

No. 18 of 1890.

An Ordinance relating to Chanks.

WHEREAS it is expedient to amend the laws relating to chanks and to prohibit the diving for, and collecting of, chanks, bêche-de-mer, coral, or shells in the seas between Mannár and Chilaw : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1 This Ordinance may be cited for all purposes as "The Chanks Ordinance, 1890," and it shall come into operation at such time as the Governor in Executive Council shall, by Proclamation in the *Government Gazette*, appoint.*

Short title and date of operation.

2 The Ordinance No. 4 of 1842, intituled "An Ordinance for the protection of Her Majesty's rights in the digging for Dead Chanks," and the Ordinance No. 5 of 1842, intituled "An Ordinance for the protection of Her Majesty's Chank Fishery," are hereby repealed, but such repeal shall

Repeal.

* Proclaimed the 30th day of June, 1891.

Chanks.

not affect the past operation of either of the said enactments, or anything duly done or suffered, or any obligation, or liability, or penalty accrued or incurred under them or either of them.

Where any unrepealed Ordinance incorporates or refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provision of this Ordinance.

Definitions.

3 In this Ordinance, unless the context otherwise requires—

“Chanks” includes both live and dead chanks.

“Person” includes any company or association or body of persons whether incorporated or not.

Duty on chanks.

4 (1) There shall be levied and paid on all chanks entered for exportation a royalty at such rates not exceeding one cent on each chank, as the Governor, with the advice of the Executive Council, shall, from time to time by notification in the *Government Gazette*, appoint.

Ports of entry.

(2) No chanks shall be exported save and except from any port mentioned in the schedule A hereto, or from any other port which the Governor in Executive Council may appoint by notification in the *Government Gazette*.

Bill of entry.

5 (1) The person entering outwards any chanks to be exported from any port shall deliver to the collector a bill of the entry thereof, expressing the name of the ship and of the master, and of the place to which the chanks are to be exported, and of the person in whose name the chanks are to be entered, together with the number and value thereof, anything in the Ordinance No. 17 of 1869 to the contrary notwithstanding, and shall at the same time pay to the collector any sum which may be due as royalty upon the exportation of such chanks.

Collector's warrant.

(2) Such person shall also deliver at the same time one or more copies of such entry, and the particulars to be contained in such entry shall be written and arranged in such form and manner, and the number of such copies shall be such as the collector shall require, and such entry being duly signed by the collector shall be the warrant for examination and shipment of such chanks.

Penalty for exporting contrary to the Ordinance.

6 Every person who shall export chanks from this island except from any port mentioned in schedule A, or from any port appointed by the Governor in Executive Council under section 4, or contrary to the requirements of section 5, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with a fine not exceeding one hundred rupees, or with both.

Chanks laden before entry liable to be forfeited.

7 If any chanks subject to the payment of any sums due as royalty in respect of exportation shall be laden or waterborne to be laden on board any ship before due entry shall have been made and warrant granted, or before such chanks

Chanks.

shall have been duly cleared for shipment, or if such chanks shall not agree with the bill of entry, the same shall be liable to forfeiture together with the package in which they are contained.

8 It shall not be lawful for any person to use any dredge or other apparatus of a like nature for the purpose of fishing for or collecting chanks, and every person using any dredge or other apparatus of a like nature for such purpose shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both ; and every dredge or apparatus of a like nature so used as aforesaid shall be forfeited.

Use of dredge in collecting chanks prohibited.

Penalties.

9 It shall not be lawful for any person to fish for, dive for, or collect chanks, bêche-de-mer, coral, or shells in the seas within the limits defined in schedule B hereto, and every person who shall fish for, dive for, or collect, or who shall use or employ any boat, canoe, raft, or vessel in the collection of chanks, bêche-de-mer, coral, or shells in the said seas, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both ; and every boat, canoe, raft, or vessel so employed as aforesaid, together with all chanks, bêche-de-mer, coral, or shells unlawfully collected, shall be forfeited.

Collection of chanks, bêche-de-mer, coral, or shells in the seas between Mannár and Chilaw prohibited.

Penalties.

Provided that nothing in this section contained shall prevent any person from collecting coral or shells from any portion of the said seas in which the water is of the depth of one fathom or less.

Proviso.

Provided also that it shall be lawful for the Governor in Executive Council from time to time or at any time, by notification in the *Government Gazette*, to alter the limits defined in schedule B hereto, or exempt any portion or portions of the seas within the said limits from the operation of this Ordinance.

Proviso.

10 (1) Any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus liable to forfeiture under this Ordinance may be seized by any officer of the customs or police, or by any headman, or by any person appointed for that purpose in writing by the government agent of the province or the assistant government agent of the district within which such seizure is made, and when seized shall be conveyed to the custom-house nearest to the place of seizure, and there detained until the court having jurisdiction in the matter has determined whether the same shall or shall not be forfeited.

Chanks, &c., liable to forfeiture may be seized and detained at the nearest custom-house.

(2) If any such officer, headman, or person shall neglect to have any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus seized by him conveyed to such custom-house within a reasonable time, he shall be guilty of an offence and liable to a fine of one hundred rupees.

Penalty of seizing officer neglecting to convey seizure to custom-house with a reasonable time.

Police court to
have jurisdiction.

11 (1) Every prosecution under this Ordinance may be instituted in the police court of the division in which the offence was committed or where the offender is found, and such court may by its order declare and adjudge any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus seized and detained under this Ordinance to be forfeited, and such forfeiture may be in addition to any other punishment hereinbefore prescribed, anything in the Criminal Procedure Code to the contrary notwithstanding.

(2) All forfeitures may be sold or otherwise disposed of in such manner as the police court may direct.

Informer's share.

12 It shall be lawful for the court imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

SCHEDULE A.

Kankésanturai | Kayts | Jaffna | Pésalai

SCHEDULE B.

Eastward of a straight line drawn from a point six miles westward of Talaimannár to a point six miles westward from the shore two miles south of Talaivilla.

25th November, 1890.
