

Coast Conservation

AN ACT TO MAKE PROVISION FOR A SURVEY OF THE COASTAL ZONE AND THE PREPARATION OF A COASTAL ZONE MANAGEMENT PLAN ; TO REGULATE AND CONTROL DEVELOPMENT ACTIVITIES WITHIN THE COASTAL ZONE ; TO MAKE PROVISION FOR THE FORMULATION AND EXECUTION OF SCHEME OF WORK FOR COAST CONSERVATION AND COASTAL RESOURCE MANAGEMENT WITHIN THE COASTAL ZONE ; TO MAKE CONSEQUENTIAL AMENDMENTS TO CERTAIN WRITTEN LAWS ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows

:

Act Nos,

57 of 1981

64 of 1988

49 of 2011

Short title and date of operation. 1. This Act may be cited as the Coast Conservation and Coastal Resource Management Act, No. 57 of 1981, and shall come into operation on such date as the Minister may appoint by Order published in the Gazette (hereinafter referred to as the 'appointed date').

PART I ADMINISTRATION

Administration of coastal zone vested in the Republic. 2. The administration, control, custody and management of the Coastal Zone are hereby vested in the Republic.

[3, 49 of 2011] 3. For the purposes of this Act
(a) there shall be appointed a Director-General of Coast Conservation and Coastal Resource Management (hereinafter referred to as 'the Director-General');
(b) there may be appointed

(i) such number of Directors, Deputy Directors and Assistant Directors; and

(ii) such other officers.

as may be necessary to assist the Director in the administration and implementation of the provisions of this Act.

Duties and
functions of the
Director. 260-22-
1983
[5, 49 of 2011]

4. The Director shall be responsible-

(a) for the administration and implementation of the provisions of this Act;

(b) for the formulation and execution of schemes of work for coast conservation within the Coastal Zone;

(c) for the co-ordination of activities of other departments, institutions and agencies in connection with activities being carried out within the Coastal Zone;

(d) for the preparation and implementation of the Coastal Zone Management Plan prepared under section 12;

(e) for the dissemination of information on coast conservation and coastal resource management, to the public and to other departments, agencies and institutions and where necessary to tender advice and guidance;

(f) for the conduct of research in collaboration with other departments, agencies and institutions for the purpose of ensuring effective coast conservation and coastal resource management;

(g) for the implementation of the coast conservation and coastal resources management programmes specified in the National Fisheries Policy.

" Director- General
may delegate any
of his powers &
under the Act to
Divisional
Secretaries or to
prescribed officers.
[6, 49 of 2011]
[2, 64 of 1988]

5. The Director-General may, delegate by an authorization in writing in that behalf to any Divisional Secretary of a Division within which any part of the coastal zone is situated or to any prescribed public officer, as the case may be, any power, duty and function conferred or imposed on, or assigned to, the Director-General, by this Act, other than any power, duty or function falling within Part III of the Act. The Divisional Secretary or the prescribed public officer shall within such Divisional Secretary's Division or other area of authority exercise, perform and discharge the power, duty or function so delegated subject to the general direction and control of the Director-General.

Coast Conservation 6. (1) There shall be established a Coast Conservation and Coastal

and Coastal
Resource
Management
Advisory Council.
[7, 49 of 2011]

Resource Management Advisory Council (hereinafter referred to as 'the Advisory Council') consisting of the following members:-

- (a) the Secretary to the Ministry of the Minister to whom the subject of Coast Conservation and Coastal Resource Management is assigned, who shall be the Chairman;
- (b) the Secretary to the Ministry of the Minister to whom the subject of Plan Implementation is assigned or his representative;
- (c) the Secretary to the Ministry of the Minister to whom the subject of Tourism is assigned or his representative;
- (d) the Secretary to the Ministry of the Minister to whom the subject of Urban Development is assigned or his representative;
- (e) the Secretary to the Ministry of the Minister to whom the subject of Public Administration is assigned or his representative;
- (f) the Secretary to the Ministry of the Minister to whom the subject of Industries is assigned, or his representative;
- (g) the Secretary to the Ministry of the Minister to whom the subject of Provincial Councils is assigned, or his representative;
- (h) the Secretary to the Ministry of the Minister to whom the subject of Environment is assigned, or his representative;
- (i) the Director-General of Fisheries and Aquatic Resources, appointed under the Fisheries and Aquatic Resources Act, No. 2 of 1996, or his representative;
- (j) the Director-General of the National Aquatic Resources Research and Development Agency, appointed under the National Aquatic Resources, Research and Development Agency Act, No. 54 of 1981, or his representative;
- (k) the Director-General of the Urban Development Authority appointed under the Urban Development Authority Law, No.41 of 1978, or his representative;
- (l) the Director-General of the Central Environmental Authority appointed under the National Environmental Authority Act, No. 47 of 1980, or his representative;
- (m) The Director-General of the Geological Survey and Mines Bureau appointed under the Mines and Minerals Act, No. 33 of 1992, or his representative;
- (n) the Land Commissioner or his representative;

(o) the Director-General appointed under section 3, who shall be the Secretary to the Council; and

(p) three other persons appointed by the Minister, one from among persons who will represent the academic staff of the Universities, one representing the non-governmental organizations concerned with the protection of the coastal environment and the other who shall be a representative of the fishing industry.

(2) The Advisory Council may where in its opinion it appears to be necessary for the effective discharge of its functions, co-opt any other Secretary to serve as a member of the Advisory Council for so long as may be necessary for such purpose. A Secretary co-opted in terms of this subsection shall be present at meetings of the Advisory Council only when the specific matter, which necessitated his presence, is being discussed. He shall not be entitled to vote at such meetings.

Functions of the Council.

7. The functions of the Council shall be to-

(a) advise the Minister on all development activities proposed to be commenced in the Coastal Zone;

(b) review the Coastal Zone Management Plan prepared in accordance with the provisions of Part II of this Act and furnish recommendations, if any, thereon to the Director;

(c) review the environmental impact assessments furnished to the Director in connection with applications for permits under section 14, and make comments if any, thereon to the Director;

(d) inform the Director of the need for schemes of work within the Coastal Zone, whenever such need arises; and

(e) advise the Minister or the Director, as the case may be, on any other matter relating to coast conservation that may be referred to the Council by the Minister or the Director, as the case may be.

Term of office of appointed members of the Council.

8. (1) Every appointed member of the Council shall hold office for a period of three years, unless he earlier vacates office by death, resignation or removal.

(2) The Minister may, if he considers it expedient to do so, by Order published in the Gazette, remove from office any appointed member of the Council without assigning any reason therefor and such removal shall not be called in question in any court.

(3) An appointed member may at any time resign his office by letter to that effect addressed to the Minister.

(4) If an appointed member of the Council dies or resigns or is removed from office, the Minister may, having regard to the provisions of paragraph (1) of section 6, appoint any other person to be a member in place of the member who dies, resigns or is removed from office.

(5) A member who has been appointed under subsection (4) shall, unless he earlier vacates his office by death, resignation or removal, hold office for the unexpired period of the term of office of his predecessor.

(6) Where an appointed member of the Council is by reason of illness, infirmity or absence from Sri Lanka for a period of not less than three months, temporarily unable to perform the duties of his office, it shall be the duty of such member to so inform the Minister in writing. The Minister may, having regard to the provisions of paragraph (1) of section 6, appoint another person to act in the place of such member.

(7) Any appointed member of the Council who vacates office other than by removal shall be eligible for reappointment.

Acts or proceedings⁹
of the Council
deemed not to be
invalid by reason of
any vacancy or
defect in the
appointment of a
member.

No act or proceeding of the Council shall be invalid by reason only of the existence of any vacancy in the Council or any defect in the appointment of a member of the Council.

Meeting of the
Council.
[3, 64 of 1988]

10.(1) A meeting of the Council shall be held at least once in every six months.

(2) The Chairman or in his absence, the Director or in the case of the absence of both, a member elected by the members present, shall preside at meetings of the Council.

(3) All questions for decision at any meeting of the Council shall be decided by the vote of a majority of the members present. In the case of an equality of votes, the member presiding shall have a casting vote.

(4) The quorum for any meeting of the Council shall be seven members and subject to the provisions of this section, the Council may regulate its own procedure.

PART II
COASTAL ZONE MANAGEMENT

Survey of
resources within
the Coastal Zone.
[8, 49 of 2011]

11.(1) The Director-General shall as soon as practicable cause a survey of all the resources and activities within the Coastal Zone to be conducted and thereafter prepare a report based on the results of such survey.

(2) In preparing the report required under subsection (1), the Director-General shall have regard to the relevant data and information collected or compiled by government departments, institutions and agencies. It shall be the duty of the Heads of such Departments, institutions and agencies to furnish any such data or information as may be reasonably required by the Director-General for the purpose of preparing such report.

Coastal Zone
Management.
[9, 49 of 2011]

12.(1) The Director-General shall, not later than three years from the date of operation of this Act, prepare and submit to the Advisory Council, a Coastal Zone and Coastal Resource Management Plan (hereinafter referred to as 'the Plan') based on the results of the survey conducted in terms of section 11. The Plan shall include guidelines for the management of coastal resources and a comprehensive programme for conservation of coastal resources for sustainable development and also-

(a) the guidelines to be used in determining the suitability of particular development activities in the Coastal Zone;

(b) proposals which deal with the following subjects :

(i) land use;

(ii) transport facilities;

(iii) preservation and management of the scenic and other natural resources;

(iv) recreation and tourism;

(v) public works and facilities, including waste disposal facilities, harbours and power plants;

(vi) mineral extraction;

(vii) living resources;

- (viii) human settlements;
- (ix) agriculture;
- (x) industry;
- (xi) availability of coastal resources;
- (xii) coastal erosion management;
- (xiii) coastal water quality;
- (xiv) zoning of coastal water usage; and
- (xv) any other matters which in the opinion of the Director-General is relevant to coast conservation and coastal resource management,

within the Coastal Zone.

(c) proposals for the reservation of land or water in the Coastal Zone for certain uses , or for the prohibition of certain activities in certain areas of the Coastal Zone;

(d) a comprehensive programme for the utilization of manpower displaced as a direct result of more effective Coastal Zone regulation;

(e) recommendations for strengthening Governmental policies and powers and the conduct of research for the purposes of coast conservation;

(f) recommendations identifying Special Area Management sites, rating such sites in terms of the severity of resource management issues, bio diversity, viability and economic significance;

(g) identify the routes, paths and corridors of access available for the public to access the beach and the coastal zone and recommend measures required to clear any obstructions therein;

(h) recommend guidelines required for the sustainable development and management of the coastal zone; and

(i) formulate policies and furnish recommendations in relation to coast conservation and coastal resources management activities,

(1A) The Director-General shall cause the Plan prepared in terms of section 12 to be revised, at least once in every five years:

Provided that, the Director-General may where he deems it to be so necessary, cause a survey in terms of section 11 to be carried out at the time of revision of the Plan, and revise the plan based on the results of the survey so conducted.

(2) The Council shall, within sixty days of the Plan being submitted to it by the Director, make modifications, if any to the Plan and submit the Plan to the Minister for provisional approval.

(3) Upon the submission of the Plan to the Minister under subsection (1), he shall make it available for public inspection. Any person may, within sixty days of the date on which the Plan is made available for public inspection, submit any comments thereon to the Minister in writing.

(4) At the end of the period of sixty days referred to in subsection (3), the Minister may provisionally approve the Plan subject to such modifications, if any, as he may consider necessary having regard to any comments submitted to him under that subsection and shall submit the Plan to the Cabinet of Ministers for final approval. Upon the approval of the Plan by the Cabinet of Ministers, the Minister shall cause the Plan to be published in the Gazette. The Plan shall come into operation on the date of such publication or on such later date as may be specified therein.

(5) The Plan shall be revised during the period of five years commencing from the date of coming in to operation of the Plan and within a period of five years from the date of every revision of the Plan and the provisions of subsections (2), (3) and (4) shall, mutatis mutandis, apply in respect of every such revision.

(6) The Minister may, on the recommendation of the Council, make such regulations as may be necessary to give effect to any of the provisions of the Plan including regulations regulating the use of the foreshore by members of the public, or any development activity within the Coastal Zone.

(7) The Minister may make such regulations as may be necessary to give effect to any of the provisions of the Plan including regulations restricting and controlling the use of the foreshore by members of the public or prohibiting or controlling any development activity within the Coastal Zone.

Minister to
prescribe criteria to
issue permits.
[10, 49 of 2011]

13. The Minister may, having regard to the long term stability, productivity and environmental quality of the Coastal Zone and the sustainability of the resources within the Coastal Zone, prescribe the criteria to be used in determining whether a permit should be issued under section 14 upon an application made in the behalf to the Director after the appointed date and prior to the date of coming into

operation of the Plan.

PART III
PERMIT PROCEDURE

- Issue of permits.
260-22-1983
- 14.(1) Notwithstanding the provisions of any other law, no person shall engage in any development activity other than a prescribed development activity within the Coastal Zone except under the authority of a permit issued in that behalf by the Director.
- (2) The Minister may, having regard to the effect of those development activities on the long term stability, productivity and environmental quality of the Coastal Zone, prescribe the categories of development activity which may be engaged in within the Coastal Zone without a permit issued under subsection (1).
- (3) An application for a permit to engage in any development activity within the Coastal Zone shall be made to the Director in the prescribed manner. Every such application shall be in the prescribed form, shall contain the prescribed particulars and be accompanied by the prescribed fee.
- Conditions for
issue of permits.
[11, 49 of 2011]
- 15.No permit shall be issued by the Director under this Part unless the proposed development activity-
- (a) is consistent with the Coastal Zone and Coastal Resource Management Plan and any regulations made to give effect to such Plan, or if the application is received prior to the date of coming into operation of such Plan, satisfies the criteria prescribed under section 13, and
- (b) will not otherwise have any adverse effect on the stability, productivity and environmental quality of the Coastal Zone and the sustainability of the resources within the Coastal Zone.
- Environmental
impact assessment.
260-22-1983
[12, 49 of 2011]
- 16.(1) Upon receipt of an application for a permit to engage in a development activity within the Coastal Zone as required by subsection (3) of section 14, the Director-General may require the applicant to furnish an initial environmental examination report or an environmental impact assessment report relating to the development activity as the case may be, or both such reports. It shall be the duty of the applicant to comply with such requirement. Every initial environmental examination report or environmental impact assessment report shall contain such particulars as may be prescribed:

Provided however, that the Minister may by regulation prescribe the categories of development activities in respect of which an initial environmental examination report would not be necessary.

(2) In cases where an initial environmental examination report is requested by the Director-General, he may, on receipt of such report and if it appears that such report is sufficient for the purpose of determining, whether or not to grant the permit, dispense with the requirement of providing the environmental impact assessment report.

(2A) Where the Director-General considers that the initial environmental examination report is sufficient to determine whether or not to issue the permit, he may submit a copy of such report to the Council for its comments, if any.

(2B) The Council shall, within thirty days of the initial environmental examination report being submitted to them, furnish its comments if any, to the Director-General.

(2C) Where after considering an initial environmental examination report submitted to him under subsection (2A), the Director-General considers that an environmental impact assessment report is necessary to arrive at a decision, he may require the applicant to submit the same to him.

(2D) Upon receipt of the environmental impact assessment report, the Director-General shall submit a copy of the same to the Council for its comments and by Notification published in the Gazette provide an opportunity for the public to submit comments in respect of the same within thirty days of the date of such Notification.

(3)

(a) The Council shall, within sixty days of an environmental impact assessment being submitted to it under subsection (1), make its comments, if any, thereon to the Director.

(b) Any member of the public may within thirty days of the date on which a notice under paragraph (b) of subsection (2) relating to such assessment is published in the Gazette make his comments, if any, thereon to the Director.

(4) In deciding whether to issue a permit under section 14 authorizing a person to engage in a development activity within the Coastal Zone, the Director shall have regard to any comments made under subsections (2A), (2C), (2D) and (3) on the environmental impact assessment, if any, relating to such activity and any development

projects commenced by the Urban Development Authority in any area declared to be an urban development area under the provisions of the Urban Development Authority Law, No. 41 of 1878.

(5) The Director shall, within sixty days of the receipt by him of any comments made under subsections (2C), (2D) and (3), make the decision referred to in subsection (4).

Conditions attached to permits. [13, 49 of 2011] 17. The Director may attach to any permit issued under this Part, such conditions as he may consider necessary for the proper management of the Coastal Zone and resource therein, having regard to the Coastal Zone and Coastal Resource Management Plan, or to any scheme of work for coast conservation.

Duration and renewal of permits. [14, 49 of 2011] 18. (1) A permit issued under section 14 shall remain in force for such period as the Director may specify there in.
(2) The holder of a permit may, not less than one month prior to the date of expiration of such permit, apply for a renewal of such permit. An application for renewal of a permit shall be in the prescribed form and shall be accompanied by the prescribed fee.
(3) A permit issued under this Part shall not be transferred without the prior written approval of the Director-General. The Director-General may, where he has granted approval for a transfer, impose further conditions on such permit. A transfer may be effected only on payment of the prescribed fee. An order transferring the permit should also be entered on the permit, in order that the transfer be effective:
Provided however that the Director-General shall not make an order under this section unless a period of two years has elapsed from the original date of issue of the permit.

Variation of conditions of permit. [15, 49 of 2011] 19. The Director may make an order varying the conditions attached to any permit issued under section 14 or revoking such permit if he is satisfied that-
(a) the permit-holder has contravened any of the conditions attached to such permit; or
(b) such variation or revocation is necessary as expedient for the proper management of the Coastal Zone or the resources therein.
An order of the Director varying the conditions attached to a permit issued under section 14 or revoking such permit shall state the grounds therefor, and the Director shall cause a copy of such order to

be sent by registered post to the address stated by the permit holder in the application submitted by him for the permit or to such other address as intimated by him in writing, to the Director-General.

Execution of schemes of coast conservation.
[16, 49 of 2011]

20.(1) Where any condition attached to a permit issued under section 14 requires the execution by the permit-holder, of a scheme of work and where the permit-holder fails to execute such scheme, the Director may, by notice in writing, require the permit-holder to execute within such period as may be specified in such notice, such scheme.

(2) Where a person on whom a notice is issued under subsection (1) fails to execute the scheme of work referred to in such notice within the period specified therein, or within any extended period given by the Director-General, cancel the permit issued to that person. Notice of such cancellation, stating reasons therefor, shall be sent to him by registered post to the address stated by the permit holder in the application submitted by him for the permit or to such other address as intimated by him in writing, to the Director-General.

Appeals.
[17, 49 of 2011]

21.(1) Any person aggrieved by an order of the Director refusing to issue a permit under section 14, or an order under subsection (3) of section 18 refusing to permit the transfer of any such permit or an order under section 19 varying the conditions attached to any such permit or revoking any such permit or requirement imposed by the Director under subsection (1) of section 20 may, within thirty days of the date of the notice imposing such requirement or such order, as the case may be, appeal therefrom to the Secretary to the Ministry of the Minister in charge of the subject of Coast Conservation and Coastal Resource Management. The decision of the Secretary on any such appeal shall be final.

(2) On receipt of an appeal under subsection (1) the Secretary shall forthwith require the Director-General to forward to him all relevant documents and files. The Director-General shall comply with such request within a period of fourteen days of the receipt of such request.

(3) The Secretary shall within sixty days of the receipt by him of the appeal under subsection (1), decide the matter and inform the Director-General and the party appealing, of his decision. The decision of the Secretary on an appeal shall be final.

(4) It shall be the duty of the Director-General to carry out the decision of the Secretary in respect of an appeal.

(5) The procedure to be followed in appeal shall be as prescribed.

Provision of this Part not to apply to the maintenance or dredging of existing navigation channels.

22. Nothing in this Part of this Act shall be read and construed as requiring a person to obtain a permit under the main section 14 for the maintenance or dredging of existing navigation channels if the dredged spoils are deposited in disposal areas approved by the Director.

Application of the Mines and Minerals Act. [18, 49 of 2011]

22A. (1) Notwithstanding the provisions of the Mines and Minerals Act, No. 33 of 1992, the Director-General of the Geological Survey and Mines Bureau shall not issue, in relation to an area lying within the Coastal Zone, a permit under the provisions of this Act, without having obtained the prior consent of the Director-General, in respect of such issue.

(2) Where the Director-General consents to the grant of a permit by the Director-General of the Geological Survey and Mines Bureau, the Director-General may require that such conditions as he deems necessary in the circumstances be attached to the permit so granted.

(3) Where, a person to whom a permit is issued by the Director-General of the Geological Survey and Mines Bureau, fails to comply with the conditions attached to his permit, the Director-General shall notify the Director-General of the Geological Survey and Mines Bureau of the same.

(4) On receipt of such notification, the Director-General of the Geological Survey and Mines Bureau shall issue a direction to the permit holder who has contravened the provisions of the permit, requiring him to forthwith comply with the same within the period to be specified in the direction, or such later date to which period has been extended. Where the permit holder fails to comply with the direction, the Director-General of the Geological Survey and Mines Bureau shall, after consultation with the Director-General, cancel the permit.

(5) Where a permit is cancelled in terms of subsection (4), the provisions of sections 38, 39 and 40 of the Mines and Minerals Act, No. 33 of 1992, shall mutatis mutandis apply in respect of such cancellation.

PART III A

AFFECTED AREAS

Declaration of
affected areas.
[19, 49 of 2011]

22B. (1) The Minister may, by Order published in the Gazette declare any area:-

(a) within the Coastal Zone or adjacent to the Coastal Zone or falling within both such areas; or

(b) within any water

(c) within any lagoon or part of any lagoon or any peripheral area of a lagoon,

as an 'affected area'.

(2) Any development activity which could be carried on in terms of a permit obtained under section 14, would if it is carried out in an area declared to be an affected area under paragraph (a) of subsection (1), be considered a prohibited activity. Any person, who engages in a prohibited activity, shall be guilty of an offence.

(3) No person shall in any area declared to be an affected area under paragraph (b) of subsection (1) fill, erect, construct, obstruct, pollute or introduce any waste matter, or do any act which will harm the aquatic or marine life in such area. Any person who fills, erects, constructs, obstructs, pollutes, introduces any waste matter or does any act which harms the aquatic or marine life in such area shall be guilty of an offence.

(4) The provisions of section 27A and section 28 shall mutatis mutandis apply to an in relation to any development activity carried on in contravention of the provisions of subsections (2) and (3).

(5) The onus of proving that the act in question was committed in an area outside the affected area, shall lie on the person engaging in the same.

(6) The Minister may make regulations for setting out the manner in which these areas are to be administered and the activities prohibited within such area.

PART III B

BEACH PARKS AND CONSERVATION AREAS

Beach Parks

22C. (1) Where the Minister is of opinion that it is necessary for the preservation of the scenic beauty and the biodiversity of any area

within the Coastal Zone to do so, declare by Order published in the Gazette, any area within the Coastal Zone to be a 'Beach Park'.

(2) The Minister may make regulations setting out the manner in which such parks should be administered, the activities which can be carried out within such area and the persons who are permitted to enter into such areas.

Conservation
Areas.

22D. (1) The Minister may by Order published in the Gazette, declare as a 'Conservation Area', any area in which special measures need to be taken for the protection of the coastal and aquatic eco-system.

(2) No development activity or collection and gathering of aquatic resources shall be carried out in any area declared under subsection (1). The Director-General may however issue permits, in respect of applications made in the prescribed form, to persons intending to engage in scientific study and research within such area.

(3) The Minister may make regulations prescribing the manner and mode of administering such areas, the activities permitted within such areas and the persons who may engage in such activities within such areas.

PART III C

SPECIAL MANAGEMENT AREAS

Special
Management areas.

22E. (1) The Minister may, in respect of any area of land within the Coastal Zone or adjacent to the Coastal Zone or comprising both areas from the Coastal Zone and the adjacent area of land, declare such area by Order published in the Gazette, to be a 'Special Management Area' if it appears to him that it is necessary to do so due to the need to adopt a collaborative approach to planning resource management within the defined geographic area:

Provided that no area shall be declared as a Special Management Area, unless such area has been included in the Coastal Zone and Coastal Resource Management Plan prepared under the provisions of this Act.

(2) The Minister may make regulations prescribing the manner and mode in which, and the persons by whom, such Special Management Area should be administered, the persons entitled to have access to these areas and the activities which can be carried out

within such areas.

PART III D
COASTAL ACCESS PLAN

Coastal Access
Plan.

22F. (1) The Director-General shall cause to be carried out, as soon as possible after the coming into operation of this Act, a survey which would identify all the routes, paths and corridors which provide access to the public to the beaches, and routes, paths and corridors which provide access to the Coastal Zone. Based on the findings of the survey he shall prepare a comprehensive Report which he shall submit to the Council.

(2) The Director-General is hereby empowered to call for and obtain information reasonably required by him for the compilation of this Report from any government department, institution or agency concerned in related activities. It shall be the duty of these departments, institutions and agencies to furnish the Director-General with the relevant information.

(3) The Director-General shall within sixty days of the Coastal Access Plan being submitted to him by the Director-General after inclusion of such modifications, if any suggested by the Council, make the plan available to the public for its comments. Any member of the public may, within sixty days of the Coastal Access Plan being made available to them, forward his comments to the Director-General. It shall be the duty of the Director-General to include any comments received by the public in the plan and submit a revised plan to the Minister.

(4) The Minister shall thereupon submit the revised Coastal Access Plan to the Cabinet of Ministers for its approval. Upon approval of the said Plan by the Cabinet of Ministers, the Minister shall cause the Coastal Access Plan to be published in the Gazette. The Coastal Access Plan shall be operative as from the date of publication in the Gazette or from such later date as may be specified therein.

(5) The Minister may make regulations specifying the matters which need to be included in the Coastal Access Plan, the activities which could be carried out in conformity with such plan, and details as to ownership of the lands included in the plan inclusive of extents and locations.

(6) Any person who acts in contravention of the provisions of this

section or any regulation made thereunder, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine of not less than five thousand rupees and not more than twenty five thousand rupees or to imprisonment of either description for a term of not less than three months and not more than two years, or to both such fine and imprisonment.

Application of the provisions of Act to Parts IIIA, IIIB, IIIC and IIID.

22G. The provisions contained in the Act, shall where relevant to the implementation of Parts IIIA, IIIB, IIIC and IIID (as inserted herein), of this Act, mutatis mutandis apply in relation to Parts IIIA, IIIB, IIIC and IIID (as inserted herein) of the Act.'.

PART IV GENERAL

Transitional provisions.

23.(1) Notwithstanding anything in section 14, where any person who was engaged, on the day immediately preceding the appointed date, in any development activity within the Coastal Zone, being an activity which was lawful according to the law in force on that date makes, within twenty days of the appointed date, an application for a permit under section 14 in respect of that activity, it shall be lawful for such person to engage in that activity until the determination of that application.

(2) Where an application made by a person referred to in subsection (1) for a permit under section 14 is refused by the Director and such person is compelled, in consequence of such refusal, to abandon any equipment or fixtures used for, or in connection with, the development activity in respect of which that application was made, such person shall be entitled to reasonable compensation for the equipment or fixtures so abandoned.

Permits for the occupation of the foreshore or sea bed.
[20, 49 of 2011]

24.(1) The Director or any officer authorized by him in writing, may issue permits subject to such conditions as he the fore may impose having regard to the Plan, for the occupation, for any period not exceeding three years, of any part of the foreshore or bed of the sea lying within the Coastal Zone, for the purpose of promoting scientific study and research.

(2) The Director may, after such inquiry as he may deem necessary,

cancel any permit if he is satisfied that the permit-holder has contravened any of the conditions attached to such permit,

(3) Any person aggrieved by an order of the Director or of any officer authorized in writing by the Director refusing to issue a permit under subsection (1) or cancelling a permit under subsection (2) may appeal therefrom to the Secretary to the Ministry of the Minister in charge of the subject of Coast Conservation. The decision of the Secretary on any such appeal shall be final.

Director to give directions for prevention or intrusion of waste or foreign matter the Coastal Zone. [21, 49 of 2011]

25.(1) Where the Director finds that the quality of the water in the Coastal Zone or the stability of the Coastal Zone or the resources within the Coastal Zone is being adversely affected by the intrusion of any waste or foreign matter or by physical activity, he shall-

(a) if the source of such waste or foreign matter is within the Coastal Zone or if such activity lies within the Coastal Zone, require, by a notice in writing, the person responsible therefor to take such corrective measures as are specified in such notice or to desist from such activity ; and

(b) if the source of such waste or foreign matter, or if such activity, is not within the Coastal Zone, request the appropriate local authority or agency to take such measures as may be necessary to prevent such intrusion or activity.

(1A) Where a notice is served under paragraph (a) of subsection (1), the person on whom the notice is so served, shall comply with the said notice within the period specified in such notice. The Director-General shall, after the period specified has elapsed, take such measures as may be necessary to prevent such intrusion or activity. All expenses incurred by the Director-General in preventing the intrusion or the activity, shall be recovered from the person on whom notice is served, as a debt due to the State.

(2) A local authority or agency to which a request is made by the Director under paragraph (b) of subsection (1) shall take all steps within its power to comply with such request. If a local authority or an agency is unable to comply with such a request it shall forthwith inform the Director-General of such inability. Upon being so informed, the Director-General shall require, by notice in writing, the person responsible for such waste or foreign matter or such activity, to take corrective measures or to desist from engaging in such activity.

(3) Where notice has been served under subsection (2), the person on whom such notice is served shall take steps to comply with the notice in the time specified. Where, after the expiry of a reasonable period of time, no steps have been taken to comply with the notice, the Director-General shall take such measures as may be necessary to prevent such intrusion or activity. All expenses incurred by the Director-General in preventing the intrusion or the activity, shall be recovered from the person on whom notice is served, as a debt due to the State.

Powers of entry.
[22, 49 of 2011]

26. It shall be lawful for the Director or any officer generally or specially authorized by him in writing, at any reasonable time to enter upon any land within the Coastal Zone and then do such acts as may be reasonably necessary for the purpose of executing any scheme of work or of ascertaining whether the conditions attached to any permit issued under this Act, or any license issued under the Mines and Minerals Act, No. 33 of 1992 in respect of which the Director-General has imposed conditions under this Act, are being or have been complied with or of making any survey, examination or investigation, preliminary or incidental to the exercise of any power or the discharge of any function under this Act, or any regulations made thereunder.

Issue of directions
to abate activity.
[23, 49 of 2011]

26A. (1) The Director-General shall have the power to issue directions to any person engaged in, or likely to engage in, any development activity which is causing or is likely to cause damage or detriment to the Coastal Zone or to the resources therein, regarding the measures to be taken in order to prevent or abate such damage or detriment, and it shall be the duty of such person to comply with such directions.

(2) Where any person fails to comply with any directions issued under subsection (1), the Magistrate shall, on an application made by the Director-General order the temporary suspension of the project or activity, until the person complies with the directions.

(3) Any person who fails to comply with the order of the Magistrate shall be liable to a fine of rupees ten thousand for each day in respect of which he fails to comply with such order and shall in addition be guilty of Contempt of Court and shall be dealt with accordingly.

Returns.
[24, 49 of 2011]

27.(1) The Director may, by a notice in writing, require any person engaged in any development activity within the Coastal Zone under the authority of a permit issued under this Act, to furnish him with such returns and information as may be prescribed and it shall be the duty of such person to comply with the requirements of such notice.

(2) Any person who fails to comply with the notice issued in terms of subsection (1) within such time as may be indicated in such notice, shall, if he fails to comply with the notice even after a reminder in respect thereof being sent to him, be liable to have the permit so issued to him cancelled.

Seizure of vehicles & c., upon contravention of provisions of section 14.
[4, 64 of 1988]

27A. (1) Where any vehicle, vessel, boat, craft, machinery or equipment is used by any person in contravention of the provision in subsection (1) of section 14, any police officer shall have the power to seize any such vehicle, vessel, boat, craft, machinery or other equipment, along with any article or substance found thereon.

(2) No vehicle, vessel, boat, craft, machinery or equipment seized under the provisions of subsection (1), shall be released unless an order of court, permitting such release has been obtained.

Contravention of the provisions of section 14 an offence under this Act.
[25, 49 of 2011]
[5, 64 of 1988]

28.(1) Any person who acts in contravention of the provisions of section 14 shall be guilty of an offence under this Act and shall on conviction, after summary trial before a Magistrate, be liable-

(a) in the case of a first offence, to a fine of not less than five thousand rupees and not more than twenty-five thousand rupees, or to imprisonment of either description for a term not exceeding one year, or to both such fine and imprisonment; and

(b) in the case of a second or subsequent offence, to a fine of not less than fifty thousand rupees and not more than one hundred thousand rupees, or to imprisonment of either description for a term not less than one year and not exceeding three years, or to both such fine and imprisonment.

(2) Upon the conviction of any person for an offence under the provisions of subsection (1) the Magistrate may make order declaring that-

(a) any substance or article which is not the property of the State in respect of which such offence has been committed; and

(b) all vehicles, vessels, boats, crafts, machinery and other equipment used in, or in connection with, the commission of such offence (whether such vehicles, boats, crafts, machinery are

owned by such person or not),
shall be forfeited to the State.

(3) Any property forfeited to the State under subsection (2) shall

(a) if no appeal has been preferred to the Court of Appeal against the relevant conviction, vest absolutely in the State with effect from the date on which the period prescribed for preferring an appeal against such conviction expires;

(b) if an appeal has been preferred to the Court of Appeal against the relevant conviction, vest absolutely in the State with effect from the date on which such conviction is affirmed on appeal.

In this subsection 'relevant conviction' means the conviction in consequence of which any property is forfeited to the State under subsection (1):

Provided however, that the court may make order releasing any substance or article in respect of which the offence has been committed, or any vehicle, vessel, boat, craft, machinery and equipment used in, or in connection with the offence, if it is proved that such substance, article, vehicle, vessel, boat, craft, machinery and equipment belongs to a person other than the person convicted of the offence and that other person satisfies the court that he had no knowledge that it would be used in respect of the offence, or in connection with the commission of the offence.

Offences.

[26, 49 of 2011]

[6, 64 of 1988]

29.(1) Any person who-

(a) fails to comply with the requirements of a notice sent by the Director under paragraph (a) of subsection (1) of section 25 or under subsection (2) of section 25;

(b) resists or obstructs, the Director or any officer in the exercise of any power conferred on the Director or such officer;

(c) fails to comply with the requirements of a notice issued under section 27;

(d) makes any statement, which to his knowledge is, false or incorrect, in any return or information furnished by him in compliance with a notice issued by the Director under section 27,

(e) contravenes the provisions of section 31A (1) or 31c.

shall be guilty of an offence under this Act and shall on conviction, after summary trial before a Magistrate, be liable to a fine not less

than five thousand rupees and not exceeding fifty thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Additional fine.
[27, 49 of 2011]

- 30.(1) Every person who is guilty of an offence under this Act. shall, in addition to the fines prescribed under Ejections 28 and 29, be liable to a fine not less than one thousand rupees and not exceeding five thousand rupees for each day on which the offence is continued after conviction.
- (2) This Act shall be deemed to be an enactment enumerated in the Schedule to the Informers Reward Ordinance.

Demolition of
unauthorized
structures, & c.
[28, 49 of 2011]
[7, 64 of 1988]

- 31.(1) No person shall, with effect from the appointed date, erect or construct any unauthorized structure, house, hut, shed or other building on any part of the Coastal Zone.
- (2) The Director may, by giving notice to the owner or occupier, as the case may be, by affixing a notice to some conspicuous part of such structure, house, hut, shed or other building, direct such owner or occupier to take down and remove such unauthorized structure, house, hut, shed or other building within such time as the Director may specify in the notice.
- (3) Any person aggrieved by any direction issued by the Director-General under subsection (2), may within three days of the affixing of the notice, appeal therefrom to the Secretary to the Ministry of the Minister to whom the subject of coast conservation has been assigned,
- (3A) On receipt of an appeal under subsection (3), the Secretary shall forthwith require the Director-General to forward all relevant documents and files to him. It shall be the duty of the Director- General to forward, within fourteen (14) days of such a request, all relevant documents and files if any, to the Secretary. The Secretary may, where he is of the opinion that it is essential in order to arrive at a decision, give the appellant an opportunity to be heard in person.
- (3B) The Secretary shall within forty five (45) days of the receipt of the appeal, make his decision on such appeal and inform both, the Director-General and the appellant of his decision. It shall be the duty of the Director-General to give effect to such decision. The decision of the Secretary on any such appeal shall be final.
- (3C) No person on whom a order has been served under subsection

(2), or who has appealed against the order under subsection (3), shall continue to erect or construct any unauthorized structure, house, hut, shed or other building or permit any such unauthorized structure, house, hut, shed or other building to remain standing in such place.

(3D) Any person who contravenes the provisions of subsection (3C) shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not less than fifty thousand rupees, and not exceeding five hundred thousand rupees, or to imprisonment of either description for a term of not less than one year and not exceeding three years or to both such fine and imprisonment.

(4) The Director-General shall either upon the serving of an order of demolition in terms of subsection (2) or on the conclusion of any appeal in terms of subsection (3), cause the construction of the unauthorized structure, house, hut, shed or other building to be taken down and removed from the land. The total cost incurred in the taking down of the unauthorized structure, house, hut, shed or other building and the cost incurred in the removal of all materials used in the construction of the unauthorized structure, house, hut, shed or other building shall be recovered from such person as a debt due to the State:

Provided that it shall be the responsibility of any person who is required in terms of the preceding provisions of this section, to take down and remove any unauthorized structure, house, hut, shed or other building as is specified, prior to the expiration of the period specified, to remove or cause to be removed therefrom all of his possessions as are presently within such unauthorized structure, house, hut, shed or other building.

(4A) Where any person alleges at any time after the taking down and removal of any unauthorized structure, house, hut, shed or other building as aforesaid, that any item of his possessions has been lost, the onus shall lie on such person to prove beyond reasonable doubt, that the item was in his possession immediately prior to such taking down and removing, as the case may be.

(4B) Wherever in any proceeding in terms of this section the question arises as to the existence of an unauthorized structure, house, hut, shed or other building which has been taken down and removed, a Certificate under the hand of the Director-General shall be admissible in evidence and shall be prima facie evidence thereof.

(5) Where the Director is unable, or apprehends that he will be

unable, to proceed with the taking down and removal of any structure, house, hut, shed or other building as hereinbefore provided, because of any obstruction or resistance which has been, or is likely to be offered, the Director shall on making an application in that behalf to the Magistrate's Court having jurisdiction over the place where the structure, house, hut, shed or other building is situated be entitled to an order of that court directing the Fiscal to take down and remove such structure, house, hut, shed or other building as the case may be.

(6) Where an order under subsection (1) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute such order and shall in writing report to such court the manner in which such order was executed.

Prohibition on mining collecting & c. of coral within Coastal Zone.
[8, 64 of 1988]

31A. (1) No person shall within the Coastal Zone

(a) engage in the mining, collecting, possessing, processing, storing, burning and transporting in any form whatsoever, of coral;

(b) own, possess, occupy, rent, lease, hold or operate kilns for the burning and processing of coral;

(c) use or possess any equipment, machinery article or substance for the purpose of breaking up coral; and

(d) use any vehicle, craft, or boat in, or in connection with, the breaking up or transporting of any coral:

Provided however that the Director, may under the authority of a licence issued in that behalf, permit the removal of coral for the purpose of scientific research.

(2) Where any vehicle, vessel, boat, craft, machinery or other equipment is used in contravention of the provisions of subsection (1) any police officer shall have the power to seize any such vehicle, vessel, craft, boat, equipment or machinery along with any article or substance found thereon.

(3) No vehicle, vessel, craft, boat, equipment or machinery seized under the provisions of subsection (2), shall be released unless an order of court permitting such release has been obtained.

(4) Any police officer shall have the power to confiscate any coral, found stored or stacked within the Coastal Zone in contravention of the provisions of subsection (1) and any such coral so found shall be handed over to the Director or his representative or disposed of in any manner as may be determined by the Director.

Certificate by
Director as to place
where offence was
committed to be
prima facie
evidence.
[8, 64 of 1988]

31B.

A certificate issued under the hand of the Director, containing a statement that the acts referred to in section 31A, took place within the Coastal Zone, shall be prima facie evidence of the facts stated therein.

Sea Corals.
[29, 49 of 2011]

31BB. (1) The provisions of sections 31A and 31B shall mutatis mutandis apply in relation to the mining, collecting, possession, processing, storing, burning and transporting of sea coral within or outside the Coastal Zone.

(2) In any prosecution if the question arises as to whether the article being mined, collected, possessed, processed, stored, burnt and transported was sea coral, then a Certificate under the hand of the Director-General to that effect shall be admissible in evidence and shall be prima facie evidence of the facts stated therein.

Demolition of kilns
within the Coastal
Zone.
[8, 64 of 1988]

31C. Every person, who within the Coastal Zone, owns, or possesses or occupies one or more kilns, shall within thirty days of the coming into operation of this section, demolish; or cause such kilns to be demolished.

Title to beaches
cannot be acquired
by possession or
use.
[8, 64 of 1988]

31D. (1) No person shall, by reason of possession or use of any specific portion of the beach claim to have acquired title to such portion of the beach as against the State.

(2) (a) In any dispute concerning the area comprising the beach in any part of the island a certificate signed by the Director or a person authorized by him in that behalf containing a statement that a particular area forms part of the beach, shall be prima facie evidence of the facts stated therein.

(b) In arriving at a determination for the purpose of issuing a certificate under paragraph (a), the Director or any other person authorized by him in that behalf, shall take into consideration the extent of accretion along the coastline which is caused by deposition of sand brought in by long shore transport from other areas along the coast line, or by the transport of material along the rivers.

(c) For the purpose of this Act accretions adjoining private

property shall be deemed to belong to the State.

(3) Notwithstanding the provisions of paragraph (2) of this section, the public shall have the right to use or enjoy any portion of the beach.

Transport and
storage of sand or
sea shells.
[30, 49 of 2011]
[8, 64 of 1988]

31E. (1) Any police officer shall have the power to-

(a) stop and examine any vehicle, vessel, boat or craft transporting or suspected of transporting sand or sea shells ;

(b) enter and inspect any premises on which sand or sea shells are stored.

(2) The onus of proving that such sand or sea shells were obtained lawfully shall be on the person transporting or storing, as the case may be, such sand or sea shells. Any person who is unable to furnish proof that the transporting or storing was lawful, shall be guilty of an offence.

Fifty per centum of
fines to be credited
to the Police
Reward.
[31, 49 of 2011]
[8, 64 of 1988]

31F. (1) There shall be credited to the Police Reward Fund established

under the Police Ordinance, fifty per centum established a Fund called the 'Coastal Protection Reward Fund' (hereinafter referred to as 'the Fund') to which shall be credited all fines recovered under this Act and all sums of money realized by the disposal of articles forfeited under the provisions of this Act of the moneys received by way of fines

(2) The Director-General shall be responsible for the administration of the Fund and for the maintenance of the accounts of the Fund. The Auditor-General shall annually audit the accounts of the Fund.

(3) The Director-General may, with the concurrence of the Secretary to the Ministry of the Minister to whom the subject of Coast Conservation and Coastal Resource Management is assigned, and of the Secretary to the Ministry of the Minister to whom of the subject of Finance is assigned, pay a reward to any person eligible to receive the same. The Minister shall from time to time issue guidelines designed to assist in the determination of the qualifications for eligibility and other criteria governing the payment of any such reward.

Filling of land or
water bodies
without a permit to
be an offence.

31G. (1) No person shall, within the Coastal Zone, fill any land or any water body without a permit issued in that behalf by the Director-General.

- (2) The Director-General may, by giving notice to the person or persons acting in contravention of the provisions of subsection (1) direct such person or persons to forthwith remove the substance or matter used for filling up the land or water body in question from such land or water body and restore the land or water body to the condition it was in prior to such filling, within such time as the Director-General may specify in such notice.
- (3) Any person aggrieved by the direction of the Director-General made under subsection (2) may, within three days of the date of the notice being served on him, appeal therefrom to the Secretary to the Ministry of the Minister to whom the subject of Coast Conservation and Coastal Resource Management is assigned. The decision of the Secretary on any such appeal shall be final.
- (4) On receipt of an appeal under subsection (3), the Secretary shall forthwith require the Director-General to forward all relevant documents and files to him. It shall be the duty of the Director-General to forward, within seven days of such a request, all relevant documents and files if any, to the Secretary. The Secretary may, where he is of the opinion that it is essential in order to arrive at a decision, give the appellant an opportunity to be heard in person.
- (5) The Secretary shall make his decision on such appeal within thirty days of the receipt of the appeal and inform both the Director-General and the appellant of his decision. It shall be the duty of the Director-General to give effect to such decision. The decision of the Secretary on any such appeal shall be final.
- (6) No person on whom a direction has been served under subsection (2), or who has appealed against the order under subsection (3), shall continue to fill any land or water body.
- (7) Any person who contravenes the provisions of subsection (6) shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not less than fifty thousand rupees and not exceeding five hundred thousand rupees, or to imprisonment of either description for a term of not less than one year and not exceeding three years or to both such fine and imprisonment.
- (8) Where any person or persons fails to remove the substance or matter used for filling up the land or water body in question from such land or water body and restore the land or water body to the condition it was in prior to such filling, within such time as the Director-General had specified in the notice under subsection (2) or

as specified by the Secretary when rejecting the appeal, the Director-General shall cause the substance or matter to be removed from the land or the water body as the case may be, and the total cost of the removal of the substance and matter used for filling the land or the water body as the case may be, shall be recovered from such person as a debt due to the State.

(9) Wherever in any proceeding in terms of this section the question arises as to the existence of a land or water body which has been filled and from which the substance or matter used for filling has subsequently been removed, a Certificate under the hand of the Director-General shall be admissible in evidence and shall be prima facie evidence thereof.

Bail not to be allowed.

31H. No bail shall be allowed by a Magistrate during the continuance of any proceedings in respect of an offence under this Act :

Provided however that the High Court of the Province established under Article 154G of the Constitution may, for exceptional circumstances shown to the satisfaction of the Court, allow bail to an accused person in respect of an offence under this Act.

Regulations. 1372-4-2004 260-22-1983

32. (1) The Minister may make regulations in respect of any matter for which regulations are authorized to be made, or required to be prescribed, under this Act.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder. Notification of the date on which any regulation is so deemed to be rescinded shall be published in the Gazette.

Savings.

33. (1) Every permit issued by a Government Agent or prescribed officer under section 62 of the Crown Lands Ordinance shall be deemed to be a permit issued under subsection (1) of section 24 of this Act.

(2) Every regulation made under section 59 of the Crown Lands Ordinance shall be deemed to be a regulation made under section 32

of this Act.

(3) Every licence granted under section 63 of the Crown Lands Ordinance shall be deemed to be a permit issued under section 14 of this Act.

Savings as to the rights of the Republic.

34. Nothing in this Act shall be read and construed as derogating from the powers or rights of the Republic, in or over, the Coastal Zone or soil of the Coastal Zone or the area of sea declared, under the Maritime Zones Law, No. 22 of 1976, to be the territorial sea of Sri Lanka.

Protection for action taken in good faith.

35. No suit, prosecution or other legal proceeding shall be instituted against the Director, a Deputy Director, any Assistant Director or any other officer for any act which in good faith is done or purported to be done by such Director, Deputy Director, Assistant Director or other officer under this Act or any regulations made thereunder.

Power of police officer to arrest without warrant.
[33, 49 of 2011]
[9, 64 of 1988]

35A. (1) A police officer may without an order from a Magistrate and without obtaining a warrant, arrest any person reasonably suspected of having been concerned in, or connected with, the commission of an offence under this Act, punishable with imprisonment for a term exceeding six months.

(2) Every police officer making an arrest under this section shall, without unnecessary delay take or send the person arrested to the nearest police station, together with a statement setting out the offence with which the accused is charged. The officer in charge of the police station shall, without unnecessary delay, take or send the person arrested to the nearest Magistrate.

Offences under the **35AA.**

Every offence under this Act shall be a cognizable offence within

Act to be cognisable offences.

the meaning, and for the purposes of the Code of Criminal Procedure Act, No. 15 of 1979 and the provisions of such Act shall apply accordingly.

[34, 49 of 2011]

Immunity from suit.

35AAA. No civil or criminal action shall be instituted against a police officer acting under the provisions of this Act, for any lawful act which is done or purported to be done in good faith by such police officer in pursuance of his duties under this Act.

[34, 49 of 2011]

Power of police

35B.

officer to prevent

Every police officer shall prevent, and may interfere for the purpose

commission of
offence.
[9, 64 of 1988]

of preventing, the commission of any offence under this Act.

Penalty for
obstructing or
interfering with
police officers.
[9, 64 of 1988]

35C. Any person who threatens, intimidates or obstructs or otherwise impedes, or in any way interferes with a police officer or any other officer authorized to act in that behalf in the exercise, performance and discharge of his powers, duties and functions under this Act, shall be guilty of an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand rupees or to both such imprisonment and fine :

Provided that a prosecution shall not be instituted under this section, except with the sanction of an officer not below the rank of a Superintendent of Police.

PARTV
AMENDMENT AND MODIFICATION OF CERTAIN WRITTEN
LAWS

Applications of
certain written
laws to the Coastal
Zone.

36.(1) Where in any written law, there is provision conferring or imposing on any person or authority, any power or duty-

(a) to grant, in relation to the Coastal Zone, any permit or other authority authorizing any person to engage in any development activity ; or

(b) to formulate or execute, in relation to the Coastal Zone, any schemes of work,

such provision shall be read and construed as enabling or requiring that person or authority to exercise that power or to perform that duty only after consultation with the Minister in charge of the subject of Coast Conservation.

(2) The amendments made by sections 38, 39, 40 and 41 of this Act shall be without prejudice to the generality of the provisions of subsection (1).

Amendment to
section 56 of the
Housing and Town
Improvement
Ordinance.

37.Section 56 of the Housing and Town Improvement Ordinance is hereby amended by the addition, at the end of that section, of the following new subsection:-

(4) Nothing in this section shall be read and construed as empowering the Minister to sanction any improvement scheme

framed for any area which is situated within the Coastal Zone except after consultation with the Minister in charge of the subject of Coast Conservation.

In this subsection 'the Coastal Zone' has the same meaning as in the Coast Conservation and Coastal Resource Management Act, 1981.

Amendment to section 29 of the Town and Country Planning Ordinance.

38.Section 29 of the Town and Country Planning Ordinance is hereby amended by the addition, at the end of that section, of the following new subsection:-

(3) The Minister shall not under section 25 or section 28 provisionally approve or sanction any draft scheme which contains any provision relating to any area of land which is situated within the Coastal Zone, except after consultation with the Minister in charge of the subject of Coast Conservation.

In this subsection 'the Coastal Zone' has the same meaning as in the Coast Conservation and Coastal Resource Management Act, 1981.

Repeal of section 7 and 8 of the Tourist Development Act, No. 14 of 1968.

39. Sections 7 and 8 of the Tourist Development Act, No. 14 of 1968, are hereby repealed.

Amendment of section 13 of the Mines and Minerals Law, No. 4 of 1973.

40.Section 13 of the Mines and Minerals Law, No. 4 of 1973, is hereby amended in subsection (1) of that section as follows :-

(a) in paragraph (iii) of that subsection, by the substitution, for the words ' any local authority ', of the words ' any local authority ; and ' ; and

(b) by the addition, at the end of that subsection, of the following new paragraph :

' (iv) without the approval of the Minister in charge of Coast Conservation to mine or prospect for any mineral upon land situated within the Coastal Zone as defined in the Coast Conservation and Coastal Resource Management Act, 1981.'

Insertion of new section 11 A in the

41.

The following new section is hereby inserted immediately after section 11, and shall have effect as

Soil Conservation Act.

section 11A, of the Soil Conservation Act:-

'Application of provisions.

11A.

(1) Nothing in section 3 shall be read and construed as empowering the Minister to make any Order under that section in relation to any area of land situated within the Coastal Zone.

(2) Every Order under section 3 relating to any area of land situated within the Coastal Zone and which is in operation on the date of coming into force of this section shall be deemed to be revoked.

(3) Nothing in section 6 shall be read and construed as empowering the Minister to make regulations under that section to, or in relation to, any land situated within the Coastal Zone.

(4) Every regulation made under section 6 and which is in operation on the date of coming into force of this section shall be deemed not to apply to, or in relation to, any land situated within the Coastal Zone.

In this section ' the Coastal Zone ' has the same meaning as in the Coast Conservation and Coastal Resource Management Act, 1981.

Interpretation.
[36, 49 of 2011]
[10, 64 of 1988]

42. In this Act, unless the context otherwise require

'beach' means a gently sloping area of unconsolidated material, typically sand, that extends landward from the mean high water mark to the area where there is a marked change in material or natural physiographic form. In cases where there is no marked change in the material or natural physiographic form, the beach will be deemed to extend to a distance of 20 metres landward from mean high water level, or to a level of 2.5 meters above mean high water level, whichever is less; and

'coast' means the border of land which is adjacent to the sea and not covered by sea water;

'coast conservation' means the protection and preservation of the coast from sea erosion or encroachment by the sea, and

includes the planning and management of development activity within the Coastal Zone:

'coastal access' means the right of the public, to approach, enter or use an approach to enter into, or to go along a coastal margin in a physical and visual sense and also includes access along the shoreline, usually a strip of land parallel to the waters edge or path or trail which runs parallel to or along, the shoreline, path or trail which connects the nearest public roadway with a shoreline destination along a reasonable direct route or access to the shoreline from a public road to the Mean High Water Level;

'coastal resource' includes all living and nonliving resources found within the Coastal Zone;

'management' means the managing of renewable and non-renewable coastal resources, either separately or in an integrated fashion but excluding fisheries and aquatic resources which fall within the provisions of the Fisheries and Aquatic Resources Act, No. 2 of 1996;

'Coastal Zone' means that area lying within a limit of three hundred meters landwards of the Mean High Water line and a limit of two kilometres seawards of the Mean Low Water line and in the case of rivers, streams, lagoons, or any other body of water connected to the sea either permanently or periodically, the landward boundary shall extend to a limit of two kilometres measured perpendicular to the straight base line drawn between the natural entrance points thereof and shall include the waters of such rivers, streams and lagoons or any other body of water so connected to the sea, and shall also include the area lying within a further extended limit of one hundred metres inland from the Zero Mean Sea Level along the periphery;

'coastline' means the line of intersection of the plane of water at Mean Sea Level with the coast;

'development activity' means any activity likely to alter the

physical nature of the Coastal Zone in any way and includes the construction of buildings and works, the deposit of waste or other material from outfalls, vessels or by other means, the removal of sand, sea shells, natural vegetation, sea grass and other substances, dredging and filling, land reclaiming and mining or drilling for minerals, but does not include fishing;

'environmental impact assessment' means a written analysis of the predicted environmental consequences of a proposed development activity, and includes a description of the avoidable and unavoidable adverse environmental effects of the proposed development activity, a description of alternatives to the activity which might be less harmful to the environment of the Coastal Zone, together with the reasons why such alternatives were rejected, and a description of any irreversible or irretrievable commitments of resources required by the proposed development activity;

'foreshore' means that area of the shore of the sea between the Mean High Water and the Mean Low Water;

'initial environmental examination report' means a written report wherein possible impacts of the development activity on the environment shall be assessed with a view to determining whether the impacts are significant and therefore requires the preparation of an environmental impact assessment report. Such report shall contain all details and descriptions, data maps, designs and other information which is relevant to the development activity;

'land' includes the sea bed and anything resting on the sea bed or shore of the sea;

'local authority' means any Development Council, Municipal Council, Urban Council, Town Council or Village Council, and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding or similar to the powers, duties and

functions exercised, performed and discharged by such Council;:

'**material**' includes minerals, turf, seagrass and any other vegetation;

'**Mean High Water line**' means plus 0.6 metres from the Mean Sea Level;;

'**Mean Low Water line**' means minus 0.6 metres from the Mean Sea Level;

'**scheme of work**' in relation to coast conservation or the Coastal Zone means any work of construction, alteration, demolition, excavation, reclamation, repair or maintenance and includes dredging and drilling, the removal or dumping of any material or the sowing or planting of vegetation, for the purpose of protecting the Coastal Zone from sea erosion or encroachment by the sea, or for the development of the Coastal Zone;

'**sea**' includes the water of any channel, creek, bay, estuary or any river extending up to the furthest point to which the tide flows;

'**straight base line**' means the base line specified in the Proclamation made under section 2 of the Maritime Zones Law, No. 22 of 1976, declaring the territorial sea of Sri Lanka, being the base lines from which the limits of such territorial sea are measured; and

'**sustainability**' is the alternative to resource depletion caused by excessive exploitation for short term profit and implies the need for the wise use and careful management of individual species and communities, together with the habitats and ecosystems on which they depend, so that their current or potential use to people is not impaired';

'**water body**' includes rivers and any other body of water so connected to the sea, marshes, mudflats, lagoons and mangrove

swamps;

'territorial sea' means the area of sea declared to be the territorial sea of Sri Lanka by the Proclamation made under the Maritime Zones Law, No. 22 of 1976.