

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**PETROLEUM RESOURCES ACT, No. 21 OF 2021**

**[Certified on 08th of October, 2021]**

*Printed on the Order of Government*

Published as a Supplement to Part II of the **Gazette of the Democratic Socialist Republic of Sri Lanka** of October 08, 2021

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

**Price : Rs. 45.00**  **Postage : Rs. 35.00**

*This Act can be downloaded from* www.documents.gov.lk 

|  |  |
| --- | --- |
| *Petroleum Resources Act, No. 21 of 2021* | 1 |

[Certified on 08th of October, 2021]

L.D. —O. 02/2008 (II)

AN ACTTOPROVIDEFOR, THEESTABLISHMENTOFTHE PETROLEUM DEVELOPMENT AUTHORITYOF SRI LANKA; THEFORMULATIONOFA NATIONAL POLICYONUPSTREAM PETROLEUM INDUSTRYAND REGULATIONAND MANAGEMENTSTRUCTURECAPTURINGTHE MAXIMUM ECONOMICVALUEOF DOMESTIC PETROLEUM RESOURCES THROUGH MODERN EXPLORATION, DEVELOPMENT, PRODUCTIONAND MANAGEMENTPRACTICESIN SRI LANKA; TOREPEALTHE PETROLEUM RESOURCES ACT, NO. 26 OF 2003; ANDTOPROVIDEFORMATTERS CONNECTEDTHEREWITHORINCIDENTALTHERETO.

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

|  |  |
| --- | --- |
| **1.**  (1) This Act may be cited as the Petroleum Resources  Act, No. 21 of 2021. | Short title and date of  operation |

(2) All the provisions of this Act, other than the provisions of Part V, shall come into operation on the date on which the certificate of the speaker is endorsed in respect of this Act in terms of Article 79 of the Constitution.

(3) The provisions of Part V of this Act shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint for such purpose.

|  |  |  |
| --- | --- | --- |
| **2.** | The objects of the Act shall be - | Objects of the |
| Act |

(*a*) to establish a Policy Advisory Committee to   
advise on formulation of a National Policy for   
the upstream petroleum industry covering the   
exploration, development, production, and   
management of all petroleum resources in Sri   
Lanka;

(*b*) to provide the legal framework to regulate all   
processes of the exploration, development,

2 *Petroleum Resources Act, No. 21 of 2021*

production and management of all petroleum   
resources in Sri Lanka including the provision   
of operational guidelines;

(*c*) to establish an independent, efficient, and   
transparent regulatory framework in relation to   
the exploration, development, production and   
management of petroleum resources in Sri   
Lanka;

(*d*) to manage the available petroleum resources in   
an equitable, safe, and environmentally   
sustainable manner; and

(*e*) to design, implement, monitor and revise fiscal   
regimes that meet evolving economic needs of   
the country, while providing fiscal stability to   
contractors.

PART I

PETROLEUM DEVELOPMENT AUTHORITYOF SRI LANKA

|  |  |
| --- | --- |
| Establishment of the Petroleum  Development  Authority of  Sri Lanka | **3.**  (1) There shall be established an Authority to be called and known as the Petroleum Development Authority of Sri Lanka (hereinafter referred to as the "Authority").  (2) The Authority shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in its corporate name. |

(3) The Authority shall be responsible for –

(*a*) making recommendations in respect of the   
National Policy on Upstream Petroleum   
Industry to the Policy Advisory Committee;

(*b*) implementing the provisions of the Act; and

*Petroleum Resources Act, No. 21 of 2021*  3

(*c*) performing all regulatory functions connected   
to the upstream petroleum industry in Sri   
Lanka, in the manner provided for in the Act.

|  |  |  |
| --- | --- | --- |
| **4.** | The powers, duties and functions of the Authority | Powers, duties  and functions of the Authority |
| shall be: | |

(*a*) to prepare a map dividing the offshore and onshore   
areas into graticular sections to demarcate and   
designate exploration blocks and development   
blocks and to define and demarcate areas to be   
designated for joint studies;

(*b*) to promote and market acreage available for   
investment in the blocks as demarcated and   
designated in terms of section 16;

(*c*) to negotiate with contractors the terms and   
conditions to be incorporated into each Petroleum   
Resources Agreement, where necessary, in   
consultation with the Negotiating Committee   
appointed by the Cabinet of Ministers;

(*d*) to issue all licences and certificates as may be   
required to be issued in terms of this Act and to   
cancel, suspend, vary or amend the same;

(*e*) to determine and charge the licence fee for licences   
 issued in terms of this Act;

(*f*) to issue such directions and guidelines as may be   
 required to regulate petroleum operations;

(*g*) to enter into all agreements relating to the upstream   
petroleum industry, such as agreements pertaining   
to data acquisition, licensing and management of   
data;

4 *Petroleum Resources Act, No. 21 of 2021*

(*h*) to make recommendations to the Minister on matters   
relating to the assignment or transfer of a   
contractor’s participating interest in a Petroleum   
Resources Agreement, on such terms and   
conditions in keeping with the objects of this Act;

(*i*) to provide all infrastructural and other   
administrative support as may be required in the   
process of calling for, evaluation of and awarding   
of bids;

(*j*) to employ such staff as may be required for the   
 Authority to achieve the objects of this Act;

(*k*) to perform competent and responsible regulation   
of an internationally competitive upstream   
petroleum industry;

(*l*) to acquire and hold, take or give on lease or hire,   
mortgage, pledge, sell or otherwise dispose of, any   
movable or immovable property;

(*m*) to accept grants, gifts or donations from persons or   
bodies of persons within or outside Sri Lanka:

Provided that, notwithstanding anything to the   
contrary in any other provisions of this Act, the   
Authority shall obtain prior written approval of the   
Department of External Resources in respect of all   
foreign grants, gifts or donations in cash;

(*n*) to open and maintain accounts, including in foreign   
currencies, in any bank or financial institution as   
approved by the Board, and to administer the   
Petroleum Resources Development Fund in terms   
of this Act;

(*o*) to issue such guidelines and directions as may be   
required for efficient and effective management of   
petroleum operations and, for management of   
petroleum operations in the event of a disaster;

*Petroleum Resources Act, No. 21 of 2021*  5

(*p*) to monitor and control activities which are   
necessary for or conducive or incidental to, achieve   
the objects of this Act; and

(*q*) to do all such other acts and things which may be   
conducive or incidental to, the attainment of the   
objects of this Act.

PART II

ADMINISTRATIONAND MANAGEMENTOFTHE AUTHORITY

|  |  |
| --- | --- |
| **5.**  (1) The administration, management and control of the affairs of the Authority shall be vested in a Board of Directors (in this Act referred to as the "Board"). | Constitution of the Board of  Directors |

(2) The Board shall, for the purpose of administering the affairs of the Authority, exercise, perform and discharge the powers, duties and functions conferred on, assigned to or imposed on, the Authority by this Act.

(3) The Board shall consist of -

(*a*) the *ex-officio* members namely –

(i) the Director-General of the Authority;

(ii) the Secretary to the Ministry of the Minister   
assigned the subject of Finance or his   
representative;

(iii) the Director -General of the Public Utilities   
 Commission of Sri Lanka or his nominee;

(iv) the Secretary to the Ministry of the   
Minister assigned the subject of Petroleum   
Resources or his representative not below   
the rank of Additional Secretary of that   
Ministry; and

6 *Petroleum Resources Act, No. 21 of 2021*

(v) the Chairman of the Marine Environment   
Protection Authority established under   
section 2 of the Marine Pollution   
Prevention Act, No. 35 of 2008 or his   
nominee; and

|  |  |
| --- | --- |
| (*b*) | four members appointed by the Minister (hereinafter referred to as the “appointed members”) from among persons who have achieved eminence in the fields of law, finance, geology, petroleum industry, management or economics, whose qualifications shall be prescribed. |

(4) The members appointed under paragraph (*b*) of subsection (3) of this section shall be approved by the Cabinet of Ministers.

|  |  |
| --- | --- |
| Chairperson of the Board | **6.**  (1) The Minister shall appoint one of the appointed  members to be the Chairperson of the Board. |

(2) The Chairperson may resign from his office by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.

(3) The Minister may, for reasons assigned therefor remove the Chairperson from the office of the Chairperson.

(4) Subject to the provisions of subsections (2) and (3), the term of office of the Chairperson shall be the period of his membership of the Board.

(5) Where the Chairperson is temporarily unable to exercise, perform and discharge the powers, duties and functions of his office due to ill health, other infirmity, absence from Sri Lanka or any other cause, the Minister may appoint any other appointed member to act as the Chairperson in addition to his normal duties as an appointed member.

|  |  |  |  |
| --- | --- | --- | --- |
| *Petroleum Resources Act, No. 21 of 2021* | | 7 | Disqualifications for being  appointed as a  member of the  Board |
| **7.** | A person shall be disqualified from being appointed | |
| as a member of the Board, if he -  (*a*) is or becomes a member, of the Parliament, any Provincial Council or any local authority; | | |

(*b*) is not, or ceases to be a citizen of Sri Lanka;

(*c*) is a person who, having been declared an insolvent   
or a bankrupt under any law in Sri Lanka or in any   
other country, is an undischarged insolvent or   
bankrupt;

(*d*) is under any law in force in Sri Lanka or any other   
country found or declared to be of unsound mind;

(*e*) is convicted of an offence involving moral turpitude   
and punishable with imprisonment for a term not   
less than six months;

(*f*) is serving or has served a sentence of imprisonment   
imposed by a court of Sri Lanka or any other country;

(*g*) holds or enjoys any right or benefit under any   
contract made by, or on behalf of the Authority; or

(*h*) has any financial or other interest as is likely to   
affect prejudicially the discharge by him of his   
functions as a member of the Board.

|  |  |  |
| --- | --- | --- |
| **8.** | Every appointed member of the Board shall, unless | Terms of office of the appointed members of the Board |
| he vacates office earlier by death, resignation or removal, hold office for a period of three years from the date of his appointment and unless removed from office shall be eligible for re-appointment for not more than one further term, whether consecutive or otherwise. | |

|  |  |  |
| --- | --- | --- |
| Removal,  resignation etc. of appointed  members | 8 | *Petroleum Resources Act, No. 21 of 2021* |
| **9.**  (1) Any appointed member of the Board may at any time, resign his office by letter in that behalf addressed to the Minister, and such resignation shall take effect from the date on which the resignation is accepted in writing by the Minister. | |

(2) The Minister may, for reasons assigned therefor remove any appointed member from office. An appointed member who has been removed from office shall not be eligible for re-appointment as a member of the Board or to serve the Board in any other capacity.

(3) In the event of the vacation of office by death, resignation or removal of any appointed member, the Minister shall subject to the provisions of section 5(3)(*b*) appoint another person to fill such vacancy and such person shall hold office for the un-expired period of the term of office of the member whom he succeeds.

(4) Where any appointed member of the Board is temporarily unable to perform the duties of his office on account of ill health or any other cause or if he is absent from Sri Lanka for a period of not less than three months, the Minister shall, subject to the provisions of section 5(3)(*b*) appoint any other person to act in place of such member during his absence.

(5) Where any appointed member of the Board fails to attend three consecutive meetings of the Board without notifying his absence in advance to the Chairperson, such member shall be deemed to have vacated his office and the Minister shall appoint another person to fill such vacancy subject to the provisions of section 5(3)(*b*).

|  |  |
| --- | --- |
| *Quorum* and the Meetings of the Board | **10.**  (1) The *quorum* for any meeting of the Board shall  be five members including the Chairperson and two *ex-*  *officio* members. |

(2) The Director- General shall summon all meetings of the Board.

*Petroleum Resources Act, No. 21 of 2021*  9

(3) A meeting of the Board may be held either -

(*a*) by the number of members who constitute a   
*quorum* being assembled at the place, date and   
time appointed for the meeting; or

(*b*) by means of audio- visual communication by   
which all members participating and   
constituting a *quorum* can simultaneously see   
and hear each participating member for the   
duration of the meeting.

(4) All questions for decision at any meeting of the Board shall be decided by the vote of the majority of members present and voting at such meeting. In the case of an equality of votes, the Chairperson shall, in addition to his vote, have a casting vote.

(5) The Chairperson shall preside at every meeting of the Board. In the absence of the Chairperson from any meeting of the Board, any member elected by the members present shall preside at such meeting of the Board.

(6) The meetings of the Authority shall be conducted in conformity with the rules made and procedure established, by it from time to time.

|  |  |  |
| --- | --- | --- |
| **11.** | The Board may act, notwithstanding any vacancy | Acts or  proceedings of the Board  deemed not to be invalid by  reason of any vacancy  Seal of the  Authority |
| among its members, and any act or proceeding of the Board shall not be, or deemed to be, invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of a member thereof. | |
| **12.** | (1) The seal of the Authority – |

(*a*) shall be in the custody of such person as the   
 Board may decide from time to time;

10 *Petroleum Resources Act, No. 21 of 2021*

(*b*) may be altered in such manner as may be   
 determined by the Board;

(*c*) shall not be affixed to any instrument or   
document except with the sanction of the   
Board and in the presence of two members of   
the Board who shall sign the instrument or   
document in token of their presence.

(2) The Board shall maintain a register of the instruments and documents to which the seal of the Authority has been affixed.

PART III

OWNERSHIPOF PETROLEUM RESOURCESAND PETROLEUMDATAAND FORMULATIONOF NATIONAL POLICYONUPSTREAM PETROLEUM INDUSTRY

|  |  |
| --- | --- |
| Ownership of petroleum  resources and petroleum data | **13.**  (1) The absolute ownership of all petroleum resources occurring naturally–  (*a*) within the sub–surface of the land area of Sri Lanka; or |

(*b*) on or below the seabed, the sub soil of the   
submarine areas of Sri Lanka’s internal waters,   
historic waters, territorial sea, contiguous zone,   
exclusive economic zone, and continental shelf   
established in terms of the United Nations   
Convention on the Law of the Sea, including the   
Statement of Understanding contained in Annex II   
to the Final Act of the said Convention,

shall vest in the State, notwithstanding any right, ownership or otherwise which any person has to the soil below which such petroleum resources are found.

(2) The ownership of all petroleum data obtained or prepared in pursuant to any petroleum operation in Sri Lanka shall be vested in the State and the management and control of such petroleum data shall be vested with the Authority.

*Petroleum Resources Act, No. 21 of 2021*  11

(3) The Authority may issue a licence permitting access to the petroleum data for the commercial, educational or scientific use by any person subject to the procedure and the fees as may be prescribed.

|  |  |
| --- | --- |
| **14.**  (1) The Minister shall appoint a Policy Advisory Committee, in consultation with the Authority comprising experts in the fields of industry, commerce, law and any other subject to advise on formulating National Policy on Upstream Petroleum Industry. | Policy Advisory Committee |

(2) Upon the advice of the Policy Advisory Committee, the Minister may call for further information as necessary and he shall provide instructions to formulate the National Policy on Upstream Petroleum Industry embodying *inter alia* the guiding principles, actions and plans set out therein, and the cumulative process to be followed in relation to regulating the exploration, development, production and management of indigenous petroleum resources.

(3) The Minister shall thereafter submit the National Policy on Upstream Petroleum Industry to the Cabinet of Ministers for its approval.

(4) The National Policy on Upstream Petroleum Industry which is not so approved shall be deemed to be rescinded as from the date of such disapproval.

(5) Upon the approval granted by the Cabinet of Ministers under subsection (3), such National Policy shall be the National Policy on Upstream Petroleum Industry.

(6) (*a*) The National Policy on Upstream Petroleum Industry may be reviewed by the Policy Advisory Committee whenever it requires to do so.

(*b*) Such National Policy on Upstream Petroleum Industry may, on the advice of the Policy Advisory Committee, be amended or varied by the Minister to incorporate any new

12 *Petroleum Resources Act, No. 21 of 2021*

developments in petroleum resource management practices or processes including the technological and commercial developments, whether local or global pertaining to the upstream petroleum industry.

(*c*) Every such amendment or variation shall be carried out in accordance with the procedure specified in this section.

(7) The members of the Policy Advisory Committee shall be remunerated on such terms and at such rates as shall be determined by the Minister in consultation with the Minister assigned the subject of Finance.

(8) It shall be the duty of every stakeholder to comply with the National Policy on Upstream Petroleum Industry.

PART IV

DEMARCATIONAND DESIGNATIONOFBLOCKSORAREAS, ENTERINGINTO PETROLEUM RESOURCES AGREEMENTOR JOINT STUDY AGREEMENTAND GRANTOFEXPLORATION LICENCESETC.

|  |  |  |  |
| --- | --- | --- | --- |
| Petroleum  Resources  Agreement or  Joint Study  Agreement  Demarcation  and designation of exploration  blocks or  development  blocks | **15.** | | A person shall not conduct any petroleum operation |
| in Sri Lanka, unless such person has entered into an agreement in the form of a Petroleum Resources Agreement or a Joint Study Agreement in terms of this Act. | | |
| **16.** | (1) The Minister may for the purposes of this Act, | |
| within both offshore and onshore areas identified as having petroleum potential and which are to be offered to conduct petroleum operations or study or research projects to any contractor, authorize the Authority to demarcate and | | |

designate blocks which shall be called exploration blocks or development blocks as the case may be.

*Petroleum Resources Act, No. 21 of 2021*  13

(2) The designation of exploration blocks or development blocks shall be based on the maps prepared by the Authority under section 4(*a*) of this Act and be identified as follows:-

(*a*) if situated offshore, be identified with reference to   
 the area having petroleum potential; or

(*b*) if situated onshore, be identified with reference to   
the Administrative District within which it is   
situated.

(3) Each graticular section called an exploration block shall be given a unique reference number which shall be called as the "block identifier". Such exploration blocks may be grouped together into larger blocks, designated uniquely, if so desired.

(4) Upon an exploration block being designated under subsection (1), the Authority shall obtain the approval of the Minister to publish the same in a manner prescribed by regulation.

|  |  |
| --- | --- |
| **17.**  The Authority shall, from time to time, call for investment proposals locally or internationally, for exploring or developing identified offshore or onshore blocks in conformity with the procedure approved by the Cabinet of Ministers and prescribed by regulation.  **18.**  (1) A contractor shall enter into a Petroleum Resources Agreement in conformity with the provisions of this Act and such any as may be other manner prescribed by regulation. | Calling of  proposals for the conduct of  petroleum  operations in  respect of  defined  exploration  blocks  Petroleum  Resources  Agreement |

(2) Where the circumstances of an exploration block requires any concern related to security, environment, social, cultural and archaeological matter, such matters may be included in the Petroleum Resources Agreement. The

14 *Petroleum Resources Act, No. 21 of 2021*

negotiated terms and conditions of the Petroleum Resources Agreement may differ subject to such concerns along with economic and technical considerations pertinent to each exploration block.

(3) The contractor shall, upon entering into a Petroleum Resources Agreement, apply for and obtain an Exploration Licence prior to commencing petroleum operations.

(4) The contractor upon the receipt of the Exploration Licence shall have the exclusive rights to carry out petroleum operations in the manner set out in the relevant Petroleum Resources Agreement.

|  |  |  |
| --- | --- | --- |
| Joint Study  Agreements | **19.** | (1) The Authority may define and demarcate areas |
| to be designated for joint studies, and may entertain proposals thereto from any person that the Board deems suitable based on his experience, reputation and financial capability. | |

(2) The Authority shall submit the proposed Joint Study Agreement for the consideration of the Minister, and the Minister shall, upon being satisfied with the terms and conditions of the Joint Study Agreement, enter into Joint Study Agreement in conformity with the procedures as may be prescribed and submit the same for the information of the Cabinet of Ministers.

|  |  |  |
| --- | --- | --- |
| Development Licence | **20.** | (1) Where a contractor discovers petroleum resources |
| in commercially viable quantities in the course of conducting petroleum operations within an exploration block, such contractor shall - | |

(*a*) forthwith inform the Authority of such discovery   
and conduct or cause to be conducted the required   
tests for the purpose of determining whether such   
discovery merits appraisal; and

*Petroleum Resources Act, No. 21 of 2021*  15

(*b*) submit a programme of work designed to appraise   
the petroleum potential of the designated area for   
approval of the Authority.

(2) In the event that the appraisal discloses the existence of a commercially viable quantity of petroleum resources, the Authority may proceed to declare the discovery as commercially viable in a manner as may be prescribed by regulation.

(3) The contractor shall, having considered the circumstances and the extent of the commercial discovery declared in terms of subsection (2), submit to the Authority a Development and Investment Plan which shall comprise –

(*a*) such matters as may be prescribed; and

(*b*) the proposal of the contractor for the development   
and production of the commercial discovery within   
the exploration block,

within such period as may be determined by the Board.

(4) Where the quantity of petroleum resources declared to be a commercial discovery in terms of subsection (2) is located within the exploration block or within more than one exploration blocks, the Authority may –

(*a*) on the basis of the Development and Investment   
 Plan submitted by the contractor; and

(*b*) if located within more than one exploration block   
and if no agreement has been entered into with   
other contractors in respect of such other   
exploration blocks,

issue a Development Licence substantially in the format as may be prescribed to a contractor in respect of the area comprising the full extent of the discovery, subject to the terms and conditions set out in the Development Licence and to the requirements set out in the Petroleum Resources Agreement.

16 *Petroleum Resources Act, No. 21 of 2021*

(5) When obtaining the Development Licence, a contractor shall pay a surface rental in such amount as shall be determined by the Authority taking into consideration the specific extent assigned for development under the relevant Development Licence.

|  |  |
| --- | --- |
| Transfer or  assignment of a participating  interest | **21.**  (1) The contractor may apply for transfer or assignment of a participating interest in a Petroleum Resources Agreement, Exploration Licence or Development Licence as the case may be, to the Authority and the Authority may submit the same with its recommendation to the Minister, who shall submit such application and the recommendation of the Authority for the approval of the Cabinet of Ministers. |

(2) The contractor shall, subject to such terms and conditions as may be imposed by the Cabinet of Ministers, have the right to transfer or assign any or all of his participating interest.

(3) Upon the receipt of the decision of the Cabinet of Ministers on an application made under subsection (1), it shall be the duty of the Authority, to communicate such decision to the contractor making the application.

(4) The transfer or assignment of participating interest in a Petroleum Resources Agreement, Exploration Licence or Development Licence shall be as prescribed by regulation.

|  |  |
| --- | --- |
| Responsibility of persons with a  participating  interest | **22.**  Any person having a participating interest in the  designated area to which the Petroleum Resources Agreement  applies, shall be responsible– |

(*a*) for ensuring that the provisions of this Act, any   
regulations made thereunder, the terms and   
conditions of the relevant Petroleum Resources   
Agreement, the Exploration Licence, the   
Development Licence or the Unit Development   
Licence, and the directions and guidelines are   
complied with; and

*Petroleum Resources Act, No. 21 of 2021*  17

(*b*) for liabilities to any injury or damage caused to a   
 third person.

|  |  |
| --- | --- |
| **23.**  A person shall not carry on the business of a provider of goods or services to a contractor with respect to upstream petroleum operations of a relevant Petroleum Resources Agreement or for, or on behalf of a contractor (hereinafter referred to as the "service provider") except under authority of a licence issued by the Authority. The procedure and fee for the issue of licence shall be prescribed.  **24.**  (1) Where a petroleum reservoir which is capable of being commercially developed – | Licensing of  service  providers  Unit  Development Plan |

(*a*) straddles two or more exploration blocks; or

(*b*) covers an area which is regulated by two or more   
 Development Licences,

the Authority shall, for securing more efficient commercial development of the petroleum reservoir situated therein, require the contractors having an interest in the entire reservoir or such portion of such blocks as the case may be, to jointly submit to the Authority a Unit Development Plan which shall comprise such matters as shall be specified by the Authority and such other matters which may in the circumstances be required for the more efficient commercial development thereof.

(2) The Authority shall, upon a consideration of the Unit Development Plan submitted to it under subsection (1), recommend such Unit Development Plan with amendments required if necessary, to the Minister for approval.

(3) After obtaining an approval of the Minister under subsection (2), the Authority shall notify the contractors who submitted the Unit Development Plan, that the Development Licence issued to such contractors shall cease to be effective from the date of such notification and be

18 *Petroleum Resources Act, No. 21 of 2021*

converted to an Unit Development Licence authorising the conduct of joint petroleum operations within the area to which the Unit Development Plan relates, under the terms and conditions as may be prescribed.

PART V

NATIONAL PETROLEUM OPERATOR

|  |  |
| --- | --- |
| Minister to  designate a body of persons to be the National  Petroleum  Operator | **25.**  (1) There shall be incorporated under the Companies Act, No.7 of 2007, a separate corporate entity for the purpose of managing interests of the State in respect of all aspects of petroleum resources development (in this Act referred to as the "National Petroleum Operator") and the Minister shall by Order published in the *Gazette*, designate it as the National Petroleum Operator. |

(2) The National Petroleum Operator shall -

(*a*) hold the participating interest of the State in any   
joint venture and manage the share of the State of   
the petroleum produced;

(*b*) be jointly and severally liable with all other holders   
of participating interest to comply with the   
requirements of the Petroleum Resources   
Agreement and the terms and conditions set out in   
any Exploration Licence or Development Licence   
or Unit Development Licence issued by the   
Authority to the joint venture; and

(*c*) be liable severally not jointly, for the debts of other   
 holders of participating interest.

|  |  |
| --- | --- |
| Extent of State’s participating  interest | **26.**  The State may, through the National Petroleum Operator, hold a participating interest as specified in the relevant Petroleum Resources Agreement. |

*Petroleum Resources Act, No. 21 of 2021*  19

PART VI

FISCAL PROVISIONS

|  |  |  |
| --- | --- | --- |
| **27.**  Every Petroleum Resources Agreement shall be approved by the Cabinet of Ministers including the fiscal provisions and the production sharing mechanism between the contractor and the State, as shall be negotiated by the Authority. | | Terms as to  production  sharing  Fiscal stability  Determination of profits and income |
| **28.** | A mechanism of fiscal stability for any Petroleum |
| Resources Agreement aimed at mutually preserving the original project economic commitments, shall be provided within such Petroleum Resources Agreement.  **29.** The provisions of the Inland Revenue Act, No. 24 of 2017 shall be applicable to the revenue of the contractor from any upstream operations unless otherwise specified in the Petroleum Resources Agreement. | |

PART VII

CHIEF EXECUTIVE OFFICERAND STAFFOFTHE AUTHORITY

|  |  |  |
| --- | --- | --- |
| **30.** | (1) There shall be a Director-General of the Authority | Appointment of a Director- General of the  Authority |
| appointed by the Minister and approved by the Cabinet of Ministers who shall be the Chief Executive Officer of the Authority. | |

(2) The Director- General shall, subject to the general directions and control of the Board, be responsible for the conduct of all affairs of the Authority, including the administrative control of the staff of the Authority.

(3) The Director-General of the Authority shall possess such qualifications and experience as may be prescribed by regulation.

20 *Petroleum Resources Act, No. 21 of 2021*

(4) The Director-General shall be charged with the responsibility of ensuring that the powers, duties and functions assigned to the Director-General be exercised, performed and discharged in accordance with the provisions of this Act and any regulations made thereunder.

(5) The Director-General shall be responsible and answerable to the Board in the exercise, performance and discharge of his powers, duties and functions assigned under subsection (4).

|  |  |
| --- | --- |
| Powers, duties  and functions of the Director- General | **31.**  The powers, duties and functions of the Director-General shall be –  (*a*) to maintain all related registers, maps and other records in respect of each block or area in respect of which a Petroleum Resources Agreement, an Exploration Licence, a Joint Study Agreement, a Development Licence or Unit Development Licence has been issued under this Act; |

(*b*) to prepare draft Petroleum Resources Agreements   
on a case by case basis, in accordance with such   
directions as may be issued from time to time by   
the Authority in that regard;

(*c*) to collect, compile, analyze and publish or cause to   
be collected, compiled, analyzed and published,   
geological, geophysical, engineering and economic   
data pertaining to the available petroleum resources   
of Sri Lanka and to ensure the recognition of   
intellectual property rights;

(*d*) to formulate guidelines for technical evaluation of   
 geological samples;

(*e*) to monitor petroleum operations conducted by   
contractors in Sri Lanka and to examine and inspect   
all books, records, reports, accounts, samples and   
data maintained (whether in electronic format or   
otherwise) by such contractors;

*Petroleum Resources Act, No. 21 of 2021*  21

(*f*) to require a contractor to whom a Exploration   
Licence, a Development Licence or a Unit   
Development Licence as the case may be has been   
issued, by notice in writing, to furnish such return   
or information as the Authority considers necessary   
for the due discharge of its functions;

(*g*) to measure quantities of petroleum resources   
recovered in Sri Lanka and to take samples thereof;

(*h*) to approve the annual work programmes and   
budgets submitted by contractors in terms of a   
Petroleum Resources Agreement;

(*i*) to discharge all regulatory functions relating to any   
 Petroleum Resources Agreement;

(*j*) to charge fees or any other payments for any services   
 provided by the Authority;

(*k*) to retain consultants and expert advisors, when   
necessary, subject to the approval of the Board,   
and implement such capacity building measures as   
are necessary; and

(*l*) to conduct activities which are necessary for, or   
conducive or incidental to, the carrying out of the   
functions of the Authority.

|  |  |
| --- | --- |
| **32.**  (1) The Authority shall employ such staff as is required for the efficient exercise, perform and discharge of the powers, duties and functions assigned to the Authority, including technical and skilled personnel, administrative and managerial personnel and such other persons as it may require. | Staff of the  Authority and remuneration |

(2) The Director-General and staff of the Authority shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be prescribed by the Minister in consultation with the Minister in charge of the subject of Finance.

|  |  |  |
| --- | --- | --- |
| Appointment of public officers to the staff of  the Authority | 22 | *Petroleum Resources Act, No. 21 of 2021* |
| **33**. (1) At the request of the Authority any officer in the public service may, with the consent of that officer and the Public Service Commission, be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority or with like consent be permanently appointed to the staff of the Authority. | |

(2) Where any officer is temporarily appointed to the staff of the Authority, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis*, apply to, and in relation to, him.

(3) Where any officer is permanently appointed to the staff of the Authority, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis* apply to, and in relation to him.

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

|  |  |  |
| --- | --- | --- |
| Appointment of officers from  higher  educational  institutions to  the Authority | **34.** | (1) At the request of the Board, any officer or other |
| employee of any higher educational institution established under the Universities Act, No. 16 of 1978 may, with the consent of that officer or the employee and the principal executive officer of that higher educational institution, be temporarily appointed to the staff of the Authority. Such appointment shall be for a period as may be determined by the Board or with like consent be permanently appointed to such staff, on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Board and such principal executive officer. | |

*Petroleum Resources Act, No. 21 of 2021*  23

(2) Where any person is temporarily appointed to the staff of the Authority under subsection (1) such person shall be subject to the same disciplinary control as any other member of the staff of the Authority.

PART VIII   
PETROLEUM RESOURCES DEVELOPMENT FUND

|  |  |
| --- | --- |
| **35.**  (1) There shall be established a Fund to be called and known as the Petroleum Resources Development Fund (hereinafter referred to as the "Fund") administered by the Authority, into which shall be paid – | Establishment of the Petroleum  Resources  Development  Fund |

(*a*) all such sums of money as may be voted by   
 Parliament;   
(*b*) the fees charged by the Authority under this Act;   
(*c*) all grants, donations, contributions, or any other   
 income;   
(*d*) all monies collected in terms of Petroleum   
 Resources Agreements; and   
(*e*) the amount of fines recovered under this Act.

(2) The Authority shall utilize the monies in the Fund – (*a*) towards meeting costs relating to the administration and development of the Authority and providing remuneration and incentives to the staff;   
 (*b*) to improve the facilities of the Authority; (*c*) to conduct such researches or operations as are necessary to preserve and protect the environment from any adverse impacts of petroleum operations;

24 *Petroleum Resources Act, No. 21 of 2021*

(*d*) to acquire and enhance such data as may be   
required to further understand the existence of   
potential petroleum resources of Sri Lanka;

(*e*) to invest in knowledge transfer training and   
capacity building of staff and other employees   
of the Authority carrying out functions   
connected with the upstream petroleum   
industry for enhancing the management of the   
upstream petroleum sector; and

(*f*) to pay all other such expenses as may be   
required to be incurred by the Board to achieve   
the objects of the Act.

(3) The Authority shall at the end of every financial year credit to the Consolidated Fund, a sum amounting to ten *per centum* of the monies lying to the credit of the Fund.

|  |  |  |
| --- | --- | --- |
| Financial year  and the audit of accounts | **36.** | (1) The financial year of the Fund shall be the |
| calendar year. | |

(2) The provisions of Article 154 of the Constitution relating to the auditing of accounts shall apply in relation to the audit of accounts of the Fund.

PART IX

GENERAL PROVISIONS

|  |  |  |
| --- | --- | --- |
| Acquisition of property for  contractors | **37.** | (1) Where any land or any servitude in a land is |
| required by the contractor for petroleum operations conducted or proposed to be conducted by him under a Petroleum Resources Agreement, a Joint Study Agreement, an Exploration Licence, a Development Licence or a Unit Development Licence as the case may be, he shall notify the Authority of such requirement. | |

*Petroleum Resources Act, No. 21 of 2021*  25

(2) Where such land or servitude therein is required by the Authority for the purpose of the Authority, such land or servitude therein may be acquired under the Land Acquisition Act (Chapter 460) by the Government or Authority and the provisions of that Act shall *mutatis mutandis* apply for the purpose of acquisition of that land or servitude therein. Such land or servitude therein shall, for the purposes of the Land Acquisition Act, be deemed to be required for a public purpose.

(3) Any sum payable for the acquisition of any such land or servitude therein under the Land Acquisition Act, shall be paid by the contractor.

(4) Where any State land is required for the purpose of the Authority, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the Crown Lands Ordinance (Chapter 454) and, accordingly, the provisions of that Ordinance shall apply to a special grant or lease of that property to the Authority.

|  |  |
| --- | --- |
| **38.**  The Minister may from time to time issue such general or special directions in writing to the Authority relating to the exercise, performance and discharge of its powers, duties and functions and it shall be the duty of the Authority to give effect to such directions.  **39.**  (1) The Board may, subject to such conditions as may be specified in writing, delegate to the Director-General or any officer of the Authority, any of its powers, duties and functions under this Act, other than the powers, duties and functions specified in paragraphs (*g*), (*h*), (*j*) and (*m*) of section 4 and the Director-General or such officer shall exercise, discharge and perform such powers, duties or functions subject to any special or general directions issued by the Board. | Directions of the Minister  Delegation of  powers, duties  and functions of the Board |

(2) Notwithstanding any delegation made under subsection (1), the Board may exercise, discharge and perform any such powers, duties or functions so delegated.

|  |  |  |
| --- | --- | --- |
| Delegation of  powers, duties  and functions by the Director- General | 26 | *Petroleum Resources Act, No. 21 of 2021* |
| **40.**  (1) The Director-General may delegate any of his powers, duties and functions under this Act, to any officer of the Authority.  (2) An officer to whom any power, duty or function is delegated under subsection (1), shall exercise, discharge and perform, such powers, duties and functions subject to such directions as may be given by the Director-General. | |

(3) The Director-General shall, notwithstanding any delegation made under subsection (1), have the right to exercise, discharge and perform any powers, duties or functions so delegated.

|  |  |  |
| --- | --- | --- |
| Powers of entry  Annual report | **41.** | Any officer authorized in writing by the Authority |
| may, at any time enter into, and inspect any site where petroleum operations are being conducted and carry out investigations or surveys thereon as may be necessary to ascertain whether the terms and conditions of the Petroleum Resources Agreement or Joint Study Agreement or any other Agreement or the terms and conditions imposed by an Exploration Licence, a Development Licence or a Unit Development Licence, any provision of this Act or regulation made thereunder are being complied with. | |
| **42.** | (1) The Authority shall within six months of the |
| end of each calendar year transmit an annual report including financial report giving full accounts of the activities of the Authority during that year to the Minister. | |

(2) The Minister shall cause copies of the annual report to be placed in Parliament.

|  |  |  |
| --- | --- | --- |
| All members of the Authority  etc. deemed to be public  Servants | **43.** | All members of the Authority, officers, employees |
| and agents of the Authority shall be deemed to be public servants within the meaning and for the purpose of the Penal Code (Chapter 19). | |

|  |  |  |
| --- | --- | --- |
| *Petroleum Resources Act, No. 21 of 2021* | 27 | Authority  deemed to be a Scheduled  Institution  Expenses to be paid out of the Fund of the  Authority |
| **44.**  The Authority shall be deemed to be a Scheduled Institution within the meaning of the Bribery Act (Chapter 26) and the provisions of that Act shall be construed accordingly.  **45.**  (1) All expenses incurred by the Authority in any suit or prosecution brought by or against it before any court, shall be paid out of the Fund of the Authority and only costs paid to or recovered by the Authority in any such suit or prosecution, shall be credited to the Fund of the Authority. | |

(2) Any expense incurred by a member of the Board, Director-General, or any officer or other employee of the Authority, in any suit or prosecution brought by or against such person before any court in respect of any act which is done or purported to be done by such person under this Act, shall if the court holds that the act was done in good faith, be paid out of the Fund of the Authority, unless such expenses are recovered by him in such suit or prosecution.

|  |  |  |
| --- | --- | --- |
| **46.** | (1) Any person who – | Offences |

(*a*) contravenes the provisions of this Act or   
 regulations made thereunder;

(*b*) resists or obstructs a person authorized under   
section 41 in the exercise by such person of   
any powers conferred on him by or under this   
Act;

(*c*) fails without reasonable cause, to comply with   
the requirements of a notice issued under this   
Act;

(*d*) knowingly makes any false statement in any   
return or information furnished by him under   
this Act or in any application to enter into a   
Petroleum Resources Agreement or Joint   
Study Agreement in respect of an exploration   
block or a development block;

28 *Petroleum Resources Act, No. 21 of 2021*

(*e*) willfully omits any material fact from any   
return or information furnished by him under   
this Act or in any application to enter into a   
Petroleum Resources Agreement and Joint   
Study Agreement, to Exploration Licence,   
Development Licence, or Unit Development   
Licence or, in any Development Plan or Unit   
Development Plan in respect of an exploration   
block or a development block;

(*f*) willfully damages or sabotages any petroleum   
 operations; or

(*g*) fraudulently or negligently deprives the State   
of its share of petroleum resources or   
petroleum resources royalty,

commits an offence under this Act and shall be liable on conviction after summary trial before a Magistrate, to a fine of not less than four million rupees and not exceeding one hundred million rupees or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment, and if the offence of which he is convicted is continued after the conviction, he commits a further offence and shall be liable in respect hereof to a fine not exceeding fifty thousand rupees for each day on which the offence is so continued.

(2) Where a person is convicted of an offence under paragraph (*g*) of subsection (1), the Magistrate may order the offender to pay the State, compensation in such sum as is equivalent to the value of the petroleum resources or the petroleum resources royalty, as the case may be, which the State has been deprived of, as a result of the act constituting the offence.

|  |  |
| --- | --- |
| Offences by a  body of persons | **47.**  Where an offence in terms of this Act is committed  by a body of persons, then if that body of persons – |

(*a*) is a body corporate, every director, manager, or   
 secretary of that body corporate;

*Petroleum Resources Act, No. 21 of 2021*  29

(*b*) is a firm, every partner of the firm; or

(c) is an unincorporated body other than a firm, every   
 member of such body,

shall be deemed to have committed that offence:

Provided that, any person referred to in paragraphs (*a*), (*b*) and (*c*) above shall not be deemed to have committed such offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

|  |  |
| --- | --- |
| **48.**  (1) The Minister may make regulations in respect of any other matter which is required by this Act to be prescribed or in respect of which regulations are authorized or required to be made. | Regulations |

(2) Without prejudice to the generality of the powers conferred by subsection (1), regulations may be made in respect of any or all of the following matters:-

(*a*) the procedure to be followed in relation to data   
 licensing;

(*b*) the form of application for an Exploration Licence,   
a Development Licence and a Unit Development   
Licence and the format of such Licences to be issued   
under the Act;

(*c*) the procedure for calling of proposals and selecting   
of contractors for the conduct of petroleum   
operations in respect of defined exploration blocks;

(*d*) the procedure to be followed when entering into   
Petroleum Resources Agreements and Joint Study   
Agreements and to specify the criteria to be included   
in the Petroleum Resources Agreement and the Joint   
Study Agreement;

30 *Petroleum Resources Act, No. 21 of 2021*

(*e*) the summary of estimated fiscal projections at the   
 outset of the project for the information of the   
 Minister and the Authority and for monitoring over   
 the lifetime of the development;   
(*f*) the specifications for the scope of –  
 (i) geophysical operations and surveys;   
 (ii) drilling operations; and   
 (iii) diving activities,   
 required to be carried out prior to the issue of the   
 respective licences under the Act;   
(*g*) the specifications for the matters –  
 (i) to be included in the programme of work and   
 the Unit Development Plan;   
 (ii) relating to the qualifications of non-officials   
 of the Authority, Board members and the   
 Director-General, of the Authority;   
 (iii) relating to environmental protection and   
 occupational health and safety as are   
 applicable in relation to the conduct of   
 petroleum operations; and   
 (iv) to be included in relation to local content.

(3) 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.

(4) Every regulation made by the Minister shall, within three months after its publication in the *Gazette*, be brought

*Petroleum Resources Act, No. 21 of 2021*  31

before Parliament for approval. Any such regulation that is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything duly done thereunder.

(5) Notification of the date on which a regulation is deemed to be rescinded shall be published in the *Gazette*.

|  |  |  |
| --- | --- | --- |
| **49.** | (1) The Authority may make rules in respect of – | Rules |

(*a*) the appointment, employment and dismissal   
of various officers and their powers, duties   
and functions;

(*b*) the procedure to be observed at the   
summoning and holding of meetings, annual   
general meeting and extraordinary meetings   
of the Board;

(*c*) the administration and management of the   
 affairs of the Authority;

(*d*) all matters in respect of which, rules are   
required or authorized to be made under this   
Act.

(2) Every rule made under subsection (1) shall be approved by the Minister.

(3) Every rule so approved shall be published in the *Gazette* and shall come into operation upon such publication.

|  |  |
| --- | --- |
| **50.** (1) The Petroleum Resources Act, No. 26 of 2003 is hereby repealed. | Repeals, savings and transitional provisions |

(2) The Director-General who, and the Authority which, is identified and were functioning as such in terms of subsection (5) of section 5 and section 20 of the Petroleum Resources Act, No. 26 of 2003, prior to the date of

32 *Petroleum Resources Act, No. 21 of 2021*

commencement of this Act shall from and after the date of commencement of this Act, be deemed to continue to be the –

(*a*) Director-General appointed in terms of section 30   
 of this Act; and

(*b*) the Authority established in terms of section 3 of   
 this Act.

(3) Notwithstanding the repeal, of the aforesaid Act –

(*a*) all movable and immovable property vested in   
the Authority in terms of the Petroleum   
Resources Act, No. 26 of 2003, on the day   
preceding the date of commencement of this Act   
shall with effect from the date of commencement   
of this Act, vest in the Authority established by   
section 3 of this Act;

(*b*) all contracts, Memorandums of Understanding   
and Agreement entered into by or with the   
Authority in terms of the Petroleum Resources   
Act, No. 26 of 2003, subsisting on the date of   
commencement of this Act, shall, with effect from   
the date of commencement of this Act, be deemed   
to be contracts, Memorandums of Understanding   
and agreements entered into by or with the   
Authority established by section 3 of this Act;

(*c*) all actions and proceedings instituted by or   
against the Authority in terms of the Petroleum   
Resources Act, No. 26 of 2003, and pending on   
the date of commencement of this Act, shall,   
with effect from the date of commencement of   
this Act, be deemed to be actions and   
proceedings as the case may be, instituted by or   
against the Authority established by section 3   
of this Act and may accordingly be continued   
and completed;

*Petroleum Resources Act, No. 21 of 2021*  33

(*d*) all persons who were members, officers and   
employees of the Authority in terms of the   
Petroleum Resources Act, No. 26 of 2003, and   
holding office on the day immediately preceding   
the date of commencement of this Act, shall,   
with effect from the date of commencement of   
this Act, be deemed to continue to be members,   
officers and employees of the Authority under   
this Act;

(*e*) all judgments and orders made in favour of or   
against the Authority in terms of the Petroleum   
Resources Act, No. 26 of 2003, and remaining   
unsatisfied on the day immediately preceding   
the date of commencement of this Act, shall,   
with effect from the date of commencement of   
this Act, be deemed to be judgments and orders   
made in favour of or against the Authority   
established by section 3 of this Act and be   
enforced accordingly;

(*f*) all service providers providing goods and   
services to any contractor under the terms of a   
licence issued by the Authority in terms of the   
Petroleum Resources Act, No. 26 of 2003, and   
who are on the day immediately preceding the   
date of commencement of this Act, continuing   
to provide such goods and services, shall, with   
effect from the date of commencement of this   
Act, be deemed to be service providers for the   
purposes of section 23 of this Act; and

(*g*) all interests, rights, assets, obligations, debts and   
liabilities of the Authority in terms of the   
Petroleum Resources Act, No. 26 of 2003, on   
the day immediately preceding the date of   
commencement of this Act, shall be deemed with   
effect from the date of commencement of this   
Act, to be interests, rights, assets, obligations,   
debts and liabilities of the Authority.

34 *Petroleum Resources Act, No. 21 of 2021*

(4) All licences issued, regulations made in terms of the Petroleum Resources Act, No. 26 of 2003, and in force on the day immediately preceding the date of commencement of this Act and all data sales concluded, surveys conducted, petroleum operations and connected matters and all operational arrangements carried out, relating to each licence or agreement as the case may be, shall, with effect from the date of commencement of this Act -

(*a*) be deemed to continue to be valid and effectual,   
unless expressly repealed or if they become   
inconsistent with any new licences issued,   
agreements entered into, or regulations made under   
this Act. In the case of an inconsistency, the new   
licences, agreements, or regulations as the case may   
be, shall prevail;

(*b*) be deemed to continue to be valid and effective as   
if they were concluded, conducted, or carried out   
under this Act, unless express provision is made to   
the contrary.

|  |  |
| --- | --- |
| Interpretation | **51.**  In this Act unless the context otherwise  requires - |

“contiguous zone” means, the zone declared to be the Contiguous Zone of Sri Lanka by Proclamation made under section 4 of the Maritime Zones Law, No. 22 of 1976;

“contractor” means, any person or body corporate, local or foreign, authorised to conduct petroleum operations under a Petroleum Resources Agreement which shall include joint study operations;

“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;

*Petroleum Resources Act, No. 21 of 2021*  35

“fiscal stability” means, maintaining for both contractor and the State the same overall project economics as agreed mutually at the time of entering into a Petroleum Resources Agreement by allowing the adjustment of any of the fiscal parameters in case of change of a government fiscal policy;

“historic waters” mean, the limits of the historic waters declared by Proclamation made under section 9 of the Maritime Zones Law, No. 22 of 1976;

“Joint Study Agreement” means, an Agreement entered into between the State and one or more contractors in terms of section 19 of the Act, to study and evaluate the hydrocarbon potential of a defined area;

“Minister” means, the Minister assigned the subject and functions relating to this Act under Article 44 and 45 of the Constitution;

“National Policy for the Upstream Petroleum Industry”means, a policy which outlines the general principles, management, development and all other related aspects of the upstream petroleum sector by recognizing the challenges and providing the recommendations in order to monitor and guide the upstream industry by ensuring the right balance between the national interest of the State and the interests of the contractors or operators;

“non-material terms and conditions” mean, items that will not directly impact the evaluation results of the proposals;

“participating interest” means, the share of ownership or equity of a participant in any entity or a joint venture;

“petroleum data” means, geological, geophysical, geochemical, petrophysical, engineering, well logs,

36 *Petroleum Resources Act, No. 21 of 2021*

maps, magnetic tapes, cores, cuttings and production   
data as well as all interpretative and derivative data   
including reports, analyses, interpretations and   
evaluation prepared in respect of petroleum   
operations, economic data and geological samples   
including all information interpretation reports;

“petroleum operations” mean, activities in exploration, development and recovery of petroleum resources, including but not limited to geological surveys, interpretation of seismic data, well drilling, production testing, separation, processing, storage, recovery, transportation and marketing;

“petroleum reservoir” mean, a naturally occurring discrete accumulation of petroleum resources;

“petroleum resources” mean, crude oil, natural gas and hydrocarbons whether in natural liquid, gaseous, solid or semisolid state, hydrates of oil and gas, sulphur and other similar substances associated with hydrocarbons that are in site or recovered by petroleum operations;

“Petroleum Resources Agreement” means, a contract for production sharing entered into in terms of section 18 of this Act, between the State and one or more contractors;

“petroleum resources royalty” means, the royalty that is payable by a contractor on the market value of all petroleum resources that are recovered by him from the area covered by a Development Licence;

“territorial sea” means, the limits of the sea declared to be the territorial sea of Sri Lanka by proclamation made under section 2 of the Maritime Zones Law, No. 22 of 1976 and includes the internal waters of Sri Lanka;

*Petroleum Resources Act, No. 21 of 2021*  37

“unit development” means, the development of a common reservoir that is situated within the boundaries of two or more exploration blocks or the area covered by two or more development licences;

“United Nations Convention on the Law of the Sea”means, the United Nations Convention on the Law of the Sea adopted in 1992 in Montego Bay, Jamaica, entered into force on November 16, 1994 and ratified by Sri Lanka on July 19, 1994; and

“upstream” means, the operational stages in the oil and gas industry that involve exploration and development and deal with a contractor initially taking steps to locate, drill, test and produce oil and gas.

|  |  |
| --- | --- |
| **52.**  In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | Sinhala text to  prevail in case  of inconsistency |

|  |  |
| --- | --- |
| 38 | *Petroleum Resources Act, No. 21 of 2021* |

English Acts of the Parliament can be purchased at the “PRAKASHANA PIYASA”, DEPARTMENTOF

GOVERNMENT PRINTING, NO. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.