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5th Session 1964-65



Fauna and Flora Protection (Amendment) Act, No. 44 of 1964

Date of Assent : November 12, 1964

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*Fauna and Flora Protection (Amendment)
Act, No. 44 of 1964*

L.D.—O. 23/63.

AN ACT TO AMEND THE FAUNA AND FLORA
PROTECTION ORDINANCE.

Chapter 469,
Volume XII,
page 1027.

(Date of Assent : November 12, 1964).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Fauna and Flora Protection (Amendment) Act, No. 44 of 1964.

Short title.

2. Section 2 of the Fauna and Flora Protection Ordinance, hereinafter referred to as the "principal enactment", is hereby amended as follows :—

Amendment of
section 2 of
Chapter 469.

(1) in sub-section (1) of that section, by the substitution, for paragraph (c) of that sub-section, of the following new paragraphs :—

- "(c) a Nature Reserve ; or
- (d) a Jungle Corridor ; or
- (e) an Intermediate Zone." ;

(2) in sub-section (4) of that section, by the substitution, in paragraph (a) of that sub-section, for the words "Intermediate Zone", of the words "Nature Reserve, Jungle Corridor, Intermediate Zone" ; and

(3) in the marginal note to that section, by the substitution, for the words "Intermediate Zones", of the words "Nature Reserves, Jungle Corridors, Intermediate Zones".

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

Amendment of
section 3 of
the principal
enactment.

(1) in sub-section (1) of that section—

- (a) by the substitution, in paragraph (a) of that sub-section, for the words "Strict Natural Reserve", of the words "Strict Natural Reserve, Nature Reserve or Jungle Corridor" ;

- (b) by the substitution, in paragraph (c) of that sub-section, for the words "Reserve or in a National Park", of the words "Reserve, National Park, Nature Reserve or Jungle Corridor";
- (c) by the substitution, in paragraph (d) of that sub-section, for the words "wild animal", of the words "wild animal, or take or destroy any egg of any bird or reptile or any nest of any bird,"; and

- (2) by the replacement of the marginal notes to that section by the following new marginal note :—

"Essential features of Strict Natural Reserves, Jungle Corridors, National Parks, Sanctuaries and Intermediate Zones."

Insertion of
new section
5A in the
principal
enactment.

- 4. The following new section is hereby inserted immediately after section 5 of the principal enactment and shall have effect as section 5A of that enactment :—

"Restriction of
entry into
Nature
Reserves
and Jungle
Corridors.

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

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

Amendment
section 6
of the principal
enactment.

- 5. Section 6 of the principal enactment is hereby amended as follows :—

- (1) in sub-section (1) of that section, by the substitution, for the words "Reserve or in a National Park", of the words "Reserve, National Park, Nature Reserve or Jungle Corridor";

(2) in sub-section (2) of that section, by the substitution, for all the words from "introduce any animal" to the end of that sub-section, of the words "introduce any animal into any Strict Natural Reserve, National Park, Nature Reserve or Jungle Corridor, or tether, liberate or release any animal therein." ;

(3) by the addition, immediately after sub-section (2) of that section, of the following new sub-section :—

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

(4) by the substitution, for the marginal note to that section, of the following new marginal note :—

"Acts prohibited in Strict Natural Reserves, National Parks, Nature Reserves and Jungle Corridors."

6. The following new section is hereby inserted immediately after section 6 of the principal enactment and shall have effect as section 6A of that enactment :—

"Acts prohibited in National Reserves, and Sanctuaries.

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

Insertion of new section 6A in the principal enactment.

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

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

Replacement of
section 8 of
the principal
enactment.

7. Section 8 of the principal enactment is hereby repealed and the following new section substituted therefor :—

“ Acts
prohibited
in vicinity
of National
Reserve.

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

Amendment of
section 12
of the principal
enactment.

8. Section 12 of the principal enactment is hereby amended as follows :—

(1) in sub-section (1) of that section—

(a) by the substitution, for paragraph (a) of that sub-section, of the following new paragraph :—

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

(b) by the substitution, for paragraph (c) of that sub-section, of the following new paragraph :—

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

(i) capture any buffalo ;
(ii) at any time other than during the close season hunt, shoot, kill or take any deer or fowl.” ; and

- (2) by the addition, immediately after sub-section (3) of that section, of the following new sub-section :—

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

9. Section 13 of the principal enactment is hereby amended as follows :—

Amendment of
section 13 of
the principal
enactment.

- (1) by the repeal of sub-section (1) of that section and the substitution therefor of the following new sub-section :—

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

(b) Whenever it appears to the Warden that there is serious danger to life or property in the area referred to in sub-section (1) (a), he may issue licences subject to such conditions as he may deem necessary or expedient either free or on payment of the

*Fauna and Flora Protection (Amendment)
Act, No. 44 of 1964*

prescribed fee or of such fee not exceeding the prescribed fee, if any, as he may consider adequate, authorizing the licensee to shoot, kill or take the tusker, elephant or buffalo as the case may be within that area while the declaration is in force.” ; and

(2) by the substitution, for the marginal note to that section, of the following new marginal note :—

“Declaration of areas in which damage by tusker, elephant or buffalo is apprehended.”.

Replacement of
section 14 of
the principal
enactment.

10. Section 14 of the principal enactment is hereby repealed and the following new section substituted therefor :—

“Shooting,
killing or
taking of
tuskers or
elephants
under special
licence.

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

Replacement of
section 15 of
the principal
enactment.

11. Section 15 of the principal enactment is hereby repealed and the following new section substituted therefor :—

“Killing or
taking of
deer or fowl
on cultivated
land.

15. (1) It shall be lawful for the owner or person in charge of any cultivated land at any time to set, lay or spread any trap, snare, net or pitfall in or upon that land for

the purpose of killing or taking any deer or fowl which trespasses or attempts to trespass thereon.

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

12. Section 16 of the principal enactment is hereby amended by the substitution, for the words “any right conferred by section 12, or section 13”, of the words “any right conferred by or under section 13”.

Amendment of
section 16 of
the principal
enactment.

13. Section 20 of the principal enactment is hereby amended as follows :—

Amendment of
section 20 of
the principal
enactment.

(1) by the substitution, for the words “not exceeding one thousand rupees”, of the words “not exceeding two thousand rupees”; and

(2) by the substitution, for the words “may extend to one year”, of the words “may extend to two years”.

14. Section 21 of the principal enactment is hereby amended as follows :—

Amendment of
section 21 of
the principal
enactment.

(1) by the substitution, for the words “not exceeding five hundred rupees”, of the words “not exceeding one thousand rupees”; and

(2) by the substitution, for the words “may extend to six months”, of the words “may extend to one year”.

15. Section 22 of the principal enactment is hereby amended by the substitution, for the words “not exceeding two hundred rupees”, of the words “not exceeding three hundred rupees”.

Amendment of
section 22 of
the principal
enactment.

16. The following new section is hereby inserted immediately after section 22 of the principal enactment and shall have effect as section 22A of that enactment :—

Insertion of
new section
22A in the
principal
enactment.

“Registration
and licensing
of tuskers
and elephants.

22A. (1) No person shall own, have in his custody or make use of a tusker or elephant unless it is registered and unless a licence in respect

of the tusker or elephant has been obtained in accordance with the provisions of this section.

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

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

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

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

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

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

(8) Regulations may be made—

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

17. Section 23 of the principal enactment is hereby amended, in sub-section (1) of that section, as follows :—

Amendment of
section 23
of
the principal
enactment.

- (1) by the substitution, for the words “not exceeding five hundred rupees”, of the words “not exceeding two thousand rupees” ; and

- (2) by the substitution, for the words "may extend to six months", of the words "may extend to one year".

Replacement of
section 24 of
the principal
enactment.

18. Section 24 of the principal enactment is hereby repealed and the following new section substituted therefor :—

"Tusks and
tushes to be
registered.

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

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

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

(4) The court may, on the conviction of any person of an offence under sub-section (3), make order for the disposal of the tusk or tush in respect of which the offence was committed, having regard to the rights of any other person who may appear to the court to be lawfully entitled to the possession of such tusk or tush.

(5) Regulations may be made—

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

19. Section 25 of the principal enactment is hereby amended as follows :—

Amendment of
section 25 of
the principal
enactment.

(1) in sub-section (1) of that section—

(a) by the substitution, for the words “unlawful possession of any tusker or elephant”, of the words “unlawful possession of any tusker, elephant, tusk or tush” ;

(b) by the substitution, for the words “to seize and detain such tusker or elephant”, of the words “to seize such tusker, elephant, tusk or tush and to detain such tusker or elephant” ;

(c) by the substitution, for the words “where the animal was seized”, of the words “where the tusker, elephant, tusk or tush was seized” ; and

(d) by the substitution, for the words “for the disposal of the tusker or elephant”, wherever those words occur collectively in that sub-section, of the words “for the disposal of the tusker, elephant, tusk or tush” ;

(2) in sub-section (2) of that section, by the substitution, for the words “of the tusker or elephant”, of the words “of the tusker, elephant, tusk or tush” ; and

(3) by the substitution, for the marginal note of that section, of the following new marginal note :—

“Power of Warden, &c., to seize tusker, elephant, tusk or tush on suspicion.”.

20. Section 26 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the words “not exceeding fifty rupees”, of the words “not exceeding two hundred and fifty rupees”.

Amendment of
section 26 of
the principal
enactment.

Amendment of
section 28 of
the principal
enactment.

21. Section 28 of the principal enactment is hereby amended as follows :—

(1) in the definition of “ fowl ”, by the substitution, for paragraph (d) of that definition, of the following new paragraphs :—

- “ (d) Painted partridge (*Francolinus pictus*),
(e) Jungle fowl (*Gallus lafayettei*)
(f) Ceylon jungle bush quail (*perdicula asiatica Ceylonensis*) ; ” ;

(2) by the insertion, immediately after the definition of “ fowl ”, of the following new definitions :—

- “ “ tusk ” means the tusk of a tusker ;
“ tush ” means the tush of a tusker ; ” ; and

(3) by the repeal of the definition of “ tusker ” and the substitution therefor of the following new definition :—

- “ “ tusker ” means a wild elephant having one or more tusks or tushes. ” .

Amendment of
section 30 of
the principal
enactment.

22. Section 30 of the principal enactment is hereby amended as follows :—

(1) in sub-section (1) of that section—

(a) in paragraph (a) of that sub-section, by the substitution, for all the words from “ any bird, beast ” to the end of that paragraph, of the words “ any bird ; or ” ;

(b) in paragraph (b) of that sub-section, by the substitution, for the words “ any such bird or reptile ”, of the words “ any bird ” ;

(c) in paragraph (c) of that sub-section, by the substitution, for the words “ any such bird, beast, or reptile ”, of the words “ any bird ” ;

(d) in paragraph (d) of that sub-section—

(i) by the substitution, for the words “any such bird, beast, or reptile”, wherever those words occur collectively in that paragraph, of the words “any bird”; and

(ii) by the substitution, for the words “any such bird or reptile”, of the words “any bird”;

(e) in paragraph (e) of that sub-section, by the substitution, for the words “any such bird, beast, or reptile”, wherever those words occur collectively in that paragraph, of the words “any bird”;

(f) by the substitution, for the words “not exceeding twenty-five rupees”, of the words “not exceeding two hundred and fifty rupees”;

(g) by the substitution, for the words “may extend to one month”, of the words “may extend to three months”; and

(h) by the substitution, for the proviso to that sub-section, of the following new proviso :—

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

(2) by the substitution, for the marginal note to that section, of the following new marginal note :—

“Offences relating to birds.”.

Amendment of
 section 31 of
 the principal
 enactment.

23. Section 31 of the principal enactment is hereby amended as follows :—

(1) in sub-section (1) of that section—

(a) by the substitution, for the words “Sanctuary during the close season”, of the word “Sanctuary”;

(b) by the substitution, for the word “bird”, wherever that word occurs in that sub-section, of the word “reptile”;

(c) in paragraph (a) of that sub-section, by the substitution, for the words and figures “in Schedule II”, of the words and figures “in Schedules III and IV”;

(d) in paragraph (d) of that sub-section, by the omission of all the words from “or the feathers” to “killed or taken”;

(e) by the substitution, for paragraph (f) of that sub-section, of the following new paragraph :—

“(f) purchases the skin of any such reptile or beast for the purpose of tanning or preparing such skin for use,”;

(f) by the substitution, for the words “not exceeding ten rupees”, of the words “not exceeding two hundred and fifty rupees”;

(g) by the substitution, for the words “may extend to two weeks”, of the words “may extend to three months”;

(h) by the substitution, for the full stop immediately after the words “to both such fine and imprisonment”, of a colon; and

(i) by the insertion, immediately after the word “imprisonment :”, of the following proviso :—

“Provided that no person shall be deemed to have committed an offence under this section in relation

to any reptile or beast specified in Schedule IV in respect of any action permitted by virtue of a licence issued by the Warden.” ;

- (2) by the addition, immediately after sub-section (2) of that section, of the following new sub-section :—

“ (3) Every licence referred to in sub-section (1) shall be issued in the prescribed form on payment of the prescribed fee and shall be valid for such period and within such limits, and be subject to such conditions, as the Warden may consider necessary or expedient.” ; and

- (3) by the substitution, for the marginal note to that section, of the following new marginal note :—

“ Offences relating to reptiles and beasts included in Schedules III and IV.”.

24. Section 34 of the principal enactment is hereby amended as follows :—

Amendment of
section 34 of the
principal
enactment.

- (1) by the substitution, for the words and figures “ Schedule I or Schedule II ”, of the words and figures “ Schedules I, II, III and IV ” ; and

- (2) in the marginal note thereto, by the substitution, for the words and figures “ Schedules I and II ”, of the words and figures “ Schedules I, II, III and IV ”.

25. Section 35 of the principal enactment is hereby amended by the substitution, for the words and figures “ Schedule I or Schedule II ”, of the words and figures “ Schedule I, Schedule II, Schedule III or Schedule IV ”.

Amendment of
section 35 of
the principal
enactment.

26. Section 39 of the principal enactment is hereby amended, in sub-section (2) of that section, by the substitution, for the words “ one hundred rupees ”, of the words “ five hundred rupees ”.

Amendment of
section 39 of the
principal
enactment.

Amendment of
section 40 of the
principal
enactment.

27. Section 40 of the principal enactment is hereby amended as follows :—

- (1) by the renumbering of sub-sections (2), (3) and (4) of that section as sub-sections (3), (4) and (5) respectively ; and
- (2) by the insertion, immediately after sub-section (1) of that section, of the following new sub-section :—

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

Amendment of
section 42 of the
principal
enactment.

28. Section 42 of the principal enactment is hereby amended by the substitution, for the word and figures “Schedule III” wherever that word and those figures occur collectively in that section, including the marginal note thereto, of the word and figure “Schedule V”.

Amendment of
section 43 of the
principal
enactment.

29. Section 43 of the principal enactment is hereby amended by the substitution, for the word and figures “Schedule IV”, of the word and figures “Schedule VI”.

Amendment of
section 44 of the
principal
enactment.

30. Section 44 of the principal enactment is hereby amended as follows :—

- (1) by the substitution, for the word and figures “Schedule III”, wherever that word and those figures occur collectively in that section, including the marginal note thereto, of the word and figure “Schedule V” ; and
- (2) by the substitution, for the word and figures “Schedule IV” wherever that word and those figures occur collectively in that section, including the marginal note thereto, of the word and figures “Schedule VI”.

Amendment of
section 45 of the
principal
enactment.

31. Section 45 of the principal enactment is hereby amended by the substitution, in paragraph (a) of that section, for the word and figures “Schedule III”, of the word and figure “Schedule V”.

32. Section 49 of the principal enactment is hereby amended by the repeal of sub-section (1) of that section and the substitution therefor of the following new sub-section :—

Amendment of section 49 of the principal enactment.

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

33. The following new section is hereby inserted immediately after section 52 of the principal enactment and shall have effect as section 52A of that enactment :—

Insertion of new section 52A in the principal enactment.

“Prohibition of shooting, &c., in vicinity of water-holes.

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

34. Section 53 of the principal enactment is hereby amended as follows :—

Amendment of section 53 of the principal enactment.

(1) in paragraph (a) of that section, by the substitution, for the words “and sunrise ; or”, of the words “and sunrise ;” ;

(2) in paragraph (b) of that section, by the substitution, for the words “reptile, or bird.”, of the words “reptile, or bird ; or” ; and

(3) by the addition, immediately after paragraph (b) of that section, of the following new paragraph :—

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

*Fauna and Flora Protection (Amendment)
Act, No. 44 of 1964*

Insertion of
new sections
53A and 53B
in the
principal
enactment.

35. The following new sections are hereby inserted immediately after section 53 of the principal enactment and shall have effect as sections 53A and 53B respectively of that enactment :—

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

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

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

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

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

Replacement of
section 54 of
the principal
enactment.

36. Section 54 of the principal enactment is hereby repealed and the following new section substituted therefor :—

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

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

Amendment of
section 55 of the
principal
enactment.

37. Section 55 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the words “investigation of the fauna and flora of Ceylon”, of the words “investigation, or for the collection of specimens for a zoo, museum or similar institution, of the fauna and flora of Ceylon”.

38. Section 58 of the principal enactment is hereby amended by the substitution, for the words "two hundred rupees", of the words "three hundred rupees".

Amendment of section 58 of the principal enactment.

39. Section 60 of the principal enactment is hereby amended, in sub-section (1) of that section, as follows :—

Amendment of section 60 of the principal enactment.

- (1) by the omission of paragraph (a) of that sub-section ; and
- (2) by the renumbering of paragraphs (b) and (c) of that sub-section as paragraphs (a) and (b) respectively.

40. Section 61 of the principal enactment is hereby repealed.

Repeal of section 61 of the principal enactment.

41. Section 65 of the principal enactment is hereby amended as follows :—

Amendment of section 65 of the principal enactment.

- (1) by the substitution, for the words "to the informer", of the words "to the Wild Life Preservation Fund which shall be maintained and operated on by the Warden in the prescribed manner." ; and
- (2) by the substitution, for the marginal note thereto, of the following new marginal note :—

"Share of fines to the Wild Life Preservation Fund."

42. Section 66 of the principal enactment is hereby repealed and the following new section substituted therefor :—

Replacement of section 66 of the principal enactment.

"Powers of arrest and search.

66. (1) Where a police officer or prescribed officer has reasonable grounds for believing that any person has committed an offence he may,

subject to such restrictions as may be prescribed—

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

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

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

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

43. Section 68 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for paragraph (c) of that sub-section, of the following new paragraph :—

Amendment of
section 68 of the
principal
enactment.

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

44. Section 69 of the principal enactment is hereby amended by the substitution, for all the words from “to any district warden” to “he is appointed”, of the words “to any district warden or to any honorary district warden in respect of his district or area”.

Amendment of
section 69 of the
principal
enactment.

45. Section 71 of the principal enactment is hereby amended, in sub-section (2) of that section, as follows :—

Amendment of
section 71 of the
principal
enactment.

(1) in paragraph (f) of that sub-section, by the substitution, for the words “in any specified area ; and”, of the words “in any specified area ;” ;

(2) by the renumbering of paragraph (g) of that sub-section as paragraph (h) ; and

- (3) by the insertion, immediately after paragraph (f) of that sub-section, of the following new paragraph :—

‘ (g) the establishment and administration of the “ Wild Life Preservation Fund ” and the purposes for which that Fund may be employed ; and ’.

Amendment of
section 72 of the
principal
enactment.

46. Section 72 of the principal enactment is hereby amended, in sub-section (1) of that section, as follows :—

- (1) by the insertion, immediately after the definition of “ gun ”, of the following new definition :—

“ “ jungle corridor ” means a jungle corridor for elephants constituted by Order under section 2 (1) ; ’ ;

- (2) by the insertion, immediately after the definition of “ National Reserve ”, of the following new definition :—

“ “ Nature Reserve ” means a Nature Reserve constituted by Order under section 2 (1) ; ’ ; and

- (3) by the insertion, immediately after the definition of “ offence ”, of the following new definition :—

“ “ open season ” means that portion of the year that is not included in the close season ; ’ .

Amendment of
Schedules to the
principal
enactment.

47. (1) Schedules I and II to the principal enactment are hereby repealed.

(2) Schedules III and IV to the principal enactment are hereby renumbered as Schedules V and VI.

(3) The following new Schedules are hereby inserted immediately before the renumbered Schedule V to the principal enactment :—

SCHEDULE I

List of Birds that are not protected

[Section 30]

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

SCHEDULE II

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

[Section 30]

| English Name | Scientific Name | Sinhalese Name | Tamil Name |
|---------------------------------------------------|--------------------------------------------------------|-------------------------------|-----------------------------------------------|
| Ceylon Spotted Dove | <i>Streptopelia chinensis ceylonensis</i> | Alu-Kobeyiya | Mani-Pura, Umi-Pura, Pulli-Pura |
| Indian Ring Dove | <i>Streptopelia decaocto decaocto</i> | Maha-Kobeyiya | Kalli-Pura, Sambal-Pura |
| Ceylon Wood Pigeon or Lady Torrington's Pigeon | <i>Columba torringtoni</i> | Maila-Goya | Karuppu-Pura |
| Blue Rock-Pigeon | <i>Columba livia intermedia</i> | Gal-Pareyia | Mada-Pura, Malai Pura |
| Bronze-Winged or Emerald Dove | <i>Chalcophaps indica robinsoni</i> | Nil-Kobeyiya | Thamil-Pura |
| Green Imperial Pigeon | <i>Ducula aenea pusilla</i> | Maila-Goya, Maha-Nila-Goya | Periya Pura, Mada-Pura |
| Ceylon Orange-Breasted Pigeon | <i>Treron bicincta leggei</i> | Bata-Goya, Sipaduwa | Pachchai-Pura |
| Pompador Green Pigeon | <i>Treron pompadora pompadora</i> | Bata-Goya, Sipaduwa | Pachchai-Pura |
| Ceylon Southern Green Pigeon | <i>Treron phoenicoptera phillipsi</i> | Bara-Goya, Sipaduwa | Pachchai-Pura |
| Common or Fantail-Snipe | <i>Capella gallinago gallinago</i> | Keswatuwa | Ullan-Kuruvi |
| Pintail Snipe | <i>Capella stenura</i> | Keswatuwa | Ullan-Kuruvi |
| Wood Cock | <i>Scolopax rusticola</i> | Maha-Keswatuwa | Periya Ullan-Kuruvi |
| Jack Snipe | <i>Lumnocryptes minimus</i> | (No Sinhalese or Tamil Names) | Kottan |
| Wood Sandpiper | <i>Tringa gaeola</i> | Sili-Watuwa | |
| Black-Tailed Godwit | <i>Limosa limosa limosa</i> | (No Sinhalese or Tamil Names) | Kumandy or Mussal-Kinandu or Muyal-Kinandu |
| Curlew | <i>Numenius arquata orientalis</i> | Maha Watuwa | Kuthirai-Malai-Kottan |
| Whimbrel | <i>Numenius phaeopus phaeopus</i> | Maha Watuwa | Kottan |
| Eastern Golden Plover | <i>Pluvialis dominica fulva</i> | Oleyiya, Rana-Watuwa | Kottan |
| Grey Plover | <i>Squatarola squatarola</i> | Oleyiya | Kottan |
| Painted Snipe | <i>Rostratula benghalensis benghalensis</i> | Ulu-Keswatuwa, Raja-Watuwa | Ullan-Kuruvi |
| Watercock | <i>Gallicrex cinerea</i> | Wil-Kukkula | Tannir-Kili |
| Ceylon Bustard-Quail | <i>Turnix suscitator leggei</i> | Bola-Watuwa | Kadai |
| Blue-Breasted Quail | <i>Excalfactoria chinensis chinensis</i> | Pandara-Watuwa, Wil-Watuwa | Kadai |
| Cotton Teal | <i>Nettapus coromandelianus corroman- delianus</i> | Mal-Seruwa | Raja-Tara or Kuluppai |
| Shoveller | <i>Spatula clypeata</i> | Seruwa | Tara |
| Pintail | <i>Anas acuta acuta</i> | Seruwa | Tara |
| Garganey | <i>Anas querquedula</i> | Seruwa | Tara |
| European Teal | <i>Anas crecca crecca</i> | Seruwa | Tara |
| Whistling Teal | <i>Dendrocygna Javanica</i> | Seruwa, Thumba-Seruwa | Chilli-Tara |

SCHEDULE III

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

[Section 31]

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

SCHEDULE IV

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

[Section 31]

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