



**PROVINCIAL COUNCIL OF THE
NORTH WESTERN PROVINCE OF THE
DEMOCRATIC SOCIALIST REPUBLIC OF
SRI LANKA**

**NORTH WESTERN PROVINCE
ENVIRONMENTAL STATUTE No. 12 of 1990**

(Date of assent : January 10 1991)

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TO BE PURCHASED AT THE COUNCIL OFFICE OF THE NWP

*North Western Province Environmental
Statute No. 12 of 1990*

A STATUTE TO PROVIDE FOR THE ESTABLISHMENT OF THE NORTH WESTERN PROVINCE ENVIRONMENTAL AUTHORITY, TO MAKE PROVISION WITH RESPECT TO THE POWERS, FUNCTIONS AND DUTIES OF THAT AUTHORITY AND TO MAKE PROVISION FOR THE PROTECTION, MANAGEMENT AND ENHANCEMENT OF THE ENVIRONMENT AND FOR THE REGULATION MAINTENANCE AND CONTROL OF THE QUALITY OF THE ENVIRONMENT.

BE it passed by the Provincial Council of the North Western Province of the Democratic Socialist Republic of Sri Lanka as follows:

1. This statute may be cited as the North Western Province Environmental Statute No. 12 of 1990 and shall come into operation on such date as the Provincial Minister in charge of the subject of Local Government, hereinafter referred to as the Minister, may appoint by notification in the Gazette.

Short title and
date of operation.

PART I

ESTABLISHMENT OF THE NORTH WESTERN PROVINCE
ENVIRONMENTAL AUTHORITY AND AN
ENVIRONMENTAL COUNCIL

2. (1) For the purposes of this Statute there shall be established an Authority called North Western Province Environmental Authority.

Establishment of
the Authority .

(2) The Provincial Environmental Authority established under subsection (1) shall consist of the persons who are for the time being members of the Authority under subsection (1) of section 3.

(3) The Authority shall, be a body corporate and shall have perpetual succession and a common seal and may sue or be sued in such name.

3. (1) The Authority shall consist of three members appointed by the Chief Minister of the North Western Province in consultation with the Minister—

Members of the
Authority and the
Secretary.

- (a) one of whom shall have adequate expertise and qualifications in the subject of the environment ; and
- (b) one of whom shall have suitable administrative skill and experience in environmental management.
- (c) one of whom shall be the Chief Secretary of the North Western Provincial Council or the officer discharging the duties of that office.
- (d) The Chief Secretary of the North Western Provincial Council or the officer discharging the duties of that office shall be the Chairman of the Provincial Authority.
- (e) The Chairman of the Provincial Authority shall be the

Seal of the
Provincial
Authority.

4 (1) The seal of the Provincial Authority shall be in the custody of the Secretary.

(2) The seal of the Provincial Authority may be designed or altered in such manner as may be determined by the Authority.

(3) The seal of the Provincial Authority shall not be affixed to any instrument or document except in the presence of the Chairman or a member of the Authority who shall sign the instrument or document in token of his presence.

Fund of the
Provincial
Authority.

5 (1) The Provincial Authority shall have its own Fund. There shall be credited to the Fund of the Authority—

- (a) all such sums of money as may be voted by the Provincial Council of the North Western Province for environmental purposes;
- (b) all such sums of money as may be received by the Provincial Authority in the exercise, discharge and performance of its powers, functions and duties ; and
- (c) all such sums of money as may be received by the Authority by way of loans, donations, gifts, or grants from any source whatsoever, whether in Sri Lanka or with the concurrence of the Government, outside Sri Lanka.
- (d) all such sums of money as may be received by the Provincial Authority by way of fines or charges in the discharge of its functions.

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

(3) The initial capital of the Authority shall be one million rupees which amount shall be paid out of the Provincial Fund and credited to the Fund of the Authority.

Financial year and
the audit of
accounts of the
Authority.

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

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

(3) The Auditor - General shall audit the accounts of the Authority every year.

(4) Having audited the accounts of the Provincial Authority, the Auditor-General or the relevant public officer on his behalf for the North Western Province, shall at the end of each calendar year submit a report to the Provincial Council.

7. (1) There shall be established a Provincial Environmental Advisory Council (hereinafter referred to as "the Advisory Council") which shall consist of the following members appointed by the Minister or of such number of Members as may be appointed out of them.

Provincial
Environmental
Advisory Council.

- (a) Secretary to each Provincial Ministry of the Provincial Council of the North Western Province or a senior officer of each Provincial Ministry nominated by the Provincial Minister concerned.
- (b) Director of Health Services of the Provincial Council of the North Western Province or the officer discharging the functions of that office.
- (c) Director of Education of the Provincial Council of the North Western Province or the officer discharging the functions of that office.
- (d) Director of Agriculture of the Provincial Council of the North Western Province or the officer discharging the functions of that office.
- (e) Director of Agrarian Services of the Provincial Council of the North Western Province or the officer discharging the functions of that office.
- (f) Provincial Director of the Road Development Authority of the North Western Province or the officer discharging the functions of that office.
- (g) Chief Forest Officer of the Forest Department of the North Western Province or the officer discharging the functions of that office.
- (h) Director of Industries of the Provincial Council of the North Western Province or the officer discharging the functions of that office.
- (i) Director of Fisheries of the Provincial Council of the North Western Province or the officer discharging the functions of that office.
- (j) Provincial Manager of the North Western Province of the National Housing Development Authority appointed with the concurrence of the Government or the officer discharging the functions of that office.
- (k) Land Commissioner of the Provincial Council of the North Western Province or the Officer discharging the functions of that office.
- (l) Any other officers of the Provincial Council nominated by the Provincial Minister in charge of the subject of Environment.
- (m) The following officers, discharging functions in relations to the North Western Province, who will be nominated by the Minister in charge of the subject of environment in consultation with the government,

- Deputy Surveyor General
- Regional Manager of the National Water Supply and Drainage Board.
- Chief Executive, for the North Western Province, of the Water Resources Board.
- Chief Executive, for the North Western Province, of the Wild Life Department.
- Chief Executive, for the North Western Province, of the Ceylon Electricity Board.
- An officer of the Department of Town and Country Planning.
- A representative of the Central Environmental Authority.

(n) Three members to represent voluntary agencies in the field of Environment.

(o) Three Members with adequate expertise in the field of Environment.

(p) The Secretary, for the time being, of the Provincial Authority.

(2) A Public officer, belonging to a Provincial Ministry should not be appointed under Sub - Section 1, as a member of the Advisory Board unless the Provincial Minister concerned concurs with such appointment.

(3) The Minister shall appoint one of the members appointed under Sub-Section (1) to be the Chairman of the Advisory Council.

(4) The Secretary to the Provincial Authority shall be the Secretary of the Advisory Council.

(5) The functions of the Advisory Council shall be generally to advise the Provincial Authority on matters pertaining to its responsibilities, powers and functions and to advise or investigate and report on or make recommendations in respect of any matter referred to the Advisory Council by the Provincial Authority.

**Disqualification
of Members.**

8. (1) A person shall be disqualified from being appointed or from continuing as a member of the Provincial Authority or Advisory Council.

- (a) if he is or becomes a member of Parliament, or the Provincial Council or a local authority; or
- (b) if he is not, or ceases to be a citizen of Sri Lanka ; or
- (c) if he is removed by the Minister or the Chief Minister as the case may be ; or
- (d) if he ceases, owing to transfer or such other reason, to hold the office by virtue of which he was appointed a member.

(2) A person appointed under Section 3 (1) to the Provincial Authority or 7 (1) to the Advisory Council shall, unless he becomes disqualified under Section 8 (1), hold office for a term of three years from the date of appointment.

(3) If a member becomes disqualified in terms of Section 8 (1), before the expiry of the term of three years, the Chief Minister or the Minister may appoint in his place, another person out of those referred to in Section 3 (1) or 7 (1) as the case may be.

(4) No act or proceeding of the Provincial Authority or the Advisory Council shall be invalid by reason only of the expiry of the term of office of a member or members or a defect in the appointment of a member and such expiry or defect shall have no effect on the activities of the Provincial Authority or the Advisory Council.

(5) The term of office of the Secretary and the Chairman of the Provincial Authority and the Advisory Council shall be only till he holds the office by virtue of which he was appointed.

(6) If the Secretary of the Provincial Authority and the Advisory Council or the Chairman of the Provincial Authority is temporarily unable to discharge the duties of his office due to ill health or absence from Sri Lanka or for any other cause the Chief Minister or the Minister may appoint the next senior officer or acting officer to act in his place.

(7) The Chairman or the Provincial Authority or the Secretary of the Provincial Authority and Advisory Council or any member not being an officer of any Ministry or Department by virtue of which he was appointed may resign by giving notice in writing to the Chief Minister or to the Minister.

(8) The Chairman, the Secretary and the members of the Provincial Authority and members of the Advisory Council may be paid with the concurrence of the Minister, such remuneration or allowance out of the fund of the Authority as may be determined by the Authority.

(9) The Chairman of the Provincial Authority or Advisory Council shall, if present, preside at all meetings of the Provincial Authority or the Advisory Council. In the absence of the Chairman at any such meeting the members present shall elect one of the members to preside at the meeting.

(10) The quorum for any meeting of the Provincial Authority shall be two members and the quorum for any meeting of the Advisory Council shall be five members.

(11) Meetings of the Provincial Authority and of the Advisory Council shall be held on such dates, times and places as may be determined by the Chairman.

(12) The Provincial Authority shall, in the exercise discharge and performance of its powers functions and duties under this Statute be subject to such directions as may from time to time be issued by the

PART II

POWERS AND FUNCTIONS OF THE PROVINCIAL AUTHORITY

Powers and
Functions of the
Provincial
Authority.

9. The powers and functions of the Provincial Authority shall be :

- (a) to administer the provisions of this Statute and the regulations made thereunder ;
- (b) to recommend to the Minister, the amendments to be made or rules to be drafted that may be necessary for the planning of the conservation of soil, conservation of forests, prevention of pollution of air, water and land and for the planning of in the use of air, water and land, within the Province and to draft the amendments or rules on the advice of the Minister.
- (c) to undertake surveys and investigations as to the causes, nature and extent and prevention of pollution or the appointment, with the concurrence of the Minister and the appointment of special committees that may be of use in the discharge of the functions of the Provincial Authority.
- (d) to specify standards, norms and criteria for the protection of beneficial uses and for maintaining the quality of the environment.
- (e) to publish books, documents, reports, information and notifications with respect to environmental protection and management.
- (f) to undertake investigations and inspections to ensure compliance with this Statute and the rules made thereunder and to investigate complaints relating to non- compliance with such provisions.
- (g) to determine methods of undertaking investigations referred to in (f) above and to engage persons, officers or any one decided upon by the Provincial Authority, for the purpose.
- (h) to provide information an education to the public regarding the protection and improvement of the environment.
- (i) to establish and maintain, liaison with other national and international organizations with respect to protection and management of environment and to set up educational exchange programmes.
- (j) to prepare long term or short term plans for environmental protection and management and lay down procedures for encouraging the public or institutions for the protection of environment and to carry out such plans and procedures

- (k) to plan and carry out all steps necessary to prevent the discharge of wastes and pollutants into the environment and the protection and the improvement of the quality of the environment.
- (l) to require any local authority within the North Western Province to comply with and give effect to any recommendation relating to environmental protection within the limits of the jurisdiction of such local authority and in particular any recommendation relating to all or any of the following aspects of environmental pollution;
 - (i) the prohibition of the unauthorized discharge, emission or deposit of litter, sewage or other waste and the enforcement of management orders;
 - (ii) the prevention of the discharge of un-treated sewage, litter or other waste or industrial effluents or toxic chemicals or carbonic smoke into soil canals and water ways or emission of air or smoke containing particles of waste detrimental to environment and public health and the enforcement of management orders.
 - (iii) the prohibition of the display of posters or bills on walls or buildings or any other unauthorized places and regulation of the erection of advertising hoardings;
 - (iv) the prevention of the defacement of the scenic places and public property;
 - (v) the control of the atmospherical, noise and land pollution and the enforcement of management orders ;
 - (vi) the prohibition of the storage, transport and disposal of any material which is hazardous to health and environment and the enforcement of the orders therefore ;
 - (vii) the prevention of damage to plants and trees, grown or growing in the way side or in parks or in any other public place, the making of arrangements to protect and maintain them in proper condition, the implementation of recommendations and proposals made forwards promoting such protection and the making of management orders therefore.

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

Power to give directions to local authorities.

Authority to which such a direction has been given shall

PART III

STAFF OF THE PROVINCIAL AUTHORITY

The Chief Executive and the Chief Administrative officer of the Provincial Authority.

11. (1) The Chairman appointed in terms of Section 03 (1) (d) and the Secretary appointed in terms of Section 03 (1) (e) shall be the Chief Executive and the Chief Administrative Officer respectively of the Provincial Authority.

(2)(a) The Secretary of the Provincial Authority, subject to the general direction and control of the Chairman, shall be in charge of the direction of the operations, the organization and the discharge of the duties and functions and the administration and control of the employees, of the Provincial Authority.

(b) The Provincial Authority shall recruit, a Director of the Provincial Authority, having the qualifications prescribed and on conditions laid down, in Section 12 (1), and versed in and having educational qualifications in environmental field, to assist the Secretary in the discharge of his responsibilities.

(c) He shall be paid such remuneration by the Provincial Authority as may be determined in terms of Section 12 (2).

(d) The Secretary of the Provincial Authority, and in his absence the Director shall be entitled to participate at the meetings of the Provincial Authority, but shall not be entitled to vote at such meetings.

Appointment of officers, servants and agents.

12. (1) The Provincial Authority may appoint in terms of recruitment procedure laid down by the Authority such officers and servants as it considers necessary for the efficient exercise, discharge and performance of its powers, functions and duties.

(2) The officers and servants of the Authority who are not entitled for remuneration under see 8 (8) shall be remunerated in such manner and at such rates, as may be determined by such regulations as may be prescribed by the Provincial Authority.

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

(4) Where any officer in the public service is temporarily appointed in terms of section (3) the provisions of subsection (2) of section 13 of the

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

(6) Where any person is temporarily appointed to the staff of the Authority, such person shall be subject to the same disciplinary control as any other member of such staff.

(7) The qualifications and conditions of service prescribed by the Authority for the purpose of recruitment of staff to the Authority shall apply to all officers and employees other than the Chairman and the Secretary of the Provincial Authority.

PART IV

ENVIRONMENTAL MANAGEMENT

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

Land Use
management.

- (a) to provide a rational, orderly and efficient system of the acquisition, utilization and disposition of land and its resources in order to derive there from maximum benefits; and
- (b) to impose conditions or orders in respect of bare, uncultivated, abandoned or neglected lands and lands which are not orderly or gainfully cultivated ;
- (c) to encourage the prudent use and conservation of land resources in order to prevent an imbalance between the needs of the Province and such resources.
- (d) to determine the crops that may be cultivated on a land, village or area.

14. The Land Use Scheme formulated under section 13 may include -

Land Use
Scheme.

- (a) a scientifically adequate land inventory and classification system ;
- (b) a determination of present land uses, the extent to which such land is utilized; under utilized or rendered idle or abandoned;
- (c) a comprehensive and accurate determination of the adaptability

- (d) identification of areas having important historic, cultural, or aesthetic value where uncontrolled development could result in damage or areas, development of which could result in damage to the conservation of environment;
- (e) a method for exercising control by the Provincial Council over the use of land in areas where environment control is deemed necessary ; and
- (f) a policy for influencing the location of new areas for the resettlement of persons and village expansion and the methods for assuring appropriate controls over the use of land in and around such areas.

NATURAL RESOURCES

Natural Resources,
Management and
Conservation.

15. The Provincial Authority in consultation with the Advisory Council shall recommend to the Minister the basic policy on the management and conservation of the natural resources of the Province in order to obtain the optimum benefits therefrom and to preserve the same for future generations and the general measures through which such policy may be carried out effectively and shall formulate regulations therefore on the advice of the Minister.

FISHERIES AND AQUATIC RESOURCES

Management
Policy for
Fisheries and
Aquatic
Resources.

16. The Provincial Authority in consultation with the Advisory Council shall, with the assistance of the Ministry of the Provincial Minister in charge of the subject of Fisheries, recommend to the Minister a system of rational exploitation of fisheries and aquatic resources within the territorial waters of the North Western Province, or within its inland waters and shall formulate regulations therefor on the advice of the Minister.

WILDLIFE RESOURCES

Management
policy for wild
life.

17. The Provincial Authority in consultation with the Advisory Council shall, with the assistance of the Ministry of the Provincial Minister in charge of the subject of Wildlife conservation, recommend to the Minister a system of rational exploitation and conservation of wildlife resources and shall formulate regulations therefore on the advice of the Minister.

FORESTRY

Management
policy for
forestrics.

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

- (ii) conservation development and replanting of threatened species of flora, and restriction and prevention of their destruction and sale;
- (iii) promoting public participation in forest conservation and tree planting;
- (iv) land classification, management of forest expansion, plantation of industrial and fuel trees, parks and wild life management, forest research and study, minimization of damage consequent upon the development effort tree planting by the roadside and its regulation and setting up, development and conservation of parks, arbours and forest resorts.

SOIL CONSERVATION

19. The Provincial Authority in consultation with the Advisory Council shall, with the assistance of the Provincial Ministries of Irrigation, Agriculture, Plantation, Lands, Highways and Local Government, recommend to the Minister programmes for the identification and protection of critical watershed areas ; identification study and introduction of scientific farming techniques that prevent soil erosion; identification of areas subject to soil erosion; restriction, prohibition and imposition of conditions on such cultivations or other activities leading to soil erosion, encouragement of soil conservation, enlightenment on the consequences of soil erosion and regulation of drainage systems on highways and lands and shall formulate regulations therefore on the advice of the Minister.

Policy on soil
Conservation
Management.

PART V

ENVIRONMENTAL PROTECTION

20. With effect from such date as may be appointed by the Minister by Order published in the Gazette, (hereinafter referred to the "relevant date"), no person shall discharge, deposit, or emit waste that is, garbage, animal or plant residue, sewage, industrial effluents or toxic chemicals, carbonic matter, air or smoke containing particles of waste or obnoxious odour, detrimental to environment and public health into the environment which will cause pollution except -

Prohibition of the
discharge,
emission or
deposit of waste
into the environ-
ment.

- (a) under the authority of a licence issued by the Provincial Authority;
and
- (b) in accordance with such standards criteria, conditions or rules as may be prescribed under this Statute.

21. (1) The Provincial Authority may, on application being made therefore to the Authority in such form as may be prescribed, and on payment of the prescribed fee, issue a temporary or annual licence to any person or institution authorizing such person discharge, deposit or emit, waste chemical into the environment referred to in Section 20 in accord-

Issue of licences.

(2) A licence should be valid for such period as shall be specified in the licence, provided, it shall not be for more than a period of twelve months; and

(3) When a licence is issue in terms of Section 1 for a purpose it can be continued beyond the period of validity of the licence only if a fresh licence is obtained or on renewal of the existing licence.

Authority may refer application to a Government department or public corporation.

22 (a) In issuing licences under Section 28, the Provincial Authority may where it considers necessary refer the application to an appropriate Provincial Minsitry, Department, Institution or officer requesting that a report or recommendation be made on such application.

(b) Where an application is referred to a Provincial Ministry, Department, Institution or officer such Ministry, Department, Institution or officer shall report on it or make recommendation thereon without delay.

(c) The Provincial Authority shall not take a decision on such application until the report or recommendation is received.

Suspension or cancellation of licence.

23 (a) Where a licence has been issued to any person under Section 21 and such person acts in violation of any of the terms, standards and conditions of the licence or where since the issue of licence, the Provincial Authority considers the receiving environment no longer suitable for the continued discharge, deposit, or emission of waste or where it is not considered beneficial the Authority may suspend or cancel such licence.

(b) where a licence is suspended or cancelled, the activity concerned should cease forthwith.

Appeals against refusal of licence.

24 (1)(a) where the Provincial Authority refuses in terms of Section 21 to issue a licence the fact should be communicated to the parties concerned.

(b) Any person who is aggrieved by such communication, may, within five days of the date of communication, appeal to the Minister by registered letter.

(c) The Minister should give a decision on the appeal, on a recommendation made after an inquiry by a panel of two or more members of the Advisory Council.

(2) The decision of the Minister shall be final

PART VI
ENVIRONMENTAL QUALITY

25. Subject to section 20 of this Statute with effect from the relevant date, no person shall deposit or emit waste into the inland waters of the North Western Province except in accordance with such standards or criteria as may be prescribed under this Statute.

Restriction,
regulation and
control of
pollution of the
inland waters.

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

Pollution of inland
waters of the
North Western
Province.

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

- (a) he places in or on any waters or in a place where it may gain access to any waters any matter, whether solid, liquid, gaseous, that is prohibited by or under this Statute or by any regulations made thereunder ;
- (b) he places any waste, whether solid, liquid, or gaseous, in a position where it falls, descends, drains, evaporates, is washed, is blown or percolates, is likely to fall, descended, drain, evaporate, be washed, be blown, percolate into any waters or on the bed of any river, stream or other waterway when dry; or knowingly or through his negligence, whether directly or indirectly, causes or permits on such matter to place in such a position ;
- (c) he places waste on the bed, when dry, of any river, stream or other water-way or knowingly or through his negligence causes or permits any wastes to be placed on such a bed ; or
- (d) he causes the temperature of coastal or off-shore waters of the North Western Province to be raised or lowered by more than the prescribed limits.

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

- (a) liable to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand, and thereafter in the event of the offence being continued to be committed, to a further fine of not less than rupees five thousand and not exceeding rupees twenty thousand for each day on which the offence is committed.

(b) required to take within such period as may be determined by court, such corrective measures as may be deemed necessary to prevent further damage being caused to the coastal and offshore waters of the North Western Province and furnish at the end of such period sufficient and acceptable proof of the incorporation of such corrective measures. The court shall also order such person convicted, to bear the expenses that may have been incurred by the authority in the correction of damage already caused as a consequence of the commission of such offence, and where such person fails to bear the expenses so incurred be recovered in like manner as a fine imposed by the court.

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

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

Restriction on
pollution of the
atmosphere.

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

Pollution of
atmosphere.

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

(2) Without limitation to the generality of subsection (1) a person shall

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

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

- (a) liable to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand and thereafter in the event of the offence being continued to be committed, to a fine of rupees five hundred for each day on which the offence is so continued to be committed ;
- (b) required to take within such period as may be determined by court, such corrective measures may be deemed necessary, to prevent further damage being caused by the pollution of atmosphere, and furnish at the end of such period sufficient and acceptable proof of the incorporation of such corrective measures. The court shall also require such person convicted to bear the expenses incurred by the authority in the correction of damage already caused as a result of the commission of such offence.

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

(5) In any case where such person fails to comply with the closure order issued under subsection (5), the Magistrate shall forthwith order the fiscal

in such order not being a date earlier than three or later than seven days from the date of issue of such order to close such factory or business being carried at such premises. Such order shall be issued by the authority for the said fiscal or any police officer authorized by him on behalf to enter the premises with such assistant as the fiscal or such officer shall deem necessary to close such factory or trade or business being carried at such premises.

Failure to fit and maintain prescribed control devices an offence.

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

Restriction, regulation and control of pollution of the soil.

30. Subject to Section 20 of this Statute with effect from the date, no person shall discharge or deposit waste into the soil, or into any water, in accordance with such standards or criteria as may be prescribed by this Statute.

Pollution of soil an offence.

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

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

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

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

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

32. Subject to Section 20 of this Statute with effect from the relevant date no person shall permit the emission of excessive noise, unless he complies with such standards or limitations as may be prescribed under this Statute in regard to the volume, intensity or quality of such noise.

Restriction on
noise pollution.

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

Discharge of
certain noise to be
licensed.

(2) The provisions of Sections 21, 22, 23 and 24 shall, mutatis mutandis, apply to and in relation to the issue of a license under subsection (1).

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

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

Excessive noise
an offence.

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

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

Notice to remove
litter.

For the purposes of this section "Litter" means unwanted waste material whether a by product which has arisen during a manufacturing

Cost of removing litter may be recovered against person responsible.

36. The cost of removing or otherwise disposing of or reducing litter pursuant to a notice given under Section 35 may be recovered in any court of competent jurisdiction against any person proved to have deposited the litter, as a debt due to the Provincial Authority and when recovered shall be paid to the fund of the Provincial Authority.

Failure to comply with notice an offence.

37. Any person to whom a notice in writing under Section 35 is directed and who fails without reasonable cause to comply with the requirements of the notice shall, if proved be guilty of an offence.

Prohibition on discharge of oil into inland waters of North Western Province.

38. (1) No person shall discharge or spill any oil or mixture containing oil into the inland waters of North Western Province.

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

Power to prohibit or require use of any material or equipment.

39. (1) The Minister may by Order published in the Gazette—

- (a) prohibit the use of any materials for any process, trade or industry ;
- (b) prohibit whether by description or by brand name the use of any equipment or industrial plant,

which will endanger the quality of the environment, within the areas specified in the Order.

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

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

Certificate to be prima facie evidence of facts stated therein.

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

PART VII

APPROVAL OF PROJECTS

Project approving agencies.

41. (1) For the purposes of this Part of this Statute, the Minister may by Order published in the Gazette specify the project approving agency or agencies (hereinafter in this Part referred to as environmental project approving agency or agencies) which shall be the project approving

(2) Environmental Project approving agencies shall operate within the limits conditions or orders made by the Minister.

(3) The Minister may at his discretion abolish, suspend or reconstitute such environmental project approving agencies.

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

Prescribed
Project.

43. (1) Notwithstanding the provisions of any other written law, from and after the coming into operation of this Statute, all prescribed projects that are being undertaken in the North Western Province by any department, corporation, statutory board, local authority, company, firm or an individual will be required to obtain approval under this Statute for the implementation of such prescribed projects.

Approval of
prescribed
projects.

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

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

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

Submission of
environmental
impact assessment
report.

(2) A project approving agency shall on receipt of an initial environmental examination report or an environmental impact assessment report, as the case may be, submitted to such project approving agency in compliance with the requirement imposed under subsection (1), by notice published in the Gazette and in one newspaper each in the Sinhala, Tamil and English languages, notify the place and times at which such report shall be available for inspection by the public, and invite the public to make its comments, if any, thereon.

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

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

Procedure to be based on guidelines prescribed.

45. The project approving agencies shall determine the procedure it shall adopt in approving any prescribed projects submitted to it for approval. Such procedure shall be based on the guidelines prescribed by the Minister for such purposes.

Appeal to the Secretary to the Ministry of the Minister.

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

(2) The decision of the Secretary to the Ministry on such appeal of the Minister shall be final, provided that the Secretary shall before he decides on the appeal, obtain the observations of the advisory council.

Abandonment of alteration of any prescribed project.

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

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

Submission of a report on approved prescribed projects.

48. (1) It shall be the duty of all project approving agencies to forward to the Provincial Authority a report on each prescribed project for which approval is granted by such agency.

48.(a) It shall be legal for any person or environmental agency authorized by the Provincial Authority to make a verbal or written direction to any person erecting or maintaining within the North Western Province, an obstruction or projection that should not have been erected, or maintained except on the authority of a licence obtained under the provision of this statute and in the event of a person receiving such a direction refuses or fails to act in accordance with such direction or in the event of there being a doubt as to who should be served with such direction, the Provincial Authority shall, after displaying such notice at such place, erection, or fixture for a time deemed to be reasonable by the Authority it shall be legal for the Provincial Authority itself to remove such obstruction

- (b) It shall be legal for a person who has been authorized by the Provincial Authority to remove such erection, obstruction or projection to enter, with any human labour, machinery cattle elephants or any other animal labour together necessary implements, such place, premises house or building and take all measures that may be required to give effect to such removal or demolition.
- (c) Any person obstructing such action shall be liable on conviction to a fine not less than rupees ten thousand or not exceeding rupees one hundred thousand or to imprisonment of either description for a term not exceeding two years or for both.
- (d) It shall be legal for the Provincial Authority to recover the cost of such removal by the sale of material, equipment, machinery or buildings comprising such erection, obstruction or projection.
- (e) Where no such recovery can be made, it should be possible to obtain a court order to recover the damage in the form of a fine imposed on the offending party.

PART VIII

GENERAL

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

Furnishing of
information

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

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

50. (1) The Secretary of the Provincial Authority or any other officer

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

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

(3) Any person who prevents or obstructs Secretary to the Provincial Authority or an authorized officer in carrying out such inspection or investigation, recording of data or the taking of samples under subsection (1) shall be guilty of an offence under this statute.

Provincial
Authority to issue
directives.

51. (1) The Provincial Authority shall have the power to issue directives to any person engaged in or about to engage in any development project or scheme which is causing or is likely to cause, damage or detriment to the environment, regarding the measures to be taken in order to prevent or abate such damage or detriment, and it shall be the duty of such person to comply with such directive.

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

Declaration of
areas as environ-
mental protection
areas.

52. (1) Subject to the provisions of Appendix II to List I of Schedule Nine of the Constitution, the Minister, may by order published in the Gazette, declare any area to be an environmental protected area (hereinafter referred to as a "protected area").

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

Applicability of
any other laws in
protection areas.

53. (1) Where any area has been declared to be a protected area, under Section 52(1), the Minister may, by order published in the Gazette, declare that any planning scheme or project in a protected area under the provisions

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

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

(4) So long as an order Section 52 being in force in relation to a protected area no person other than the Provincial Authority shall exercise, perform and discharge any powers, duties and functions relating to planning and development within such protected area.

54. The Provincial Authority may appoint—

Analysts &c.

- (a) analysts for making analysis of samples taken for the purpose of that statute ; and
- (b) pollution control officers for inspection and evaluating the records of monitoring prescribed equipment and installations for detecting the presence, quantity and nature of waste and their effects on the receiving portions of the environment.

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

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

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

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

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

- (a) in respect of any local authority except with the concurrence of the Minister ; and
- (b) in respect of any Provincial Council department, institution or officer except with the concurrence of the Provincial Minister in

Members Officers
and servants of
the Authority
deemed to be
public servants.

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

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

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

This Statute to
prevail over other
written law.

58. The provisions of this Statute shall have effect notwithstanding anything to the contrary in the provisions of any other written law, and accordingly in the event of any conflict or inconsistency between the provisions of this Statute and the provisions of such other written law, the provisions of this Statute shall prevail over the provisions of such other written law.

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

59. (1) No suit or prosecution shall lie—

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

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

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

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

“Penalty for
offences for which
no punishment is
expressly
provided for.

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

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

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

- (a) levy of fees for—
 - (i) examining plans, specifications and information relating to installations or proposed installations ;
 - (ii) the issue of licences under this Statute ; and
 - (iii) carrying out necessary monitoring duties ;
- (b) specification of standards or criteria for the implementation of any national environmental policy or classification for the protection of the environment and for protecting beneficial uses ;
- (c) specification of standards or criteria for determining whether any matter, action or thing is poisonous, objectionable, detrimental to health or within any other description or referred to in this Statute ;
- (d) prohibition of the discharge, emission, or deposit into the environment of any matter, whether liquid, solid, or gaseous, or of radio activity and prohibition or regulating the use of any specified fuel ;
- (e) specification of ambient air quality standard and emission standards and specifying the maximum permissible concentrations of any matter that may be present in or discharge into the atmosphere ;
- (f) prohibition of the use of any equipment, facility vehicle or boat capable of causing pollution or regulating the construction, installation or operation thereof so as to prevent or minimise pollution ;
- (g) requirement of issuing pollution warnings or alerts ;
- (h) prohibition or regulation of the open burning of refuse or other combustible matter ;
- (i) regulation of the establishment of sites for the disposal of solid or liquid waste on or in land ;
- (j) determination of objectionable noise and specification of standards for tolerable noise ;
- (k) prohibition of or regulation of bathing, swimming, boating or other activity in or around any waters that may be detrimental to health or welfare or having adverse cultural effects or for preventing

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

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

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

Interpretation

62. In this Statute unless the context otherwise requires "air pollution" means an undesirable change in the physical, chemical and biological characteristics of air which will adversely affect plants, animals, human beings and inanimate objects ;

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

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

"environmental impact assessment report" means a written analysis of the predicted environmental project and containing an environmental cost-benefit analysis if such an analysis has been prepared, and including a description of the project, and includes a description of the avoidable and unavoidable adverse environmental effect of the proposed prescribed

project ; a description of alternative to the activity which might be less harmful to the environment together with the reasons why such alternatives were rejected, and a description of any irreversible or irreversible commitments of resources required by the proposed prescribed project ;

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

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

“Land” includes messages, buildings and any easements relating thereto and any state land made available by the Government.

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

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

“pollution” means any substance whether liquid, solid or gaseous which directly or indirectly—

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

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

“prescribed” means prescribed by regulations ;

“territorial waters” includes the territorial sea and the historic waters of North Western Province ; and

“toxic chemical” means a substance characterised by definite molecular composition which has harmful effect on living material or which can create hazardous changes in the environment ;

“waste” includes any matter prescribed to be waste and any matter, whether liquid, solid, gaseous, or radio-active, which is discharged, or is likely to be discharged in the environment in such volume, constituency or