

CHAPTER 469*

FAUNA AND FLORA PROTECTION

AN ORDINANCE TO PROVIDE FOR THE PROTECTION OF THE
FAUNA AND FLORA OF CEYLON.

[1st March, 1938.]

Ordinances

Nos. 2 of 1937,
31 of 1942,
12 of 1944,
12 of 1945.

Acts

Nos. 38 of 1949,
44 of 1964.

Short title.

1. This Ordinance may be cited as the Fauna and
Flora Protection Ordinance.

PART I

NATIONAL RESERVES AND SANCTUARIES

2. (1) The Minister* may by Order* published in
the Gazette declare that any specified area of Crown
land shall for the purposes of this Ordinance be a
National Reserve and may by that Order* or by any
Order* subsequently published in the Gazette declare
that the whole or any specified part of any such
National Reserve shall be—

- (a) a Strict Natural Reserve ; or
- (b) a National Park ; or
- (c) a Nature Reserve ; or
- (d) a Jungle Corridor ; or
- (e) an Intermediate Zone.

Constitution
of National
Reserves,
Strict
Natural
Reserves,
National
Parks,
Nature
Reserves,
Jungle
Corridors,
Intermediate
Zones, and
Sanctuaries.

[§ 2, 44 of 1964.]

[§ 2, 44 of 1964.]

[§ 2, 44 of 1964.]

[§ 2, 44 of 1964.]

(2) The Minister* may by Order* published in the
Gazette declare that any specified area of land within
Ceylon (other than land declared to be a National
Reserve) shall be a Sanctuary for the purposes of this
Ordinance.

(3) An area declared to be a Sanctuary may include
both Crown land and land other than Crown land.

* Note.—This Chapter has been issued as a consolidated
reprint under the Statutory Reprints Ordinance (Chapter 4)
on September 27, 1965 and is reproduced in this Supplement
as it supersedes Chapter 469 of the Revised Edition of the
Legislative Enactments, 1956, and sets out the law in force
on January 1, 1967.

(4) The Minister* may by Order* published in the Gazette declare that from a specified date—

[§ 2, 44 of 1964.]

- (a) the limits of any National Reserve, Strict Natural Reserve, National Park, Nature Reserve, Jungle Corridor, Intermediate Zone or Sanctuary shall be altered or varied ;
- (b) any National Reserve or part thereof shall cease to be a National Reserve ;
- (c) any Sanctuary or part thereof shall cease to be a Sanctuary ;
- (d) that a National Reserve of one class shall be a National Reserve of another class.

Essential features of Strict Natural Reserves, Jungle Corridors, National Parks, Sanctuaries and Intermediate Zones.
[§ 3, 44 of 1964.]

3. (1) Save as hereinafter provided—

[§ 3, 44 of 1964.]

- (a) no person shall be entitled to enter any Strict Natural Reserve, Nature Reserve or Jungle Corridor or in any way to disturb the fauna and flora therein ;
- (b) no person shall be entitled to enter any National Park except for the purpose of observing the fauna and flora therein ;
- (c) no animal shall be hunted, killed or taken and no plant shall be damaged, collected, or destroyed, in a Strict Natural Reserve, National Park, Nature Reserve or Jungle Corridor ;
- (d) no person shall hunt, shoot, kill or take any wild animal, or take or destroy any egg of any bird or reptile or any nest of any bird, in any Sanctuary.

[§ 3, 44 of 1964.]

(2) Any person shall be entitled, subject to such conditions and restrictions as may be prescribed, to enter any Intermediate Zone and to hunt, shoot, kill or take any wild animal therein.

4. (1) No person other than the Warden shall enter or remain within any Strict Natural Reserve except—

Restriction of entry into Strict Natural Reserves.

(a) for the purpose of discharging any official duty on the instructions or with the written permission of the Warden ; or

(b) under the authority and in accordance with the conditions of a written permit from the Warden.

(2) A permit under subsection (1) (b) shall be issued only for the purpose of authorizing scientific research.

5. (1) No person shall enter or remain within any National Park except under the authority and in accordance with the conditions of a permit issued by the prescribed officer on payment of the prescribed fee.

Restriction of entry into National Parks.

(2) A permit under subsection (1) shall be issued only for the purpose of enabling the permit-holder to study or observe the fauna and flora in a National Park.

(3) If no fee is prescribed for the issue of a permit under subsection (1), such permit shall be issued free of charge.

5A. (1) No person shall enter or remain within any Nature Reserve or Jungle Corridor except under the authority and in accordance with the conditions of a permit issued by the prescribed officer on payment of the prescribed fee.

Restriction of entry into Nature Reserves and Jungle Corridors.

[§ 4, 44 of 1964.]

(2) If no fee is prescribed for the issue of a permit under subsection (1), such permit shall be issued free of charge.

Acts
prohibited in
Strict
Natural
Reserves,
National
Parks,
Nature
Reserves and
Jungle
Corridors.
[§ 5, 44 of 1964.]

6. (1) No person shall in a Strict Natural Reserve, National Park, Nature Reserve or Jungle Corridor—

- (a) hunt, shoot, kill or take any wild animal ; or
- (b) take or destroy any egg of any bird or reptile, or any nest of any bird ; or
- (c) fire any gun or do any other act which disturbs or is likely to disturb any wild animal or do any act which interferes or is likely to interfere with the breeding place of any such animal ; or
- (d) fell, girdle, lop, tap, burn or in any way damage or destroy any plant, or take, collect, or remove any plant therefrom ; or
- (e) clear or break up any land for cultivation, mining or for any other purpose ; or
- (f) kindle or carry any fire ; or
- (g) possess or use any trap or any explosive or poisonous substance capable of being used for the purpose of injuring or destroying any animal or plant.

[§ 5, 44 of 1964.]

(2) No person shall introduce any animal into any Strict Natural Reserve, National Park, Nature Reserve or Jungle Corridor, or tether, liberate or release any animal therein.

[§ 5, 44 of 1964.]

(3) No person shall lead, or allow to stray any domestic animal into any National Reserve. It shall be lawful for the Warden or any officer authorized by the Warden to seize any domestic animal within any National Reserve and to release it to the owner thereof on the payment of a prescribed fine if such animal is claimed within twenty-eight days of such seizure. Any animal not so claimed may be disposed of by the Warden in such manner as he may deem fit.

6A. (1) No person shall fish or take any aquatic animal or plant from any waters within a National Reserve, or Sanctuary which is on Crown land, except under the authority, and in accordance with the conditions, of a permit issued by a prescribed officer on payment of the prescribed fee.

Acts prohibited in National Reserves, and Sanctuaries. [§ 8, 44 of 1964.]

(2) No person shall remove any object of archaeological, pre-historic, historical, geological or other scientific interest from any National Reserve or Sanctuary except under the authority, and in accordance with the conditions, of a permit issued by the prescribed officer on payment of the prescribed fee.

(3) If no fee is prescribed for the issue of a permit under subsection (1) or subsection (2), such permit shall be issued free of charge.

7. (1) No person shall, except in accordance with regulations—

Acts regulated in Intermediate Zones and Sanctuaries.

(a) enter any Intermediate Zone ; or

(b) in any Intermediate Zone or Sanctuary—

(i) fire any gun, or do any other act which disturbs or is likely to disturb any wild animal or do any act which interferes or is likely to interfere with the breeding place of any such animal ; or

(ii) hunt, shoot, kill, or take any wild animal ; or

(iii) take or destroy any egg of any bird or reptile or any nest of any bird ; or

(c) in any Intermediate Zone—

(i) fell, girdle, lop, tap, burn or in any way damage or destroy any plant, or take, collect, or remove any plant therefrom ; or

(ii) clear or break up any land for cultivation, mining or for any other purpose ; or

(iii) kindle or carry any fire ; or

(iv) possess or use any trap or any explosive or poisonous substance capable of being used for the purpose of injuring or destroying any animal or plant.

(2) No person shall, except in accordance with regulations, introduce any animal into any Intermediate Zone or tether, liberate or release any animal therein.

Acts prohibited in vicinity of National Reserve. [§ 7, 44 of 1964.]

8. No person shall, from any road or land outside a Strict Natural Reserve, National Park, Nature Reserve, Jungle Corridor or Intermediate Zone, hunt, shoot, kill or take any wild animal in such reserve, park, corridor or zone.

Special regulations for Part I.

9. Regulations may be made—

- (a) prescribing the conditions and restrictions subject to which persons may be permitted to enter any Intermediate Zone or to hunt, shoot, kill or take any wild animal therein ;
- (b) prescribing the circumstances and cases in which and the conditions and restrictions subject to which wild animals may be hunted, shot, killed or taken in a Sanctuary ;
- (c) prescribing the conditions to be attached to any permit issued for the purposes of this Part of this Ordinance and the fees to be paid for the issue of such permits ;
- (d) for the purpose of extending, with such modification as may be necessary, all or any of the provisions of Part II or of Part III of this Ordinance to any Intermediate Zone or Sanctuary ;
- (e) for the purpose of extending, with such modification as may be necessary, all or any of the provisions of this Part of this Ordinance to any specified insect ;
- (f) declaring that all or any of the provisions of this Part of this Ordinance shall not apply to any specified species of animal in any specified area.

10. Any person who acts in contravention of—

Offences and
penalties
under Part I.

- (a) any provision of this Part of this Ordinance ; or
- (b) any regulation made under section 9 for any purpose set out in that section ; or
- (c) any provision of Part II or Part III of this Ordinance which has by regulation been extended, with or without modification, to any Intermediate Zone or Sanctuary ; or
- (d) any provision of this Part of this Ordinance which has by regulation been extended, with or without modification, to any specified insect,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

11. In this Part of this Ordinance, unless the context otherwise requires—

Interpreta-
tion of Part I.

“animal” means any vertebrate animal and includes a bird, fish, or reptile ;

“domestic animal” means—

- (a) any head of cattle, or any sheep, goat, horse, ass, mule, dog, or cat ;
- (b) any domestic fowl or other bird commonly reared by man as poultry ; and
- (c) when domesticated by man, any elephant, buffalo, pig, deer, hare, rabbit, peacock, parrot, pigeon, or other animal ;

“plant” means any member of the vegetable kingdom and includes the seed or any other part of any plant ;

“wild animal” means any animal which is not a domestic animal.

PART II

TUSKERS, ELEPHANTS, BUFFALOES, DEER, AND FOWL

Protection of
tuskers,
elephants,
buffaloes,
deer, and
fowl in areas
outside
National
Reserves and
Sanctuaries.

[§ 8, 44 of 1964.]

[§ 8, 44 of 1964.]

12. (1) Save as is hereinafter provided, no person shall, in any area outside a National Reserve or a Sanctuary—

(a) hunt, shoot, kill, injure or take any tusker or elephant ; or

(b) during the close season, hunt, shoot, kill, or take any deer or fowl ; or

(c) without a licence in that behalf from the Warden—

(i) capture any buffalo ;

(ii) at any time other than during the close season hunt, shoot, kill or take any deer or fowl.

(2) A person permanently settled in a village area may within that area and at any time other than during the close season shoot or kill any deer without a licence for the purpose of providing food for consumption by himself or by any member of his family.

In this subsection, "village area" means an area declared by the Minister¹ to be a village area by notification in the Gazette.

(3) Every licence under subsection (1) shall be issued in the prescribed form on payment of the prescribed fee and shall continue in force for such period and within such limits and be subject to such conditions as the Warden may consider necessary or expedient to insert therein.

[§ 8, 44 of 1964.]

(4) The holder of any licence under subsection (1) shall not later than fifteen days after the expiry of the licence return the expired licence to the Warden or the prescribed officer and intimate to him the particulars of any buffalo, deer or fowl captured or killed.

13. (1) (a) Whenever it appears to the Warden that in any area outside a National Reserve damage to any person or to any house, crop, plantation or other property is likely to be caused by any tusker, elephant or buffalo, he may by notices affixed in conspicuous places within that area declare that area to be one within which damage by tusker, elephant or buffalo is apprehended and he may take such steps as may be necessary or expedient to have the tusker, elephant or buffalo driven off or captured and may issue licences subject to such conditions as he may deem necessary either free or on payment of the prescribed fee, or of such fee not exceeding the prescribed fee, if any, as he may consider adequate, authorizing the licensee to capture such tusker, elephant or buffalo within that area while the declaration is in force.

Declaration of areas in which damage by tusker, elephant, or buffalo is apprehended.
[§ 9, 44 of 1964.]

(b) Whenever it appears to the Warden that there is serious danger to life or property in the area referred to in subsection (1) (a), he may issue licences subject to such conditions as he may deem necessary or expedient either free or on payment of the prescribed fee or of such fee not exceeding the prescribed fee, if any, as he may consider adequate, authorizing the licensee to shoot, kill or take the tusker, elephant or buffalo, as the case may be, within that area while the declaration is in force.

(2) Every declaration under subsection (1) shall be forthwith reported by the Warden to the Minister¹ and shall continue in force for a period of two months from the date of such declaration.

[§ 2, 12 of 1944.]

(3) The Minister¹ may by notification in the Gazette extend or restrict the period for which such declaration shall continue in force, or may otherwise vary or revoke such declaration, but without prejudice to anything done or suffered thereunder prior to the publication of such notification.

Shooting,
killing or
taking of
tuskers or
elephants
under
special
licence.
{§ 10, 44 of 1964.}

14. Where the Warden is satisfied that a tusker or elephant is found trespassing repeatedly in or upon any plantation or cultivated land and is causing serious damage to the owner of the plantation or cultivated land or likely to cause damage to life or property of those living therein, he may issue to any person a special licence, subject to such conditions as he may deem necessary or expedient, either free or on the payment of the prescribed fee or such fee not exceeding the prescribed fee, if any, as he may consider adequate, authorizing that person to follow or pursue such tusker or elephant to any place (not being a place within a National Reserve) and to shoot, kill or take such tusker or elephant.

Killing or
taking of
deer or fowl
on cultivated
land.
{§ 11, 44 of 1964.}

15. (1) It shall be lawful for the owner or person in charge of any cultivated land at any time to set, lay or spread any trap, snare, net or pitfall in or upon that land for the purpose of killing or taking any deer or fowl which trespasses or attempts to trespass thereon.

(2) Save as provided in subsection (1), no person shall set, lay or spread any trap, snare, net or pitfall for the purposes of taking any deer or fowl.

Killing or
taking of
tuskers, &c.,
to be reported
forthwith.
{§ 12, 44 of 1964.}

16. Any person who in the exercise of any right conferred by or under section 13, or section 14, or section 15, kills or takes any tusker, elephant, buffalo, deer or fowl, shall forthwith report such killing or taking to any police officer entitled to officiate in the area within which such killing or capture took place or to any prescribed officer.

Property in
elephants,
tuskers, &c.,
killed or
taken under
Part II.

17. (1) Any elephant duly killed or taken by any person under the authority of any licence issued under this Part of this Ordinance, shall be the property of that person, unless otherwise provided in the conditions attached to the licence.

(2) Subject to the provisions of subsection (1), every tusker or elephant which is killed or captured shall be the property of the Crown.

(3) Any buffalo, deer, or fowl duly killed or taken by any person in accordance with the provisions of this Part of this Ordinance shall be the property of that person, unless otherwise provided in the conditions attached to the licence, where any such buffalo, deer or fowl was killed or taken under the authority of a licence.

18. Subject to such restrictions or conditions as may be prescribed, the Warden may, by sale or otherwise, dispose of—

Warden authorized to dispose of tusks and carcasses of dead tuskers and elephants.

(a) the carcass, or any part of the carcass, of any dead elephant which is the property of the Crown; or

(b) the tusks or the carcass or any part of the carcass of any dead tusker.

19. (1) A royalty according to such rates as may from time to time be prescribed shall be levied as export duty by the officers of customs at the port of shipment in respect of every tusker or elephant, whether wild or tame, exported from Ceylon to any place outside Ceylon.

Royalties payable on export of tuskers and elephants.

(2) No tusker or elephant, whether wild or tame, shall be exported from Ceylon to any place outside Ceylon except under the authority of a special permit issued by the Warden.

[§ 3, 38 of 1949.]

(3) This section shall have effect as if it formed part of the Customs Ordinance and the provisions of that Ordinance shall apply accordingly.

20. Any person who—

(a) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, hunts, shoots, kills, takes, follows, or pursues any tusker; or

Offences—
Tuskers.

(b) exports any tusker, whether wild or tame, from Ceylon except under the authority of a special permit issued under section 19, or in any way evades payment of the royalty payable on such export,

[§ 13, 44 of 1964.]

[§ 13, 44 of 1964.]

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand rupees or to imprisonment of either description for a term which may extend to two years or to both such fine and imprisonment; and where any person who is convicted of an offence mentioned in paragraph (a) of this section in respect of the killing or taking of any tusker is found by the court to be in possession of that tusker or its carcase or tusks, the court may make order directing such tusker, carcase, or tusks to be delivered to the possession or custody of any officer of Government to be held by that officer for and on behalf of the Crown.

Offences—
Elephants.

21. Any person who—

(a) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, hunts, shoots, kills, takes, follows or pursues any elephant; or

[§ 4, 38 of 1949.]

(b) exports any elephant, whether wild or tame, from Ceylon except under the authority of a special permit issued under section 19, or in any way evades payment of the royalty prescribed in respect of the export of any elephant from Ceylon,

[§ 14, 44 of 1964.]

[§ 14, 44 of 1964.]

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to one year or to both such fine and imprisonment; and where any person who is convicted of an offence mentioned in paragraph (a) of this section in respect of the killing or taking of any elephant is found by the court to be in possession of that elephant or its carcase, the court may make order directing such elephant or carcase to be delivered to the possession or custody of any officer of Government to be held by that officer for and on behalf of the Crown.

22. Any person who—

Offences—
Buffaloes,
deer, or fowl.

(1) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, hunts, shoots, kills, or takes any buffalo, deer, or fowl; or

(2) in contravention of this Part of this Ordinance—

(a) sets, lays, or spreads any snare, net, or pitfall for the purpose of killing or taking any deer or fowl; or

(b) during the close season, hunts, shoots, kills or takes any deer or fowl; or

(3) during the close season takes or removes the eggs of any fowl,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three hundred rupees or to imprisonment of either description for a term which may extend to three months or to both such fine and imprisonment.

[§ 15, 44 of 1964.]

22A. (1) No person shall own, have in his custody or make use of a tusker or elephant unless it is registered and unless a licence in respect of the tusker or elephant has been obtained in accordance with the provisions of this section.

Registration
and licensing
of tuskers and
elephants.

[§ 16, 44 of 1964.]

(2) Every person who owns or has in his custody a tusker or elephant shall register such tusker or elephant with the prescribed officer.

(3) Every person who owns or has in his custody a tusker or elephant shall, prior to registration, pay such registration fee as may be prescribed.

(4) The Warden shall maintain a register of tuskers and elephants in such form as may be prescribed.

(5) Every person who owns or has in his custody a tusker or elephant shall, upon payment of the prescribed licence fee, obtain from the prescribed officer an annual licence in respect of such tusker or elephant.

(6) Where a person becomes the owner, or obtains the custody, of a tusker or an elephant by virtue of sale, gift, the death of the previous owner or in any other manner whatsoever, such person shall immediately inform the Warden or prescribed officer and, if the tusker or elephant is registered or licensed, take such steps as may be prescribed to have the previous registration and licence cancelled and to have a fresh registration made and a fresh licence obtained.

(7) Any person who owns, has in his custody or makes use of a tusker or elephant which is not registered, and in respect of which a licence has not been obtained, in accordance with the provisions of this section, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment of either description which may extend to three months or to both such fine and imprisonment.

(8) Regulations may be made—

- (a) specifying the officers to whom applications for registration of, and licences in respect of, tuskers and elephants shall be made, and who shall have power to register and issue licences in respect of tuskers and elephants ;
- (b) specifying the particulars to be set out in any such application, in the document certifying such registration and in such licence, including reference to identification marks and other details of the tusker or elephant to which the application, document certifying registration or licence relates ;
- (c) specifying the conditions subject to which such registration shall be made and licence issued and the fees payable for such registration and licence ;
- (d) specifying the form in which prescribed officers shall maintain registers under this section ; and
- (e) specifying the manner in which any such registration or licence shall be cancelled and a fresh registration made and a fresh licence issued.

23. (1) Any person who is in unlawful possession of a tusker or an elephant shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand rupees or to imprisonment of either description for a term which may extend to one year or to both such fine and imprisonment; and the court may on the conviction of any such person make order for the disposal of the tusker or elephant in respect of which the offence was committed, having regard to the rights of any other person who may appear to the court to be lawfully entitled to the possession of such tusker or elephant.

Penalty for unlawful possession of tusker or elephant.
[§ 17, 44 of 1964.]

(2) A person who is found in possession of a tusker or an elephant shall be deemed to be in unlawful possession of that tusker or elephant unless—

- (a) he is the captor of that tusker or elephant under the authority of a licence issued under this Ordinance or under any written law repealed by Ordinance No. 2 of 1937; or
- (b) he is the successor in title to such captor; or
- (c) he is in possession on behalf of such captor or his successor in title.

24. (1) No person shall have in his possession a tusk or tush unless such tusk or tush has been registered with a prescribed officer.

Tusks and tushes to be registered.
[§ 18, 44 of 1964.]

(2) Every prescribed officer shall keep a register for the registration of tusks and tushes in such form as may be prescribed.

(3) Any person who has in his possession a tusk or tush which has not been registered shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term which may extend to two weeks or to both such fine and imprisonment.

(4) The court may, on the conviction of any person of an offence under subsection (3), make order for the disposal of the tusk or tush in respect of which the offence was committed, having regard to the

rights of any other person who may appear to the court to be lawfully entitled to the possession of such tusk or tush.

(5) Regulations may be made—

- (a) specifying the officer who shall have power to register tusks and tushes, and
- (b) specifying the form in which prescribed officers shall maintain registers under this section.

Power of Warden, &c., to seize tusker, elephant, tusk or tush on suspicion.
[§ 19, 44 of 1964.]

25. (1) Where it appears to the Warden or to any police officer or other prescribed officer that any person is in unlawful possession of any tusker, elephant, tusk or tush, it shall be lawful for the Warden or such police or other prescribed officer to seize such tusker, elephant, tusk or tush and detain such tusker or elephant and to apply to the Magistrate having jurisdiction over the place where the tusker, elephant, tusk or tush was seized to make order for the disposal of such tusker, elephant, tusk or tush and the Magistrate to whom such application is made may, after such inquiry as he may deem necessary, make such order for the disposal of the tusker, elephant, tusk or tush as the justice of the case may require.

[§ 19, 44 of 1964.]

(2) An order made under this section shall not affect the liability of any person to be prosecuted for any offence committed in respect of the tusker, elephant, tusk or tush to which the order relates.

Penalty for unlawful possession of fresh meat, &c., of deer and fowl.

26. (1) Any person who is in unlawful possession of—

- (a) the fresh meat or flesh of any deer or fowl; or
- (b) the fresh hide or horn of any deer; or
- (c) the freshly taken skin, feathers or eggs of any fowl,

[§ 20, 44 of 1964.]

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two hundred and fifty rupees or to imprisonment of either description for a term which may extend to three months or to both such fine and imprisonment.

- (2) A person who is found in possession of—
- (a) the fresh meat or flesh of any deer or fowl ; or
 - (b) the fresh hide or horn of any deer ; or
 - (c) the freshly taken skin, feathers or eggs of any fowl,

shall be deemed to be in unlawful possession thereof unless such meat, flesh, hide, horn, skin, feathers or eggs, as the case may be, was or were part of or taken or obtained from any deer or fowl lawfully killed or taken in accordance with the provisions of this Part of this Ordinance.

27. Regulations may be made prescribing the circumstances in which and the conditions subject to which the Warden may waive or reduce the fee prescribed for the issue of any licence under this Part of this Ordinance.

Special regulations for Part II.

28. In this Part of this Ordinance, unless otherwise expressly provided or unless the context otherwise requires—

Interpretation of Part II.

“buffalo” means a wild buffalo ;

“deer” means any of the following species of deer :—

- (a) Sambur (*Rusa unicolor unicolor*),
- (b) Spotted deer (*Axis axis Ceylonensis*),
- (c) Red or barking deer (*Muntiacus malabaricus*),
- (d) Paddy field or hog deer (*Hyelaphus porcinus.*) ;

“elephant” means a wild elephant other than a tusker ;

“fowl” means any of the following species of fowl or partridge :—

- (a) Pea fowl (*pavo cristatus*),
- (b) Ceylon spur fowl (*Galloperdix bisalcarata*),

- (c) Grey partridge (*Francolinus pondicerianus*),
- [§ 21, 44 of 1964.] (d) Painted partridge (*Francolinus pictus*),
- [§ 21, 44 of 1964.] (e) Jungle fowl (*gallus lafayetteii*),
- [§ 21, 44 of 1964.] (f) Ceylon jungle bush quail (*perdicula asiatica Ceylonensis*);
- [§ 21, 44 of 1964.] "tusk" means the tusk of a tusker;
- [§ 21, 44 of 1964.] "tush" means the tush of a tusker;
- [§ 21, 44 of 1964.] "tusker" means a wild elephant having one or more tusks or tushes.

Part II not to apply to tuskers, &c., seized at kraals.

29. The foregoing provisions of this Part of this Ordinance shall have no application to the hunting, killing, taking, pursuit, or possession of—

- (a) any tusker or elephant seized or taken at any elephant kraal held under the Elephant Kraal Ordinance, or
- (b) any buffalo seized or taken at any buffalo kraal held in such manner and circumstances and subject to such conditions as may be prescribed.

PART III

BIRDS, BEASTS, AND REPTILES

Offences relating to birds.

[§ 22, 44 of 1964.]

30. (1) Any person who in any area outside a National Reserve or a Sanctuary—

- (a) knowingly kills, wounds or takes any bird; or
- (b) takes or destroys the eggs or nest of any bird; or
- (c) uses any boat or any lime, snare, net, trap or other instrument for the purpose of killing or taking any bird; or
- (d) has in his possession or under his control any bird recently killed or taken, or the skin of any bird recently killed or taken, or the feathers of any bird recently killed or taken or the recently taken eggs of any bird; or

- (e) exposes or offers for sale any bird or any part of any bird,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two hundred and fifty rupees or to imprisonment of either description for a term which may extend to three months or to both such fine and imprisonment :

Provided that no person shall be deemed to have committed an offence under this section in relation to any bird specified in Schedule I at any time of the year, and in relation to any bird specified in Schedule II in the open season.

(2) A person shall not be guilty of an offence under this section if the act which constitutes such offence has been done in the circumstances and subject to the conditions under which such act is authorized or permitted by any regulation made under section 32.

31. (1) Any person who in any area outside a National Reserve or Sanctuary—

- (a) knowingly kills, wounds or takes any reptile or beast included for the time being in Schedules III and IV ; or
- (b) takes or destroys the eggs or nest of any such reptile ; or
- (c) uses any boat or any lime, snare, net, trap or other instrument for the purpose of killing or taking any such reptile or beast ; or
- (d) has in his possession or under his control any such reptile or beast recently killed or taken or the skin of any such reptile or beast recently killed or taken, or the recently taken eggs of any such reptile ; or
- (e) exposes or offers for sale any such reptile or beast or any part of any such reptile or beast ; or
- (f) purchases the skin of any such reptile or beast for the purpose of tanning or preparing such skin for use,

Offences relating to reptiles and beasts included in Schedules III and IV. (S 23, 44 of 1964.)

Cap. 101.

(3) Every Winding-up Tribunal shall have such powers of a civil court under the Civil Procedure Code as may be prescribed.

(4) Every Winding-up Tribunal may review any of its decisions in the event of there being a mistake on the face of the record or correct any arithmetical or clerical mistake therein.

Circumstances under which the District Court or a Winding-up Tribunal may order the winding up of an insurer.
Cap. 145.

63. (1) The District Court or a Winding-up Tribunal may order the winding up of any insurance company in accordance with the Companies Ordinance and the provisions of that Ordinance shall, subject to the provisions of this Part of this Act, apply accordingly.

(2) The District Court or a Winding-up Tribunal may order the winding up of an insurer—

- (a) if a petition in that behalf is presented by not less than fifty holders of policies of life assurance issued by that insurer and which have been in force for not less than three years and which will on maturity be of the total value of not less than fifty thousand rupees ; or
- (b) if the Controller, who is hereby authorized to do so applies in that behalf to the District Court or to a Winding-up Tribunal on any of the following grounds, namely :—
 - (i) that the insurer has failed to comply with the provisions of section 12 and of section 44 ;
 - (ii) that the insurer having failed to comply with any requirement of this Act has continued such failure, or having contravened any provisions of this Act, has continued such contravention, for a period of three months after notice of such failure or contravention has been conveyed to the insurer by the Controller ;

- (iii) that it appears from the returns furnished under the provisions of this Act or from the results of any investigation made thereunder that the insurer is insolvent ;
or
- (iv) that the continuance of the insurer is prejudicial to the interests of the policy holders.

(3) Where any petition under paragraph (a) of subsection (2) is found to have been made frivolously or vexatiously, the District Court or Winding-up Tribunal may make order for the payment by the petitioners of the costs and expenses actually and reasonably incurred by the insurer in consequence of the petition and in the proceedings thereon.

64. (1) In the winding up of an insurer, the value of the assets and liabilities of the insurer shall be ascertained in such manner and upon such basis as the liquidator thinks fit, subject, as far as practicable, to the regulation contained in the Sixth Schedule to this Act and to any directions which may be given by the District Court or Winding-up Tribunal, as the case may be.

Valuation of
assets and
liabilities.

(2) For the purposes of any reduction by the District Court or Winding-up Tribunal of the amounts of the contracts of an insurer, the value of the assets and liabilities of the insurer and all claims in respect of policies issued by the insurer shall be ascertained in such manner and upon such basis as the Court or Winding-up Tribunal thinks proper having regard to the regulation in the Sixth Schedule to this Act.

65. (1) In the winding up of an insurer, the value of the assets and the liabilities of the insurer in respect of life assurance business shall be ascertained separately from the value of any other assets and liabilities of the insurer, and the first-mentioned assets shall not be applied for the discharge of any liabilities other than those in respect of life assurance business except in so far as the first-mentioned assets exceed the liabilities in respect of life assurance business.

Application of
surplus of
assets fund in
liquidation.

(4) In this section the expression "bird, beast, or reptile" does not include a domestic animal as defined in section 11.

Regulations relating to non-indigenous birds, beasts, and reptiles.

38. Regulations may be made—

- (a) requiring any person who imports any bird, beast or reptile on a permit issued under section 37 to produce a certificate from an approved authority that such bird, beast, or reptile is free from disease or infection ;
- (b) prohibiting any bird, beast, or reptile imported on a permit issued under section 37 from being liberated or released in any part of Ceylon, or prescribing any area or areas within which any such bird, beast, or reptile may be liberated or released ;
- (c) exempting any specified species of bird, beast, or reptile from the operation of section 37 or of any regulation made under this section.

Penalties for unlawful import or release of non-indigenous birds, beasts, and reptiles.

39. (1) Any person who—

- (a) imports into Ceylon any bird, beast, or reptile in contravention of the provisions of section 37 or of any regulation made under section 38 ; or
- (b) contravenes any regulation made under section 38,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

(2) Any person who liberates or releases any bird, beast, or reptile which has been imported into Ceylon in contravention of the provisions of section 37 shall be guilty of an offence and shall, in addition to any punishment to which he may be liable under subsection (1), be liable on conviction to a fine of five hundred rupees in respect of each bird, beast, or reptile so liberated or released.

[S. 26. 44 of 1964.]

40. (1) No person shall export from Ceylon—

- (a) any bird, beast or reptile, whether dead or alive ; or
- (b) the eggs, feathers, or plumage of any bird, the horns or skin of any beast, or the eggs or skin of any reptile, or any other part of any bird, beast or reptile,

Prohibition of export of birds, beasts, and reptiles without a permit.

except upon a permit in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

(2) Such permit shall not be issued except for the promotion of scientific knowledge including supplies to museums, zoological gardens and in exchange for supplies to local museums or zoological gardens or for such other purposes as may be prescribed.

[§ 27, 44 of 1964.]

(3) This section shall have effect as if it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

[§ 27, 44 of 1964.]

(4) In this section—

[§ 27, 44 of 1964.]

“bird” or “reptile” does not include any bird or reptile of a species which is not indigenous to Ceylon ;

“beast” does not include—

[§ 6, 38 of 1949.]

(a) any animal the exportation of which is restricted by section 19, or

(b) any domestic animal as defined in section 11, or

(c) any beast of a species which is not indigenous to Ceylon.

(5) In any case of doubt or dispute a certificate purporting to be signed by the Director of Meseums to the effect that any bird, beast, or reptile belongs to a species which is not indigenous to Ceylon, or that any species of any bird, beast, or reptile is a species not indigenous to Ceylon, or that any part of any bird, beast, or reptile is a part of a bird, beast, or reptile of a species which is not indigenous to Ceylon, or that any

[§ 27, 44 of 1964.]

egg of any bird or reptile is the egg of a bird or reptile of a species which is not indigenous to Ceylon shall for all purposes be final and conclusive as to the facts stated therein.

Penalty for unlawful export of birds, beasts, and reptiles.

41. Any person who exports from Ceylon any bird, beast, or reptile, whether dead or alive, or any part of any bird, beast, or reptile, or any eggs, feathers, plumage, horns or skin in contravention of the provisions of section 40 shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

PART IV

FLORA

Protection of plants included in Schedule V.
[§ 28, 44 of 1964.]

42. (1) No person shall in any area specified for the time being in the second column of Schedule V—

(a) remove, uproot or destroy, or cause any damage or injury to, any plant which is for the time being included in the first column of Schedule V and—

(i) is the property of any other person ; or

(ii) is growing in any public place ; or

(b) destroy any plant which is for the time being included in the first column of Schedule V and is his own property ; or

(c) sell or expose or offer for sale any plant for the time being included in the first column of Schedule V,

[§ 28, 44 of 1964.]

[§ 28, 44 of 1964.]

[§ 28, 44 of 1964.]

except upon a permit in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

(2) If no fee is prescribed for the issue of a permit for the purposes of subsection (1), that permit shall be issued free of charge.

43. No person shall uproot or destroy or cause any damage or injury to any tree (hereinafter called a "protected tree") growing in any public place and included for the time being in Schedule VI:

Protected trees.

[§ 29, 44 of 1964.]

Provided that nothing herein contained shall be deemed to prohibit or to penalize any act done by or on the orders of any person entrusted by the Crown or by any local authority with the charge or care of any protected tree if such act is done in order to stimulate the growth or to improve the condition or appearance or to secure the safety or to preserve the existence of any such tree.

44. The Minister¹ may by regulation add to, rescind, vary or amend any of the provisions of Schedule V or Schedule VI:

Alteration of Schedules V and VI.

[§ 30, 44 of 1964.]

Provided that no tree shall be so added to the list of trees in Schedule VI unless that tree is growing in a public place and unless in the opinion of the Minister¹ the preservation or protection of that tree is necessary or desirable for scientific or aesthetic purposes or on religious or historical grounds.

[§ 30, 44 of 1964.]

45. Regulations may be made—

Regulations relating to flora.

- (a) prohibiting or regulating the exportation from Ceylon of any specified plant, whether or not such plant is included for the time being in Schedule V;
- (b) prohibiting or regulating the cultivation of any specified plant;
- (c) prescribing the conditions to be attached to any permit issued under section 42;
- (d) generally, for the protection and conservation of the wild vegetation, plant life and flora of Ceylon.

[§ 31, 44 of 1964.]

46. Any person who acts in contravention—

Offences under Part IV.

- (a) of the provisions of section 42 or of any permit issued to him under that section or of any condition attached to any such permit; or
- (b) of the provisions of section 43; or
- (c) of any regulation made under section 45,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

Savings—
Part IV.

47. Nothing in this Part of this Ordinance shall affect the provisions of—

- (a) the Forest Ordinance, or any rules or regulations made thereunder ;
- (b) the Water Hyacinth Ordinance ;
- (c) the Plant Protection Ordinance, or of any regulation made thereunder ;
- (d) the Tea Control Act, or of any regulation made thereunder ;
- (e) the Rubber Control Act, or of any regulation made thereunder ;
- (f) any other written law relating to the cultivation or to the regulation or the prohibition of the cultivation of any plant.

Interpretation
of Part IV.

48. In this part of this Ordinance, unless the context otherwise requires—

“plant” means any member of the vegetable kingdom and includes the seed and any part of a plant other than the flower ;

“public place” means any Crown land or land at the disposal of the Crown or land belonging to or vested in a local authority and includes any land which is not private property.

PART V

MISCELLANEOUS PROVISIONS

Taxidermists
and traders
in animals,
skins, &c., to
be licensed.
[§ 32, 44 of 1964.]

49. (1) No person shall carry on or exercise the business or trade of a taxidermist, tanner, curer or trophy-dealer, or any other business or trade involving the purchase or sale of any animal, whether dead or alive, or of any part of any dead animal, except upon a licence in respect of each such business or trade in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

(2) Every licence issued under subsection (1) shall be subject to the prescribed conditions and if no fee is prescribed for the issue of such a licence, it shall be issued free of charge.

(3) In this section "animal" means an animal as defined in section 11, but does not include a domestic animal as defined in that section.

50. (1) The Minister¹ may by notification in the Gazette declare any road in any area outside a National Reserve or a Sanctuary to be a prohibited road for the purposes of this Ordinance.

No gun to be discharged on a prohibited road.

(2) Any person who discharges any gun on any prohibited road or on any land adjoining any such road and reserved for its extension, protection or benefit, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

(3) Regulations may be made prescribing the means by which and the manner in which the fact that any road is a prohibited road for the purposes of this Ordinance may be brought to the notice of members of the public who have occasion to use that road or to travel thereon.

51. No person shall shoot at any bird or animal from any position in or on any moving or stationary vehicle of any kind.

Prohibition of shooting from vehicles.

52. No person shall use any artificial light for the purpose of enabling or facilitating the destruction of any bird or animal, whether by dazzling the vision of any such bird or animal or otherwise.

Prohibition of use of artificial lights.

52A. No person shall shoot at, injure or kill any animal, reptile or bird within a distance of one hundred yards from a water-hole or place where animals usually go to drink water.

Prohibition of shooting, &c., in vicinity of water-holes [§ 33, 44 of 1964.]

Regulation of hunting, shooting, &c., on Crown land outside National Reserves.

[§ 34, 44 of 1964.]

[§ 34, 44 of 1964.]

[§ 34, 44 of 1964.]

53. Except in accordance with regulations, no person shall on any Crown land outside a National Reserve—

(a) hunt, shoot, kill, or take any animal, reptile, or bird, between sunset and sunrise ;

(b) set, lay, or spread any net, pitfall, trap, snare or other instrument for the purpose of killing or taking any animal, reptile, or bird ; or

(c) construct or use any ambush, or hide on the ground or on a tree for the purpose of shooting or injuring any animal, reptile or bird.

Prohibition of the use of poison, &c., on animals, reptiles or birds.

[§ 35, 44 of 1964.]

53A. No person shall use any poison, explosive or stupefying substance for the purpose of poisoning, killing or stupefying any animal, reptile or bird.

Prohibition of the possession, &c., of the flesh of any animal reptile or bird killed or taken by the use of poison, &c.

[§ 35, 44 of 1964.]

53B. No person shall have in his possession, sell, expose for sale or transport the flesh of any animal, reptile or bird which has been killed or taken by the use of any poison, explosive, or stupefying substance :

Provided that no person shall be convicted under this section if he proves that he did not know and had no reasonable cause to believe that the animal, reptile or bird, whose flesh he is charged with having in his possession, selling, exposing for sale or transporting, had been killed or taken by the use of any poison, explosive, or stupefying substance.

Prohibition of serving as food the flesh of any animal, reptile or bird the killing of which is prohibited.

[§ 36, 44 of 1944.]

54. No person shall at any restaurant, hotel, resthouse or eating house, serve or authorize the serving of any food which constitutes or contains the flesh of any animal, reptile or bird the killing of which is at that time prohibited under this Ordinance.

55. (1) The Warden may by a writing under his hand authorize any person to do any act otherwise prohibited or penalized under this Ordinance or any regulation made thereunder, if in the opinion of the Warden such act should be authorized for the protection, preservation or propagation, or for the scientific study or investigation, or for the collection of specimens for a zoo, museum or similar institution, of the fauna and flora of Ceylon.

Circumstances in which acts otherwise prohibited may be authorized.

[§ 37, 44 of 1964.]

(2) No person authorized under subsection (1) to do any act shall, by reason only of the commission of that act, be guilty of an offence under this Ordinance or any regulation made thereunder.

PART VI

GENERAL

LICENCES AND PERMITS

56. (1) The Warden or any officer empowered to issue a licence or permit under this Ordinance or any regulation made thereunder may in his discretion—

Refusal and revocation of licences and permits.

- (a) insert in any such licence or permit any condition which he may consider necessary or expedient ;
- (b) refuse to issue any such licence or permit ;
- (c) revoke any such licence or permit, by notice in writing to the person to whom such licence or permit was issued.

(2) Any person aggrieved by the refusal or revocation of any permit or licence (other than a licence under section 49) may appeal against such refusal or revocation to the Minister.¹

(3) Any person aggrieved by the refusal to issue a licence under section 49 or by the revocation of any licence issued under that section may appeal against such refusal or revocation to the Minister.¹

(4) The decision of the Minister¹ on any appeal preferred under subsection (2) or subsection (3), as the case may be, shall be final and conclusive.

(5) Regulations may be made prescribing the time within which appeals shall be preferred and generally in respect of all matters incidental to or connected with the hearing or disposal of such appeals.

Licences and permits not to be transferred.

57. (1) No person other than the person named in any licence or permit issued under this Ordinance or any regulation made thereunder shall be entitled under cover of that licence or permit to do any act to authorize which that licence or permit was issued.

(2) Any person who transfers to any other person any licence or permit issued to him under this Ordinance or any regulation made thereunder shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

OFFENCES AND PENALTIES

General penalty.

[§ 38, 44 of 1964.]

58. Any person who does any act in contravention of any of the provisions of this Ordinance or of any regulation or of any condition inserted in any licence or permit issued under this Ordinance or under any regulation shall be guilty of an offence punishable, where no other penalty is expressly provided by this Ordinance, with a fine not exceeding three hundred rupees or with imprisonment of either description for a term which may extend to three months or with both such fine and imprisonment.

Attempts and abetment.

59. Any person who attempts to commit or abets the commission of any offence under this Ordinance or any regulation made thereunder shall himself be guilty of the same offence.

60. (1) An act otherwise prohibited or penalized under this Ordinance or any regulation made thereunder shall not be an offence if it is done—

General exceptions to criminal liability.

(a) for the purpose of protecting any human being or any domestic animal from any immediate danger or from injury by any wild animal ; or

[§ 39, 44 of 1964.]

(b) for the purpose of killing or taking in or in the immediate vicinity of any human dwelling or of the land in which such dwelling is situate any leopard, bear, wild boar, crocodile or poisonous reptile.

[§ 39, 44 of 1964.]

(2) In this section the expressions “animal”, “domestic animal” and “wild animal” respectively have the meanings assigned to those expressions in section 11.

61. Repealed.

[§ 40, 44 of 1964.]

62. The Warden may at any time compound any offence under this Ordinance ; and where a prosecution has been entered against any person for any offence under this Ordinance, the Warden may compound such offence at any time before judgment and may withdraw such prosecution.

Power to compound offences.
[§ 7, 38 of 1949.]

63. It shall be lawful for a Magistrate summarily to try any offence under this Ordinance or under any regulation :

Offences to be triable summarily by Magistrates' Courts.

Provided that nothing herein contained shall affect the right of a Rural Court to try any such offence in respect of which jurisdiction is conferred on such court under the provisions of the Rural Courts Ordinance.

64. (1) Except as is hereinbefore expressly provided in regard to the disposal of any tusker or elephant or of the carcase of any tusker or elephant or the tusks of any tusker on the conviction of any person for an offence relating to a tusker or elephant, any animal or any part of any animal in respect of which any offence has been committed and any gun,

Power of Magistrate's Court to make order of confiscation.

boat, artificial light, snare, net, trap, or other instrument, contrivance, appliance or thing used in or for the commission of any offence may be confiscated by order of the court before which the offender is convicted and may be disposed of in such manner as the court may direct.

(2) In this section "animal" means an animal as defined in section 11.

Share of fines
to the Wild
Life
Preservation
Fund.
[§ 41, 44 of 1964.]

65. It shall be lawful for the court before which an offender is convicted of an offence to direct in respect of any fine that may be imposed for such offence that any share not exceeding one-half thereof or of so much as shall actually be recovered be awarded to the Wild Life Preservation Fund which shall be maintained and operated on by the Warden in the prescribed manner.

Powers of
arrest and
search.
[§ 42, 44 of 1964.]

66. (1) Where a police officer or prescribed officer has reasonable grounds for believing that any person has committed an offence he may, subject to such restrictions as may be prescribed—

- (a) require such person to produce for his inspection any animal or bird or the carcase or part of the carcase of any animal or bird in his possession, or any licence, permit or other document issued to him or required to be kept by him under the provisions of this Ordinance ;
- (b) search any boat, vessel or vehicle and open any package or container carried in such boat, vessel or vehicle ;
- (c) seize any animal or bird or the carcase or part of the carcase of any animal or bird in the possession of any person and appearing to such officer to be the property of the Crown under the provisions of this Ordinance ; and
- (d) unless he is satisfied that such person will appear and answer any charge preferred against him, arrest and detain such person without warrant and seize anything in his possession which may be produced in evidence of his offence :

Provided that such person shall be produced before the Magistrate without unnecessary delay and, in any case, within twenty-four hours from the time of arrest, exclusive of the time necessary for the journey from the place of arrest to the Magistrate.

(2) Any person who without reasonable cause fails to produce and hand over anything which a police officer or prescribed officer acting under the provisions of this section may require him to produce or hand over, shall be guilty of an offence.

(3) Any person who fails or refuses to stop when called upon to do so by a police officer or prescribed officer or refuses to be searched by, or obstructs or resists a police officer or prescribed officer acting under the provisions of this Ordinance shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

67. (1) For the purpose of preventing the commission of offences against section 8 of this Ordinance on any portion of any road running alongside a Strict Natural Reserve, National Park or Intermediate Zone—

Erection of barriers and search of vehicles, &c., on roads adjoining National Reserve.

[§ 8, 38 of 1949.]

(a) it shall be lawful for the Warden to cause barriers to be placed across each end of that portion of the road, so as to enable vehicles to be stopped and searched thereat as hereinafter provided ; and

(b) it shall be lawful for a prescribed officer to stop at such barrier any vehicle which is about to enter that portion of the road, and to search the vehicle and any person in the vehicle, for the purpose of ascertaining whether any gun is being carried therein, and in any case where any gun is so found therein, to require the person for the time being in charge of the vehicle to permit such officer or any other

person specified by such officer to travel in that vehicle during the whole or any part of the journey to be performed on that portion of the road.

(2) Where the person for the time being in charge of any vehicle which is stopped at any barrier under subsection (1) refuses, upon being required so to do under that subsection, to permit a prescribed officer or any person specified by such officer to travel in the vehicle, it shall be lawful for the prescribed officer to take such steps as may be necessary to prevent the vehicle from proceeding beyond the barrier.

APPOINTMENT OF OFFICERS AND ADVISORY COMMITTEE

Appointment
of officers.

68. (1) For the purposes of this Ordinance, there may be appointed^a—

(a) a person by name or by office to be or to act as Warden or as Deputy Warden,

(b) a person by name or by office to be or to act as district warden for any specified district or area ;

[§ 43, 44 of 1984.]

(c) a person to act as an honorary district warden for any specified district or area ;

(d) such other officers and servants as may from time to time be required.

(2) In the exercise of their powers and in the discharge of their duties under this Ordinance all persons, officers and servants appointed under this section shall be subject to the general direction and control of the Minister¹.

(3) All persons, officers and servants appointed under this section shall be deemed to be public servants within the meaning of the Penal Code.

Delegation of
powers of
Warden.

[§ 44, 44 of 1984.]

69. The Warden may with the approval of the Minister¹ delegate to any district warden or to any honorary district warden in respect of his district or area any power or duty conferred or imposed on the Warden by this Ordinance or by any regulation made thereunder.

70. (1) The Minister¹ may appoint an advisory committee which shall consist of the Warden as chairman and of eleven other persons, for the purpose of advising the Warden and making recommendations to the Minister¹ on all matters and questions relating to the fauna and flora of Ceylon.

Advisory committee.

(2) Meetings of the advisory committee shall be held at least twice in every year.

(3) The advisory committee shall be entitled to determine its own procedure in any matter of procedure for which no provision is prescribed.

GENERAL REGULATIONS

71. (1) The Minister¹ may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

General regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister¹ may make regulations for or in respect of all or any of the following matters:—

- (a) the circumstances in which and the conditions subject to which the Warden may exercise the powers conferred on him by section 55;
- (b) the circumstances in which and the conditions subject to which any licence or permit may be issued free of charge;
- (c) the fee to be paid for any licence or permit issued under this Ordinance or under any regulation, and the mode and manner of payment or recovery of any such fee;
- (d) the prohibition or regulation of the import, manufacture, sale, possession or use of any head-gear so constructed as to be capable of being fitted with any lamp or artificial light or of any lamp constructed so as to be capable of being fitted into any head-gear;
- (e) the period of office of the members of the advisory committee appointed under section 70, the manner in which meetings of that

committee shall be convened, the procedure to be followed at such meetings, and the manner in which the recommendations of that committee shall be made ;

(f) the declaration of any period other than that specified in section 72 as a close season in respect of any particular species of bird or beast either throughout the whole of Ceylon or in any specified area ;

[§ 45, 44 of 1964.]

(g) the establishment and administration of the "Wild Life Preservation Fund" and the purposes for which that Fund may be employed ; and

[§ 45, 44 of 1964.]

(h) all matters for which regulations are required or authorized to be made under this Ordinance, all matters stated or required by this Ordinance to be prescribed, and all other matters incidental to or connected with such matters.

(3) Every regulation made by the Minister¹ shall be brought before the Senate and the House of Representatives¹ by a motion that such regulation shall be approved. No regulation made by the Minister¹ shall have effect until it has been approved by the Senate and the House of Representatives¹. Notification of such approval¹ shall be published in the Gazette.

(4) A regulation made by the Minister¹ when approved by the Senate and the House of Representatives¹ shall, upon notification of such approval in the Gazette, be as valid and effectual as if it were herein enacted.

INTERPRETATION AND SAVINGS

Interpretation.

72. (1) In this Ordinance, unless the context otherwise requires—

"close season" means the period from the thirtieth day of April to the thirty-first day of October in each year, or such other period as may be prescribed in respect of any particular species of bird or beast either throughout the whole of Ceylon or in any specified area ;

- “ Crown land ” means all land to which the Crown is lawfully entitled together with all rights, interests and privileges attached or appertaining thereto ;
- “ cultivated land ” includes land used for chena cultivation when a crop is growing on such land ;
- “ Intermediate Zone ” means an Intermediate Zone declared³ under section 2 (1) ;
- “ gun ” has the same meaning as in the Firearms Ordinance ;
- “ Jungle Corridor ” means a Jungle Corridor for elephants constituted by Order under section 2 (1) ; [§ 46, 44 of 1964.]
- “ local authority ” means any Municipality, Urban Council, Town Council, or Village Council and includes the inhabitants* of a village area constituted under the Village Councils Ordinance ;
- “ National Park ” means a National Park constituted by Order under³ section 2 (1) ;
- “ National Reserve ” means a National Reserve constituted by Order³ under section 2 (1) ;
- “ Nature Reserve ” means a Nature Reserve constituted by Order under section 2 (1) ; [§ 46, 44 of 1964.]
- “ offence ” means an offence under this Ordinance or under any regulation ;
- “ open season ” means that portion of the year that is not included in the close season ; [§ 46, 44 of 1964.]
- “ police officer ” includes any headman appointed by a Government Agent to perform police duties ;
- “ prescribed ” means prescribed by this Ordinance or by regulation ;
- “ regulation ” means a regulation made by the Minister¹ under this Ordinance ;
- “ Sanctuary ” means a Sanctuary constituted by Order³ under section 2 (2) ;

* See Section 3 (now repealed) of Ordinance No. 9 of 1924.

“Strict Natural Reserve” means a Strict Natural Reserve constituted by Order^a under section 2 (1) ;

“Warden” means the person appointed^a to be or to act as Warden under section 68 and includes the Deputy Warden appointed under that section.

(2) Any reference in this Ordinance or in any regulation or in any other written law to a Schedule of this Ordinance shall be deemed to be a reference to the Schedule for the time being in force.

Savings—
Licences.

73. Every licence issued by any authority under any written law repealed by Ordinance No. 2 of 1937 for the doing of any act for which a licence is required by this Ordinance shall be valid and continue in force until the expiration of the period for which it was granted.

Savings—
Proclama-
tions, notifi-
cations, rules,
&c.

74. All such proclamations, notifications and orders issued, and all such regulations and rules made, and all such concessions, permissions and authorizations given, and all such royalties fixed under any written law repealed by Ordinance No. 2 of 1937 as are in force at the date on which this Ordinance comes into operation shall, so far as they relate to matters for which provision may in any manner be made under this Ordinance and so far as they are not inconsistent with the provisions of this Ordinance, continue in force unless or until provision in regard to such matters is made in accordance with the provisions of this Ordinance.

Operation of
Fisheries
Ordinance.

75. The provisions of the Fisheries Ordinance shall cease to be in operation in any National Reserve or Sanctuary as from the date on which such National Reserve or Sanctuary is duly constituted under section 2 ; but, subject as aforesaid, the provisions of that Ordinance shall continue to be in operation in any area outside a National Reserve or a Sanctuary.

[§47, 44 of 1964]

SCHEDULE I

List of Birds that are not protected

[Section 30]

English Name	Scientific Name	Sinhalese Name	Tamil Name
Black Crow	<i>Corvus macrorhynchos culminatus</i>	Kaka-Kaputa	Andang Kakam
Ceylon House-Crow	<i>Corvus splendens protogatus</i>	Kaputa, Koiamba Kaka	Oor-Kakam
Ceylon House-Sparrow	<i>Passer domesticus soror</i>	Ge Kurulla	Adaikalan-Kuruvi, Oor Kuruvi
Spotted Munia	<i>Uroloncha punctulata lineoventer</i>	Wee-Kurulla	Nellu-Kuruvi
White-Backed Munia	<i>Uroloncha striata striata</i>	Wee-Kurulla	Nellu-Kuruvi, Tinayan, Tinai-Kuruvi
Ceylon Hill-Munia	<i>Uroloncha kelaarti kelaarti</i>	Wee-Kurulla	Nelly-Kuruvi
The Striate Weaver-Bird	<i>Ploceus manyar flaviceps</i>	Wadu-Kurulla	Thukanan-Kuruvi, Manjal-Kuruvi
Baya or Common Weaver-Bird	<i>Ploceus philippinus philippinus</i>	Wadu-Kurulla or Goiyan Kurulla	Manjal
Rose Ringed Parakeet	<i>Psittacula krameri manillensis</i>	Ranna-Girawa	Thukanan-Kuruvi, Kuruvi
Ceylon Lorikeet	<i>Loriculus beryllinus</i>	Gira Malichcha, Polgirawa	Payatham-Kili
Purple Coot or Gallinule	<i>Porphyrio poliocephalus poliocephalus</i>	Kittala, Kittla	Kanni-Kili, Thonnang-Kili
The India Darter or Snake Bird	<i>Aninga melanogaster</i>	Hansoya	Kanan-Koli
Pigmy Cormorant	<i>Phalacrocorax niger</i>	Diya-Kawa	Parubu-Tara, Nedung-Kilathy, Nedung Kaluththan
Indian Cormorant	<i>Phalacrocorax niger</i>	Diya-Kawa	Nir-Kakam
Indian Shag	<i>Phalacrocorax fuscicollis</i>	Diya-Kawa	Nir-Kakam
Grey or Spotted-Billed Pelican	<i>Pelicanus roseus</i>	Pas-Boruwa, Pas-Bara	Kulai-Kida or Adasalman

[S 47, 44 of 1964]

SCHEDULE II

List of Birds that are not protected during the Open Season only and may be shot without a Licence.

[Section 30]

English Name	Scientific Name	Sinhalese Name	Tamil Name
Ceylon Spotted Dove	<i>Streptopelia chinensis ceylonensis</i>	Alu-Kobeyiya	Mani-Pura, Umi-Pura, Pulli-Pura
Indian Ring Dove	<i>Streptopelia decaocto decaocto</i>	Maha-Kobeyiya	Kalli-Pura, Sambal-Pura
Ceylon Wood Pigeon or Lady Tarrington's Pigeon	<i>Columba toringtoni</i>	Maila-Goya	Karuppu-Pura
Blue Rock-Pigeon	<i>Columba livia intermedia</i>	Gal-Pareviva	Mada-Pura, Malai Pura
Bronze-Winged or Emerald Dove	<i>Chalcophaps indica robinsoni</i>	Nil-Kobeyiya	Thamil-Pura
Green Imperial Pigeon	<i>Ducula aenea pusilla</i>	Maila-Goya, Maha-Nila-Goya	Periya Pura, Mada-Pura
Ceylon Orange Breasted Green Pigeon	<i>Treron bictincta leggei</i>	Bata-Goya, Sipaduwa	Pachchai-Pura
Pompadour Green Pigeon	<i>Treron pompadora pompadora</i>	Bata-Goya, Sipaduwa	Pachchai-Pura
Ceylon Southern Green Pigeon	<i>Treron phoenicoptera phillipsi</i>	Bata-Goya, Sipaduwa	Pachchai-Pura
Common or Fantail-Snipe	<i>Capella gallinago gallinago</i>	Keswatuwa	Ullan-Kuruvi
Pintail Snipe	<i>Capella stenura</i>	Keswatuwa	Ullan-Kuruvi
Wood Cock	<i>Scelopax rusticola</i>	Maha-Keswatuwa	Periya Ullan-Kuruvi
Jack Snipe	<i>Lumnocryptes minimus</i>	(No Sinhalese or Tamil Names)	Kottan
Wood Sandpiper	<i>Pringa gracola</i>	Sili-Watuwa	
Black-Tailed Godwit	<i>Limosa limosa limosa</i>	(No Sinhalese or Tamil Names)	Kumandy or Mussal-Kinandu or Muya!
Curllew	<i>Numenius arquata orientalis</i>	Maha Watuwa	Kinandy
Whimbrel	<i>Numenius phaeopus phaeopus</i>	Maha Watuwa	Kuthirai-Malai-Kottan
Eastern Golden Plover	<i>Pluvialis dominica fulva</i>	Oleyiya, Rana-Watuwa	Kottan
Grey Plover	<i>Squatarola squatarola</i>	Oleyiya	Kottan
Painted Snipe	<i>Rostratula benghalensis benghalensis</i>	Ulu-Keswatuwa, Raja-Watuwa	Ullan-Kuruvi
Wreccock	<i>Gallinix cinerea</i>	Wil-Kukkula	Tannir-Kili
Ceylon Bustard-Quail	<i>Turnix suscitator leggai</i>	Bela-Watuwa	Kadai
Blue-Breasted Quail	<i>Turnix factoria chinensis chinensis</i>	Pandara-Watuwa, Wil-Watuwa	Kadai
Cotton Teal	<i>Nottapus coromandelianus coromandelianus</i>	Mal-Seruwu	Raja-Tara or Kuluppai
Shoveller	<i>Spatula clypeata</i>	Seruwu	Tara
Pintail	<i>Anas acuta acuta</i>	Seruwu	Tara
Garganey	<i>Anas querquedula</i>	Seruwu	Tara
European Teal	<i>Anas crecca crecca</i>	Seruwu	Tara
Whistling Teal	<i>Dendrocygna javanica</i>	Seruwu, Thumba-Seruwu	Chilli-Tara

[§ 47, 44 of 1964]

SCHEDULE III

List of Wild Animals (including Reptiles but not including Birds) absolutely protected during both the Close and Open Seasons [Section 31]

English Name	Scientific Name	Sinhalese Name	Tamil Name
Bear Monkey or Hill Wanduroo	Pithecus vetulus monticola	Maha Wandura	Periya Mundi
Grey Flying-Squirrel	Petaurista Philippensis lanka	Hambawa or Hangu	Paravai-Anil
Small Ceylon Flying-Squirrel	Pteromys layardi	Hambawa	Paravai-Anil
Highland Giant-Squirrel	Ratufa macroura macroura	Dandolena	Malai-And
Hog Deer	Hylephus porcinus	Wil-Muwa or Gona-Muwa	Manu
Water-Lizard or Water-Monitor	Varanus salvator	Kabara Goya	Kabarsgoyen

[§ 47, 44 of 1964]

SCHEDULE IV

List of Animals which shall not be shot except on a Special Licence at any Time of the Year [Section 31]

English Name	Scientific Name	Sinhalese Name	Tamil Name	No. allowed
Leopard	Panthera pardus fusca	Kotiya (General term) Diviya (Male) Dividena (Female)	} Pulee	1
Ceylon Bear	Melursus Ursinus	Walaha		
Ceylon Swamp-Crocodile	Crocodylus palustris kimbula	Hale Kimbula, Ala Kimbula	Kulathu Muthale	1
Marsh-Crocodile or Estuarine or Sea-Crocodile	Crocodylus porosus Schneider	Pitta Gatteya, Gatte Kimbula, Gore-kaya	Chem-mookan Muthalai	1

SCHEDULE V

[§ 47, 44 of 1964]

PROTECTED PLANTS

[Section 42.]

I

II

English Name	Botanical Name	Sinhalese Name	Tamil Name	Area
Weak orchid or May orchid	<i>Dendrobium Macarthuriae</i> Thw.	Wesak mala	—	The whole of Ceylon
Boobab Tree or Judas bag, or Monkey-bread-Tree	<i>Adansouia digitata</i> L.	—	Papparappull or Perukka or Anappull	The Northern Province
Fox-tail orchid or Batticaloa orchid	<i>Rhynchostyles retusa</i> Bl.	—	—	The whole of Ceylon
Sphagnum-moss or Bogmoss	<i>Sphagnum zeylanicum</i> Mitt.	—	—	The Central Province
Primrose Orchid	<i>Dendrobium Heterocarpum</i>	—	—	The Central Province
Daffodil Orchid	<i>Ipsca Speciosa</i>	—	—	The Central and Uva Provinces
Anuradhapura Orchid	<i>Vanda Tessellata</i> (Roxburghii)	Rat-tha or Rasaana	—	The North Central and Eastern Provinces
—	<i>Vanda Spathulata</i>	—	—	The North-Western and North-Central Provinces

SCHEDULE VI

[§ 47, 44 of 1964]

PROTECTED TREES

[Section 43]

1. The tree popularly known as Knox's Tree, situated at Muthur in Koddigar pattu in the administrative district of Trincomalee:—

English Name Tamarind
Botanical Name..	.. <i>Tamarindus indica</i>
Sinhalese Name..	.. Siyambala
Tamil Name Puli

2. The tree popularly known as the Madara Tree, situated near Kaltota in the Meda korale of the administrative district of Ratnapura:—

Botanical Name..	.. <i>Cleistanthus collinus</i>
Sinhalese Name..	.. Madara
Tamil Name Wudacha-maram

3. The tree popularly known as Orubendi-Siyambalagaha near about the 5½ mile-post from the Elahera anicut on the Elahera Canal situated in the Matale District of the Central Province:—

English Name Tamarind
Botanical Name..	.. <i>Tamarindus indica</i>
Sinhalese Name..	.. Siyambala
Tamil Name Puli

CHAPTER 470

DISEASES OF ANIMALS (AMENDMENT)

AN ACT TO AMEND THE CONTAGIOUS DISEASES (ANIMALS)
ORDINANCE.

Act
No. 33 of 1957.

[2nd May 1957.]

1. This Act may be cited as the Contagious Diseases
(Animals) (Amendment) Act.

Short title.

2. Section 2 of the Contagious Diseases (Animals)
Ordinance, hereinafter referred to as the "principal
enactment", is hereby amended by the omission of the
definition of "Government Agent".*

Amendment
of section 2
of Chapter
470.

3. Section 3 of the principal enactment is hereby
amended as follows:—

Amendment
of section
3 of the
principal
enactment.

(1) by the substitution, for the word "diseased",
wherever that word occurs in that section, of
the words "diseased or suspected";

(2) by the substitution, for the words "stock ins-
pector", of the words "stock inspector or agri-
cultural instructor"; and

(3) by the substitution, for the words "divisional
revenue officer of the district and to the Gov-
ernment Agent.", of the words "Chief Gov-
ernment Veterinary Surgeon."

4. Section 4 of the principal enactment is hereby
amended as follows:—

Amendment
of section
4 of the
principal
enactment.

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

(a) by the substitution, for the words "Gov-
ernment Agent or to a divisional revenue
officer of a division", of the words
"Chief Government Veterinary
Surgeon";

* This change has already been effected in the Revised
Edition of the Legislative Enactments, 1956.