

*Birds, Beasts, and Fishes.***No. 6 of 1893.****An Ordinance to prevent the wanton Destruction of Birds,  
Beasts, and Fishes not indigenous to this Colony.****Preamble.**

**W**HEREAS it is expedient to provide for the protection of certain birds, beasts, and fishes not indigenous to this colony, but which have been or may hereafter be introduced into the island: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

**Commencement  
of Ordinance.**

**1** This Ordinance shall come into operation at such time as the Governor shall appoint by Proclamation to be published in the *Government Gazette*.\*

**Interpretation.**

**2** The words "birds," "beasts," "fishes" shall, for the purposes of this Ordinance, be deemed to mean such birds, beasts, and fishes as are mentioned in the schedule hereto annexed. Provided, however, that it shall be lawful for the Governor, acting with the advice of the Executive Council, by Proclamation to be published in the *Government Gazette*, at any time or from time to time to declare that this Ordinance shall apply to any birds, beasts, and fishes to be named therein other than those mentioned in the said schedule, and upon such Proclamation being so published, the provisions of this Ordinance shall forthwith be held to apply to such birds, beasts, and fishes in the same manner and to the same extent as if such birds, beasts, and fishes had been mentioned in the said schedule. It shall also be lawful for the Governor, acting with the advice aforesaid, by Proclamation to be published as aforesaid, to exempt from the operation of this Ordinance any birds, beasts, and fishes for the time being subject to the provisions thereof, and any such Proclamation to revoke or amend by any subsequent Proclamation to be published as aforesaid.

**Proviso.****Government  
agent may  
declare a close  
season.**

**3** It shall be lawful for the government agent of any province to declare by notification in the *Government Gazette* and by beat of tom-tom, and by such other means as shall give due publicity thereto, what shall be deemed the close season in such province or in certain districts thereof for a period not exceeding six months during the year. It shall not be lawful for any person to take, kill, or destroy any birds, beasts, or fishes mentioned in the schedule hereto annexed within the province or district, during the period so declared close.

**No person to  
take, kill, &c.,  
without license.**

**4** No person shall take, kill, or destroy any birds, beasts, or fishes mentioned in the schedule hereto annexed without taking out a license empowering him to do so. It shall be lawful for the government agent of any province, within the limits of such province, or the chairman of the local board, where a local board is established, within the limits of such board, to grant such licenses on such conditions

\* Proclaimed the 1st day of January, 1894.

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as shall be therein imposed, or to refuse the same, or to revoke the same after they shall have been once granted, as shall seem fit. Provided that any person to whom a license may be refused, or whose license may be revoked, shall be at liberty to apply to the Governor for redress; and it shall be competent to the Governor to make such order on the application as to him shall seem fit.

Proviso.

Reference to Governor.

5 The application for a license must be in writing; the license shall bear a stamp of five rupees, to be supplied by the applicant.

Application for license in writing.  
Stamp on license.

License not transferable.

6 The licenses granted under this Ordinance shall in no case be assignable or transferable, nor shall any person be deemed entitled to take, kill, or destroy any birds, beasts, or fishes mentioned in the schedule hereto except the person actually named in such license.

7 Nothing in the said licenses contained shall be held to allow the taking, killing, or destroying of birds, beasts, and fishes in the close season which is hereby expressly prohibited.

Killing, &amp;c., in close season prohibited.

8 It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make regulations respecting the taking, killing, or destroying of birds, beasts, and fishes mentioned in the schedule hereto, and such regulations at any time to repeal, alter, or amend, and all licenses issued under this Ordinance shall be subject to such regulations, and any breach thereof shall be punishable as a breach of such license. Provided that such regulations shall not be inconsistent with the provisions of this Ordinance; and all such regulations or any repeal, alteration, or amendment thereof shall be published in the *Government Gazette*.

Governor to make regulations.

Proviso.

9 The following penalties are imposed for the following acts, which are hereby declared to be offences under this Ordinance—

Penalties.

- (1) Any person who shall take, kill, or destroy any birds, beasts, or fishes mentioned in the schedule hereto within any province or district in respect of which the close season shall have been declared, and during the period so declared close, shall be liable on conviction to a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding one month.
- (2) Any person who shall take, kill, or destroy any birds, beasts, or fishes mentioned in the schedule hereto without a license, or after the time for which the license shall be in force, or contrary to the tenor of such license, shall be liable on conviction to a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding one month.

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- (3) Any person who shall transfer his license, and any person who shall accept a transferred license, shall each be liable to a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding one month.
- (4) Any person in whose possession shall be found during the period which shall have been declared close in the province or district any of the birds, beasts, or fishes mentioned in the schedule hereto, alive or dead, or the flesh thereof, which he shall not be able to account for satisfactorily, shall be liable on conviction to a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding one month.

Police court to have jurisdiction.

10 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, anything in "The Criminal Procedure Code, 1883," or in any other Ordinance to the contrary notwithstanding.

Informer's share.

11 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.

Burden of proof.

12 (1) In any prosecution instituted under this Ordinance against any person for having taken, killed, or destroyed any birds, beasts, or fishes without a license, the burden of proof that he holds a license shall be on the party accused, and until the contrary shall be proved he shall be deemed to have no license.

(2) When a person is charged with any offence against this Ordinance, he may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequence as any other witness.

## SCHEDULE.

Birds.	Beasts.	Fishes.
Pheasant English Partridge French Partridge Francolin Sand Grouse	Roe Deer Fallow Deer English Hare	Trout Perch Tench Gourami

12th December, 1893.