenes any of the provisions of this section shall be guilty of an offence and on conviction be liable to a fine not less than fifteen thousand rupees and not exceeding one hundred and twenty thousand rupees and in the case of a continuing offence to a fine of seven hundred and fifty rupees for every day on which the offence continues after conviction.

Amended by  
Second Schedule  
'Increase of  
Fines Act' No. 12  
of 2005

23P. Subject to section 23A of this Act, with effect from the relevant date, no person shall permit the emission of excessive noise, unless he complies with such standards or limitations as may be prescribe under this Act in regard to the volume, intensity or quality of such noise.

Restriction on  
noise pollution

23Q. (1) No person shall make or emit or cause or permit to be made or emitted noise greater in volume, intensity or quality than the levels prescribed for tolerable noise except under the Authority of a licence issued by the Authority under this Act.

Discharge of  
certain noise to  
be licensed

(2) The provisions of sections 23B, 23C, 23D and 23E shall, *mutatis mutandis*, apply to and in relation to the issue of a licence under subsection (1).

(3) Any authority, or institution empowered by any other written law to issue licences relating to any of the matters referred to in this Act, shall conform to the standards specified under this Act.

23R. (1) Any person who without a licence or contrary to any condition, limitation or restriction to which a licence under this Act or any other written law is subject, makes or causes or permits to be made or emitted noise that is greater in volume, intensity or quality than the standard as may be prescribed for the emission of noise which is tolerable noise in the circumstances, shall be guilty of an offence under this Act.

Excessive noise  
an offence

(2) Any person who is guilty of an offence under subsection (1) shall on conviction be liable to a fine not less than fifteen thousand rupees and not exceeding one hundred and twenty thousand rupees and in the case of continuing offence, to a fine of seven hundred and fifty rupees for every day in which the offence continues after conviction.

Amended by  
Second Schedule  
'Increase of  
Fines Act' No. 12  
of 2005

23S. Where the Authority is of opinion that the circumstances are such that any litter deposited in any place, whether public or private, is or is likely to become detrimental to the health, safety or welfare of members of the public, unduly offensive to the senses of human beings or a hazard to the environment, the Authority may by notice in writing direct the person who, is responsible for depositing such litter or any public authority whose function is to dispose of or remove such litter, to remove or dispose of such litter or to take such action in relation to such litter as may be specified in the notice.

Notice to remove litter

For the purposes of this section "litter" means unwanted waste material whether a by product which has arisen during a manufacturing process or a product which has passed its useful working life and has been discarded.

23T. The cost of removing or otherwise disposing of or reducing litter pursuant to a notice given under section 23S may be recovered in any court of competent jurisdiction against any person proved to have deposited the litter, as a debt due to the Authority and when recovered shall be paid to the fund of the Authority.

Cost of removing litter may be recovered against person responsible

23U. Any person to whom a notice in writing under section 23S is directed and who fails without reasonable cause to comply with the requirements of the notice shall, if proved be guilty of an offence.

Failure to comply with notice an offence

23V. (1) No person shall discharge or spill any oil or mixture containing oil into the inland waters of Sri Lanka.

Prohibition of discharge of oil into inland waters of Sri Lanka

(2) Any person who contravenes the provisions of subsection (1) shall be liable on conviction to a fine not less than fifteen thousand rupees and not exceeding one hundred and twenty thousand rupees or to imprisonment for a term not exceeding two years.

Amended by Second Schedule 'Increase of Fines Act' No. 12 of 2005

23W. (1) The Minister may by Order published in the *Gazette* –  
(a) prohibit the use of any materials for any process, trade or industry;

Power to prohibit or require use of any material or equipment

- (b) prohibit whether by description or by brand name the use of any equipment or industrial plant, which will endanger the quality of the environment, within the areas specified in the Order.

(2) The Minister may by Order published in the *Gazette* require the installation, repair, maintenance or operation of any equipment or industrial plant within the areas specified in the Order.

(3) Any person who contravenes any prohibition or fails to comply with any requirement in any Order made under subsections (1) and (2) shall be guilty of an offence.

23V. In any prosecution for an offence under this Part of this Act, a certificate issued under the hand of the Director-General to the effect that the pollution specified in the certificate has been caused to the environment, shall be admissible in evidence and shall be prima facie proof of the matters contained therein.

Certificate to be prima facie evidence of facts stated therein

### **PART IV C APPROVAL OF PROJECTS**

23Y. For the purposes of this Part of this Act, the Minister may by Order published in the *Gazette* specify the state agencies (hereinafter in this part referred to as "project approving agencies") which shall be the project approving agencies.

Project approving agencies

23Z. The Minister shall by Order published in the *Gazette* determine the projects and undertakings (hereinafter referred to as "prescribed projects") in respect of which approval would be necessary under the provisions of this part of this Act.

Prescribed projects

23AA. (1) Not with standing the provisions of any other written law, from and after the coming into operation of this Act, all prescribed projects that are being undertaken in Sri Lanka by any Government department, corporation, statutory board, local authority, company, firm or an individual will be required to obtain approval under this Act for the implementation of such prescribed projects.

Approval of prescribed projects

(2) The approval referred to in subsection (1) shall have to be obtained from the appropriate project approving agencies concerned or connected with such prescribed projects:

Provided however, in respect of certain prescribed projects to be determined by the Minister, the project approving agency will grant its approval only with the concurrence of the Authority.

23BB. (1) It shall be the duty of all projects approving agencies to require from any Government department, corporation, statutory board, local authority, company, firm or individual who submit any prescribed project for its approval to submit within a specified time an initial environmental examination report or an environmental impact assessment report as required by the project approving agency relating to such project and containing such information and particulars as may be prescribed by the Minister for the purpose.

Submission of environmental impact assessment report

(2) A project approving agency shall on receipt of an environmental impact assessment report submitted to such project approving agency in compliance with the requirements imposed under subsection (1), by Notice published in one newspaper each in the Sinhala, Tamil and English language, notify the place and times at which such report shall be available for inspection by the public to make its comments, if any, thereon.

S. 4 of Act No. 53 of 2000.

(3) Any member of the public may within thirty days of the date on which a notice under subsection (2) is published make his or its comments, if any, thereon to the project approving agency which published such notice, and such project approving agency may, where it considers appropriate in the public interest afford an opportunity to any such person of being heard in support of his comments, and shall have regard to such comments and any other materials if any, elicited at any such hearing, in determining whether to grant its approval for the implementation of such prescribed project.

(4) Where approval is granted for the implementation of any prescribed project, such approval shall be published in the *Gazette* and in one newspaper each in the Sinhala, Tamil and English languages.

(5) An initial environmental examination report submitted in compliance with the requirements imposed under subsection (1) shall be deemed to be a public document for the purposes of sections 74 and 76 of the Evidence Ordinance (Chapter 21) and shall be open for inspection by the public.

S. 4(2) of Act No 53 of 2000.

23CC. The project approving agency shall determine the procedure it shall adopt in approving any prescribed project submitted to it for approval. Such procedure shall be based on the guidelines prescribed by the Minister for such purpose.

Procedure to be based on guidelines prescribed

23DD. (1) Where a project approving agency refuses to grant approval for any prescribed project submitted for its approval, the person or body of persons aggrieved shall have a right to appeal against such decision to the Secretary to the Ministry, of the Minister.

Appeal to the Secretary to the Ministry of the Minister

(2)The decision of the Secretary to the Ministry on such appeal of the Minister shall be final.

23EE. Where any alterations are being made to any prescribed project for which approval had been granted or where any prescribed project already approved is being abandoned, the Government department, corporation, statutory board, local authority, company, firm or individual who obtained such approval, shall inform the appropriate project approving agency of such alterations, or the abandonment as the case may be, and where necessary obtain fresh approval in respect of any alterations that are intended to be made to such prescribed project for which approval had already been granted:

Abandonment of alteration of any prescribed project

Provided however, where such prescribed project that is being abandoned or altered is a project approved with the concurrence of the Authority, the Authority should also be informed of it and any fresh approval that need to be obtained should be given only with the concurrence of the Authority.

23FF. It shall be the duty of all projects approving agencies to forward to the Authority a report on each prescribed project for which approval is granted by such agency.

Submission of a report on approved prescribed projects

## **PART V GENERAL**

24. (1) For the purpose of giving effect to the principles and objects of this Act, the Authority may, by notice in writing served on the occupier of any premises, require that occupier to furnish to the Authority within fourteen days or such longer period as is specified in the notice such information as to any manufacturing, industrial or trade process carried on in such premises or as to any wastes discharged or likely to be discharged from the said premises as is specified in the notice.

Furnishing of information

(2) The Authority shall treat all information furnished to it pursuant to any requirement made under subsection (1) with the strictest secrecy and shall not divulge such information to any person other than to a court, subject to subsection (3) for the purpose of any prosecution for an offence under this Act.

(3) Any information furnished or statement made to the Authority pursuant to any requirement made under subsection (1) shall not if the person furnishing the information of making the statement, objects, at the time of furnishing the information or statement, to doing so on the ground that it might end to incriminate him, be admissible in evidence upon any proceedings against that person for an offence under this Act.

24A. (1) The Director-General or any other officer duly authorized in writing by him may at any time enter any land or premises and may –

S. 8 of Act No. 56 of 1988.

- (a) examine and inspect any equipment or industrial plant;
- (b) take samples of any pollutants that are emitted, discharged or deposited or are likely to be of a class or kind that are usually emitted, discharged or deposited from such equipment or industrial plant;

Power to enter and inspect.

- (c) examine any books, records or documents relating to the performance or use of such equipment, or industrial plant or relating to the emission, discharge or deposit from such equipment or industrial plant;
- (d) take photographs of such equipment or industrial plant as he considers necessary or make copies of any books, records or documents seen in the course of such examination; or
- (e) take samples of any fuel, substance or material used, likely to be used or usually used in such trade, industry or process carried on in or on such premises.

(2) The Director-General or the officer authorized by him may, where he has reasonable cause to apprehend any serious obstructions in the execution of his duties under subsection (1), enter any land or premises accompanied by a police officer.

(3) Any person who prevents or obstructs the Director-General or an authorized officer in carrying out such inspection or investigation, recording of data or the taking of samples under subsection (1) shall be guilty of an offence under this Act.

24B. (1) The Authority shall have the power to issue directives to any person engaged in or about to engage in any development project or scheme which is causing or is likely to cause, damage, or detriment to the environment, 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 directive.

Authority to  
issue directives.

(2) Where a person fails to comply with any directives issued under subsection (1), the Magistrate may, on application made by the Authority, order the temporary suspension of such projects or scheme until such person takes the measures specified in such directive.

24C. (1) The Minister may by Order published in the *Gazette* declare any area to be an environmental protection area (hereinafter referred to as a "protection area").

Declaration of areas as environmental protection areas.

(2) An Order under subsection (1) declaring an area as a protection area, shall define that area by setting out the metes and bounds of such area.

24D. (1) Where any area has been declared to be a protection area, the Minister may by Order published in the *Gazette* declare that any planning scheme or project in a protection area under the provisions of any law which is in conflict with any provisions of this Act, shall cease to operate in that area.

Applicability of any other laws in protection areas

(2) So long as an Order under subsection (1) is in force, the Authority shall be responsible for physical planning of such area in accordance with the provisions of this Act.

(3) Notwithstanding the provisions of subsection (1) the Minister may, at the request of the Authority, declare from time to time by Order published in the *Gazette*, that with effect from such date as shall be specified in such Order, the Authority shall cease to be the authority responsible for the planning in such protection area.

(4) So long as an Order under Section 24 being in force in relation to a protection area, no person other than the Authority shall exercise, perform and discharge any powers, duties and functions relating to planning and development within such protection area.

25. The Authority may appoint –  
(a) analysts for making analysis of samples taken for the purposes of that Act; and

Analysts &c.

- (b) pollution control officers for inspection and evaluating the records of monitoring prescribed equipment and installations for detecting the presence, quantity and nature of waste and their effects on the receiving portions of the environment.

26. (1) Subject to subsection (5), the Authority may by order, delegate any of its powers, duties and functions under this Act to any Government department, corporation, statutory board, local authority or any public officer.

S. 9 of Act No. 56 of 1988.

(2) Where the Authority has delegated any power under subsection (1) to any Government department, corporation, statutory board, local authority or any public officer, any officer of such Government department, corporation, statutory board or local authority, as the case may be, or such public officer, may exercise any of the powers which the Director-General would be able to exercise has he been exercising the powers himself.

Delegation of powers, duties and functions

(3) Nothing in this section shall preclude the Authority from any responsibility to protect the environment and from administering the provisions of this Act.

(4) An order made under subsection (1) may be revoked or varied at any time by the Authority.

(5) An order under subsection (1) shall not be made by the Authority –

- (a) in respect of any local authority except with the concurrence of the Minister; and
- (b) in respect of any Government department, corporation, statutory board or public officer, except with the concurrence of the Minister in charge of such Government department or corporation or statutory board, or the department in which such public officer is employed.

S. 9 of Act No. 56 of 1988

27. All members, officers and servants of the Authority shall be deemed to be public servants within the meaning of and for the purposes of the Penal Code.

Members, officers and servants of the Authority deemed to be public servants

28. The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

The Authority deemed to be a scheduled institution within the meaning of the Bribery Act

29. The provisions of this Act shall have effect notwithstanding anything to the contrary in the provisions of any other written law, and accordingly in the event of any conflict or 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 other written law

30. (1) No suit or prosecution shall lie –

Protection for action taken under this Act or on the direction of the Authority.

(a) against the Authority, for any act which in good faith is done or purported to be done by the Authority under this Act;

(b) against the members of the Authority, Council or District Environmental Agency or any officer or servant of the Authority for any act which in good faith is done or purported to be done under this Act, or on the direction of the Authority.

(2) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court shall be paid out of the Fund of the Authority and any costs paid to, or recovered by, the Authority in any such suit or prosecution shall be credited to the Fund of the Authority.

(3) Any expense incurred by any such person as is referred to or in paragraph (b) of subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or is purported to be done by him under this Act or on direction of the Authority shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Authority, unless such expense is recovered by him in such suit or prosecution.

31. Every person who contravenes or fails to comply with any provisions of this Act or of any regulations made thereunder, for which no punishment is expressly provided for shall be guilty of an offence and on conviction before a Magistrate shall be liable to imprisonment of either description for a term not exceeding two years or to a fine not exceeding fifteen thousand rupees or to both such imprisonment and fine.

S. 10 of Act No. 56 of 1988.

Amended by Second Schedule 'Increase of Fines Act' No. 12 of 2005.

Penalty for offences for which no punishment is expressly provided for

32. (1) The Minister may make regulations in respect of all matters which are stated or are required by this Act to be prescribed or for which regulations are required by this Act to be made.

S. 11 of Act No. 56 of 1988

(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) levy of fees for –
  - (i) examining plans, specifications and information relating to installations or proposed installations;
  - (ii) the issue of licences under this Act; and
  - (iii) carrying out necessary monitoring duties;
- (b) specification of standards or criteria for the implementation of any national environmental policy or classification for the protection of the environment and for protecting beneficial uses;
- (c) specification of standards or criteria for determining whether any matter, action or thing is poisonous, objectionable, detrimental to health or within any other description or referred to in this Act;

- (d) prohibition of the discharge, emission, or deposit into the environment of any matter, whether liquid, solid, or gaseous, or of radioactivity and prohibition or regulating the use of any specified fuel;
- (e) specification of ambient air quality standard and emission standards and specifying the maximum permissible concentrations of any matter that may be present in or discharged into the atmosphere;
- (f) prohibition of the use of any equipment, facility, vehicle or boat capable of causing pollution or regulating the construction, installation or operation thereof so as to prevent or minimise pollution;
- (g) requirement of issuing pollution warnings or alerts;
- (h) prohibition or regulation of the open burning of refuse or other combustible matter;
- (i) regulation of the establishment of sites for the disposal of solid or liquid waste on or in land;
- (j) determination of objectionable noise and specification of standards for tolerable noise;
- (k) prohibition of or regulation of bathing, swimming, boating or other activity in or around any waters that may be detrimental to health or welfare or having adverse cultural effects or for preventing pollution;

- (l) requirement that the oil refineries and installations operating in Sri Lanka store such substance or material and equipment necessary to deal with any oil pollution of the inland waters of Sri Lanka that may arise in the course of their business;
- (m) requirement that the oil refineries carrying on business install such equipment as may be prescribed for the purpose of reducing or preventing any trade effluent from containing oil;
- (n) prescribing the procedure relating to appeals against the decision of the Authority;
- (o) relating to visual amenities in urban and rural areas;
- (p) storage and transportation of harmonious material;
- (q) disposal of wastes and hazardous materials whether to the atmosphere, waters or soil ; and
- (r) requirement of specific environmental monitoring duties by the developer or a specified third party delegated for this purpose.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date on such publication or upon such later date as may 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 approval. Every 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. Notification of the date on which any regulation is deemed to be rescinded shall be published in the *Gazette*.

33. In this Act unless the context otherwise requires –

Interpretation

"air pollution" means an undesirable change in the physical, chemical or biological characteristics of air which will adversely affect plants, animals, human beings and inanimate objects;

S. 12(a) of Act  
No. 56 of 1988

"beneficial use" means a use of the environment or any portion of the environment that is conducive to public benefit, welfare, safety or health and which requires protection from the effects of waste, discharges, emissions and deposits;

"environment" means the physical factors of the surroundings of human beings including the land, soil, water, atmosphere, climate, sound, odours, tastes and the biological factors of animals and plants of every description;

"environmental impact assessment report" means a written analysis of the predicted environmental project and containing an environmental cost-benefit analysis, if such an analysis has been prepared and including a description of the project, and includes a description of the avoidable and unavoidable adverse environmental effect of the proposed prescribed project; a description of alternative to the activity which might be less harmful to the environment together with the reasons why such alternatives were rejected, and a description of any irreversible or irretrievable commitments of resources required by the proposed prescribed project;

S. 12(b) of Act  
No. 56 of 1988

"initial environmental examination report" means a written report wherein possible impacts of the prescribed project on the environment shall be assessed with a view to determining whether such impacts are significant, and as such requires the preparation of an environmental impact assessment report and such report shall contain such further details, descriptions, data, maps, designs and other information and details as may be prescribed by the Minister;

S. 12(b) of Act  
No. 56 of 1988

"exclusive economic zone" means the zone declared to be the exclusive economic zone, by proclamation made under section 5 of the Maritime Zones Law, No. 22 of 1976;

"land" includes messuages, buildings and any easements relating thereto;

"local authority" means any Municipal Council, Urban Council, or Development Council, and includes any authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to powers, duties and functions exercised, performed and discharged, by any such Council;

S. 12(c) of Act  
No. 56 of 1988

"noise pollution" means the presence of sound at a level which causes irritation, fatigue, hearing loss or interferes with the perception of other sounds and with creative activity through distraction;

S. 12(d) of Act  
No. 56 of 1988

"pollutant" means any substance whether liquid, solid or gaseous which directly or indirectly –

S. 12(d) of Act  
No. 56 of 1988

- (a) alters the quality of any segment or element of the receiving environment so as to effect any beneficial use adversely; or
- (b) is hazardous or potentially hazardous to health; and

"pollution" means any direct or indirect alteration of the physical, thermal, chemical, biological, or radioactive properties of any part of the environment by the discharge, emission, or the deposit of wastes so as to affect any beneficial use adversely or to cause a condition which is hazardous or potentially hazardous to public health, safety, or welfare, or to animals, birds, wildlife, aquatic life, or to plants of every description;

"prescribed" means prescribed by regulations;

"territorial waters" includes the territorial sea and the historic waters of Sri Lanka; and

"toxic chemical" means a substance characterised by definite molecular composition which has harmful effects on living material or which can create hazardous changes in the environment.

S. 12(e) of Act  
No. 56 of 1988

"waste" includes any matter prescribed to be waste and any matter, whether liquid, solid, gaseous, or radioactive, which is discharged, emitted, or deposited in the environment in such volume, constituency or manner as to cause an alteration of the environment.

In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

S. 5 of Act No. 53  
of 2000