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PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

COAST CONSERVATION
ACT, No. 57 OF 1981

[Certified on 9th September, 1981]

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Coast Conservation Act, No. 57 of 1981

[Certified on 9th September, 1981]

LD—O 98/78

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 SCHEMES OF WORK FOR COAST CONSERVATION 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 :—

1. This Act may be cited as the Coast Conservation 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”).

Short title and date of operation.

PART I

ADMINISTRATION

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

Administration of Coastal Zone vested in the Republic.

3. For the purposes of this Act—

- (a) there shall be appointed a Director of Coast Conservation (hereinafter referred to as “the Director”) ;
- (b) there may be appointed—
 - (i) such number of 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.

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 ; and
- (c) for the conduct of research, in collaboration with other departments, agencies and institutions for the purpose of coast conservation.

Duties and functions of the Director

Director to delegate any of his powers, duties or functions under Part III, to Government Agent.

5. The Government Agent of any administrative district within which any part of the Coastal Zone is situated may, upon an authorization in writing by the Director and subject to the general direction and control of the Director, exercise, perform and discharge within that administrative district, all or any of the powers, duties and functions conferred or imposed on, or assigned to, the Director by Part III of this Act.

Coast Conservation Advisory Council.

6. There shall be established a Coast Conservation Advisory Council (hereinafter referred to as "the Council") consisting of the following members :—

- (a) the person for the time being holding the office of the Secretary to the Ministry of the Minister in charge of the subject of Coast Conservation, who shall be the Chairman of the Council ;
- (b) a senior officer of the Ministry of the Minister in charge of the subject of Tourism nominated by such Minister ;
- (c) a senior officer of the Ministry of the Minister in charge of the subject of Shipping nominated by such Minister ;
- (d) a senior officer of the Ministry of the Minister in charge of the subject of Local Government nominated by such Minister ;
- (e) a senior officer of the Ministry of the Minister in charge of the subject of Home Affairs nominated by such Minister ;
- (f) a senior officer of the Ministry of the Minister in charge of the subject of Industries nominated by such Minister ;
- (g) the person for the time being holding the office of the Director, who shall act as Secretary to the Council ;
- (h) the Director of the body or other person responsible for aquatic resources, research and development ;
- (i) the person for the time being holding the office of the Land Commissioner or his representative ;
- (j) the person for the time being holding the office of the General Manager of the Urban Development Authority established by the Urban Development Authority Law, No. 41 of 1978, or his representative ;
- (k) the person for the time being holding the office of the Director of Irrigation or his representative ;

- (l) three other members appointed by the Minister, one of whom shall be a member of the academic staff of one of the Universities in Sri Lanka, one of whom shall be representative of the voluntary organizations concerned with the coastal environment and one of whom shall be representative of the fishing industry.

A member appointed under this paragraph is hereinafter referred to as an "appointed member".

7. The functions of the Council shall be to—

Functions
of the
Council.

- (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.

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.

Term of
office of
appointed
members
of the
Council.

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

9. 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

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

11. (1) As soon as practicable after the appointed date, the Director shall cause a survey to be made of the Coastal Zone and shall prepare a report based on the results of such survey. The report shall include—

Survey of
Coastal Zone.

- (a) an inventory of all structures, roads, excavations, harbours, outfalls, dumping sites and other works located in the Coastal Zone ;
- (b) an inventory of all coral reefs found within the Coastal Zone ;
- (c) an inventory of all commercially exploitable mineral deposits, both proven and suspected, located within the Coastal Zone ;
- (d) an inventory of all areas within the Coastal Zone of religious significance or of unique scenic value or of value for recreational purposes, including those areas most suitable for recreational bathing ;
- (e) an inventory of all estuarine or wetland areas within the Coastal Zone with an indication of their significance as fisheries or wildlife habitat ;
- (f) an inventory of all areas within the Coastal Zone of special value for research regarding coastal phenomena, including fisheries and shell fisheries, sea erosion, littoral movements and related subjects ;
- (g) an inventory of all areas within the Coastal Zone from which coral, sand, sea shells or other substances are regularly removed for commercial or industrial purposes ;
- (h) an assessment of the impact of sea erosion on the Coastal Zone including a quantified indication, by geographical location, of the amount of land lost thereby, an estimate of the economic cost of such loss and the extent to which human activity has contributed to such loss ;

- (i) an estimate of the quantities of sand, coral, sea shells and other substances being removed from the Coastal Zone, together with an estimate of the extent to which such quantities can be supplied from other sources or other materials and an analysis of the economic practicability of doing so ; and
- (j) a census, classified by geographical areas, and by activity, of all workers currently engaged on a regular basis in the removal of coral, sand, sea shells or other substances from the Coastal Zone and a census of the dependants of such workers and estimate of the *per capita* income obtained from these activities.

(2) In preparing the report under subsection (1), the Director shall have regard to relevant data and information collected or compiled by Government departments, institutions and other agencies, and 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 for the purpose of preparing such report.

Coastal Zone
Management
Plan.

12. (1) The Director shall, not later than three years after the appointed date, submit to the Council a comprehensive Coastal Zone Management Plan (hereinafter referred to as "the Plan"), based on the results of the survey made in pursuance of section 11. The Plan shall include—

- (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 ; and

(x) industry,

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 ; and

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

(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 four years commencing from the date of coming into operation of the Plan and within a period of four 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.

13. The Minister may, having regard to the long term stability, productivity and environmental quality of 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.

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.

15. No permit shall be issued by the Director under this Part unless the proposed development activity—

Conditions for issue of permits.

- (a) is consistent with the Coastal Zone 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.

16. (1) Upon receipt of an application for a permit to engage in a development activity within the Coastal Zone, the Director may require the applicant to furnish an environmental impact assessment relating to such development activity and it shall be the duty of the applicant to comply with such requirement. Every environmental impact assessment furnished under this section shall contain such particulars as may be prescribed.

Environmental impact assessment.

(2) The Director shall, on receipt of an environmental impact assessment furnished to him by an applicant in compliance with any requirement imposed on such applicant under subsection (1)—

- (a) submit a copy of such assessment to the Council for its comments, if any; and
- (b) by notice published in the *Gazette*, notify the place and times at which such assessment will be available for inspection by the public, and invite the public to make its comments, if any, thereon.

(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 subsection (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 1978.

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

Conditions
attached
to permits.

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, having regard to the Coastal Zone Management Plan, or to any scheme of work for coast conservation.

Duration and
renewal of
permits.

18. (1) A permit issued under section 14 shall remain in force for such period as the Director may specify therein.

(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) Where the holder of a permit desires to transfer the permit to another person, such holder may apply to the Director for permission to effect such transfer, and the Director may by order permit such transfer subject to the payment of the prescribed fee.

Variation of
conditions of
permit.

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.

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 served on the permit-holder.

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.

Execution of schemes of coast conservation.

(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, the Director may, after offering that person an opportunity to show cause, execute such scheme and shall be entitled to recover the costs thereof from such person.

21. 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, at the case may be, 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.

Appeals.

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

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

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 fore shore or sea bed.

24. (1) The Director or any officer authorized by him in writing, may issue permits subject to such conditions as he 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.

(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.

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

Director to give directions for prevention or intrusion of waste or foreign matter into the Coastal Zone.

- (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.

(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 is unable to comply with any such request, it may notify the Director accordingly and upon such notification the Director shall take such measures as may be necessary to prevent such intrusion or activity.

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 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.

Powers of entry.

27. 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

Returns.

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.

Contraven-
tion of the
provisions
of section
14 an
offence
under
this Act.

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 in the case of a first offence, to a fine not less than five hundred rupees and not exceeding twenty-five thousand rupees or to imprisonment of either description to a term not exceeding one year or to both such fine and imprisonment, and in the case of a second or subsequent offence, a fine of not less than one thousand rupees and not exceeding fifty thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

(2) Upon the conviction of any person of an offence under subsection (1), the Magistrate may make order declaring that any vessel, craft, boat, vehicle, equipment or machinery used in, or in connection with, the commission of that offence together with any article or substance found on board such vessel, craft, boat or vehicle shall be forfeited. Upon such order, the property referred to in the order shall vest absolutely in the State. Such vesting shall take effect—

- (a) after the expiration of the period within which an appeal may be preferred to the Court of Appeal against the order of forfeiture ; or
- (b) where an appeal has been preferred to the Court of Appeal against the order of forfeiture, upon the determination of the appeal confirming or upholding the order of forfeiture :

Provided, however, that the Court may make order releasing any vessel, craft, boat, vehicle, equipment, machinery, article or substance if it is proved that such vessel, craft, boat, vehicle, equipment, machinery, article or substance 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, or in connection with, the commission of the offence.

29. (1) Any person who—

Offences.

- (a) fails to comply with the requirements of a notice sent by the Director under paragraph (a) of subsection (1) 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,

shall be guilty of an offence under this Act and shall on conviction, after summary trial before a Magistrate, be liable to a fine of not less than one thousand five hundred rupees and not exceeding twenty-five thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

30. (1) Every person who is guilty of an offence under this Act, shall, in addition to the fines prescribed under sections 28 and 29, be liable to a fine not exceeding five hundred rupees for each day on which the offence is continued after conviction.

Additional fine.

(2) This Act shall be deemed to be an enactment enumerated in the Schedule to the Informers Reward Ordinance.

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.

Demolition of unauthorized structures, &c.

(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 of the Director made under subsection (2) may, within three days from the affixing of the notice, appeal therefrom to the Secretary of 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.

(4) Where any such structure, house, hut, shed or other building is not taken down and removed within the time specified in the notice or within such time as may be specified by the Secretary when rejecting the appeal, the Director shall cause the structure, house, hut, shed or other building to be taken down and removed, and the expenses incurred by the Director in doing so, shall be recovered from the owner or the occupier as a debt due to the State.

Regulations.

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.

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.

Savings
as to the
rights of
the
Republic.

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.

Protection
for action
taken in
good faith.

PART V

AMENDMENT AND MODIFICATION OF CERTAIN WRITTEN LAWS

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

Applications
of certain
written
laws to the
Coastal
Zone.

(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 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 the Coast Conservation Act, 1981.’

Repeal of sections 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 Act, 1981.”.

41. The following new section is hereby inserted immediately after section 11, and shall have effect as section 11A, of the Soil Conservation Act:—

Insertion of new section 11A in 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 Act, 1981.’

42. In this Act, unless the context otherwise require—

Interpretation.

“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 Zone” means that area lying within a limit of three hundred metres 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 ;

“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 wastes or other material from outfalls, vessels or by other means, the removal of sand, coral, shells, natural vegetation, seagrass or other substances, dredging and filling, land reclamation 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 ;

- “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 upto 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
- “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.

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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 260/22 — 1983 සැප්තැම්බර් 02 වැනි සිකුරාදා — 1983.09.02

No. 260/22 — FRIDAY, SEPTEMBER 02, 1983

(Published by Authority)

PART I: SECTION (I) — GENERAL

Government Notifications

APPOINTMENT OF SECRETARY TO THE INLAND REVENUE REVIEW BOARD

Mr. C. de A. Gunawardena, Deputy Commissioner of Inland Revenue has been appointed as the Organising Secretary of the Inland Revenue Review Board in addition to his duties with effect from 15.07.1983 by the Hon. Minister of Finance and Planning in terms of Section 70(2) of the Income Tax Ordinance Section 98(2) of the Inland Revenue Act, No. 4 of 1963 and Section 118(2) of the Inland Revenue Act, No. 28 of 1979.

DR. W. M. TILAKARATNA,
Secretary,
Ministry of Finance and Planning.

Ministry of Finance and Planning,
Colombo 1,
24th August, 1983.
9-335

COAST CONSERVATION ACT, No. 57 OF 1981

Order under Section 1

BY virtue of powers vested in me by Section 1 of the Coast Conservation Act, No. 57 of 1981, I, Michael Festus Wenceslaus Perera, Minister of Fisheries, do by this order, declare 1st October, 1983 as the appointed date for the commencement of operations of the above mentioned Act.

FESTUS PERERA,
Minister of Fisheries.

Colombo, 31.08.1983.
9-336/1—

L.D.—B.1/82

THE COAST CONSERVATION ACT, No. 57 OF 1981

Regulations made by the Minister of Fisheries under Section 32 read with Sections 13, 14, 16 and 18 of the Coast Conservation Act, No. 57 of 1981.

FESTUS PERERA,
Minister of Fisheries.

Colombo, 31.08.1983.

Regulations

1. These regulations may be cited as the Coast Conservation Regulations, No. 1 of 1982.
2. The criteria to be used in determining whether a permit should be issued for any development activity under section 14 shall be —
 - (a) that the proposed development activity shall not infringe upon the right of access to the beach by the public;
 - (b) that the proposed development activity shall not cause an adverse impact on the coastal zone or any part thereof, so as to —
 - (i) result in the discharge of unacceptable levels of effluents or toxic substances;
 - (ii) to reduce the quality of beaches or affect their preservation;
 - (iii) dislocate any existing fishing activities;
 - (iv) affect the eco-system where such development activity is located in or adjacent to an area declared as a marine sanctuary.
 - (c) that the development activity shall not be sited or located —
 - (i) within an area reserved or in use as a place of religious worship or for the performance of any religious rites;
 - (ii) within an area reserved or in use as a wild life habitat;
 - (iii) within an area reserved for the purpose of recreation by the public.
 - (d) that the proposed development activity shall be sited so as to allow an adequate buffer zone to accommodate the dynamics of coastal processes.
3. The categories of development activity that may be engaged in without a permit within the coastal zone shall be —
 - (a) cultivation of crops;
 - (b) planting of trees and other vegetation.
4. Where any development activity is located within an area declared to be an urban development area under the provisions of the Urban Development Authority Law, No. 41 of 1978, the requirements of the development plans of that Authority, shall be taken into account.

5. Every application for a permit under section 14 of this Act shall be substantially in the Form A, set out in the Schedule hereto and shall be accompanied with a fee of fifty rupees.

6. The particulars to be furnished for an environmental impact assessment under section 16 of this Act shall be —

- (a) description of the geographical boundaries of the area within which the operations are to be carried out;
- (b) a description of the initial ecological state of the area.
- (c) an indication of the nature, aims and scope of the proposed operations;
- (d) a description of the methods, installations and other means to be used;
- (e) a description of the foreseeable direct and indirect long term and short term effects of the operations on the environment, including fauna, flora and the ecological balance;
- (f) a statement setting out the measures proposed to reduce to the minimum the risk of damage to the environment from carrying out the operations and, in addition, possible alternatives to such measures;
- (g) an indication of the measures to be taken for the protection of the environment from pollution and other adverse effects during and at the end of the proposed operations;
- (h) any other particulars that may be specified as required by the Director;
- (i) a brief summary of the assessment.

7. Every application for a renewal of a permit under section 18 of this Act shall be substantially in the Form B set out in the Schedule hereto accompanied with a fee of fifty rupees.

8. The fee to effect a transfer of a permit under section 18 of this Act shall be twenty-five rupees.

9. In these regulations —

"Act" means the Coast Conservation Act, No. 57 of 1981.

SCHEDULE

Form A

(Section 14(3))

Application for a Permit to engage in a development activity

1. Full Name of Applicant (Surname) : _____
Other Names : _____
2. Postal Address : _____
3. (i) Nature of Development Activity proposed to be engaged in : _____
(ii) Location of such Development Activity : _____
4. Has the area been subject to erosion or accretion in the recent past.
EROSION : Yes/No
ACCRETION : Yes/No
5. How is the land utilised at present : _____
6. Has any application for this purpose been made to any other Govt. Agency (e.g. Govt. Agent, Local Authority, Tourist Board, Urban Development Authority etc.). If so, give details :
7. Any other particulars of relevance : _____

I hereby certify that the particulars furnished by me in this application are true and correct. I am aware that if any particulars herein are found to be false or incorrect, my application will be liable to disqualification.

Date : _____

Signature of Applicant.

INSTRUCTIONS

(i) Nature of development activity

(a) "Development Activity" is defined in the Coast Conservation Act as follows :

"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 wastes or other materials from outfalls, vessels or by other means, the removal of sand, coral, shells, natural vegetation, seagrass or other substances, dredging and filling, land reclamation, and milling or drilling for minerals, but does not include fishing."

(b) "Coastal Zone" is defined in the Coast Conservation Act as follows :

"That area lying within a limit of three hundred meters landwards of the Mean High Water Line and a limit of two kilometers 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 kilometers 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"

(c) If the application is for the construction of any structures, the design drawing from the foundation upto the first floor above ground must be forwarded along with this application.

(d) If the application is for dumping or removal of any material from the coastal zone, volume of material to be dumped or removed, duration of such activity, and the method of removal or dumping should be described in detail in this application.

(ii) Location of Activity

(a) Three copies of a Survey Plan prepared by a Licensed Surveyor, indicating the location of activity must be forwarded along with this application. The plan should indicate the line of High Water and the limit of permanent vegetation (e.g. Coconut Trees; other timber trees; screw-pine; pandanus, or similar shrubs. Beach creepers should not be considered as permanent vegetation).

For Office use only.

Permit Application No.

1. Date of receipt of application : _____
2. Reference Plans, Reports and Other Documents received :
3. If any additional information was requested, details of such requests : _____
4. If the observations of any other Agency were requested details of such requests : _____
5. Whether a Permit is granted : Yes/No
6. If a permit is granted :
(a) No. of the Permit : _____
(b) Date of Permit : _____
(c) Validity Period : _____
(d) Date of Expiry : _____
(e) Conditions attached (if any) : _____
7. If permission is denied, reasons for such denial : _____

(Signature and Designation of Authorised Officer).

Date : _____

Form B

Application for a renewal of permit to engage in a development activity

1. Number of the Permit for which this renewal application is made : _____
2. Expiry date of such Permit : _____

3. Name of Applicant : _____.
4. Postal Address : _____.
5. Reasons for renewal : _____.
6. Period for which renewal if required : _____.
7. What percentage of the development activity for which the original permit was issued has been completed : _____.

I certify that the particulars furnished by me in this application are true and correct. I confirm that the conditions stated in the original permit have been strictly adhered to by me. I am aware that if any particulars contained herein are found to be false or incorrect, my application will be liable to disqualification.

Signature of Applicant.

Date : _____.

(Note.—Renewal application must be made one month prior to date of expiry of the permit issued for the purpose).

For Office use only.

Permit Application No. _____

1. Date of receipt of application : _____.
2. If any additional details were requested, details of such request : _____.
3. Whether a Renewal of Permit was allowed : Yes/No
4. If a renewal is granted :
 - (a) No. of the Renewal Permit : _____.
 - (b) Date of Permit : _____.
 - (c) Validity Period : _____.
 - (d) Date of expiry : _____.
 - (e) Conditions attached (if any) : _____.
5. If permission is denied, reasons for such denial : _____.

Signature and Designation of Authorised Officer.

Date : _____.

9-336/2