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PART I : SECTION (I) — GENERAL Government Notifications

L.D.B. 203/33 (v)

THE FOREST CONSERVATION ORDINANCE (CHAPTER 451)

REGULATIONS made by the State Minister of Wildlife Protection, Adoption of Safety Measures including the Construction of Electrical Fences and Trenches and Reforestation and Forest Resources Development under subsection (3), (4) and (5) of section 3, 7 and 64 of the Forest Conservation Ordinance (Chapter 451).

WIMALAWEERA DISSANAYAKE,
State Minister of Wildlife Protection,
Adoption of Safety Measures including
the Construction of Electrical Fences and
Trenches and Reforestation and Forest
Resources Development.

Colombo,
14th October, 2021.

Regulations

1. (1) These regulations may be cited as the Forest Conservation (Reserved Forests) Regulations, No.02 of 2021 and shall come into operation on 01.12.2021.

(2) The provisions of these regulations shall apply to all reserved forests.

2. The Management Plan prepared by the Conservator General in terms of the provisions of section 3 of the Ordinance shall -



- (a) contain measures for the conservation of bio diversity, soil and water within reserved forests and for the preservation of its unique ecological system and genetic resources as a habitat of rare and endemic species of flora and fauna; and
- (b) include the modalities or criteria, as the case may be -
 - (i) for surveying and demarcation of boundaries of reserved forests, as and when required;
 - (ii) For dividing the reserved forests into management zones and for altering the boundaries of such zones where necessary;
 - (iii) for the identification of areas within which the specified activities required for the management of reserved forests are to be implemented;
 - (iv) for the identification of activities required for the management of reserved forests and for the implementation of the same;
 - (v) for introducing and implementing an appropriate mechanism for protecting reserved forests; and
 - (vi) for the sustainable utilization of forest produce of reserved forests.

3. (1) The Conservator General shall affix his signature to the Management Plan once it has been finalized in order to signify his approval and he shall be responsible for the implementation of the Management Plan so approved.

(2) The Conservator General may make amendments to the Management Plan where necessary, in order to assure the Sustainability of the reserved forests.

(3) The Conservator General shall specify by way of guidelines the procedure to be followed in monitoring the activities being implemented under the approved Management Plan and for assessing the effectiveness of such Plan in relation to such activities.

4. (1) For ensuring the sustainable management of reserved forests the Conservator General may obtain the participation of the community and non - state sector, whenever necessary subject to entering into a Management Agreement for such purpose.

(2) Where there is a need to enter into a Management Agreement as specified above, for the management of a reserved forest, the Conservator General shall prepare the agreement and such agreement shall be signed by all stakeholders who are parties to the agreement.

(3) Where there is a Management Agreement under paragraph (1) to implement the activities of the Management Plan, the implementation of which is beneficial to the community and non - state sector, the Conservator General shall determine and collect a fee which shall reflect the value in proportion to the monetary and non-monetary benefits obtained from such forest by the community and non - state sector. Non disclosure of benefits obtained shall be an offense under the Ordinance.

5. The prior written approval of the Conservator General shall be obtained by every person who is engaged in any activity within a reserved forest for the purpose of discharging any duty arising out of, or in connection with the implementation of the Management Plan.

6. (1) The Conservator General may grant permission to the local community-

- (a) for removing of dead and fallen sticks, from any reserved forest: provided that,
 - (i) those dead and fallen sticks may be used as firewood for home fuel needs and those sticks shall be removed from the forest after cutting them into pieces not more than one meter in length; and
 - (ii) no person shall remove or drag dead and fallen sticks from one place to another and they shall also leave behind the sufficient amount of dead wood for providing habitats for insects, micro organisms and other fauna and flora in places as indicated by the forest officers,
- (b) for collection and removal of non-timber forest produce, in any reserved forest, in a manner that will not adversely affect the conservation of genetic resources, ecosystems and rare and endangered animals and plants; and
- (c) for utilizing water from natural springs, fountains and other natural resources of water in any reserved forest for drinking purpose, without disturbing the upstream and downstream aquatic habitats of such natural springs, fountains or water resources .

(2) No act referred to above shall be done otherwise than in accordance with such conditions as may be set out in the written permission granted for such purpose.

7. (1) Any person who intends to conduct a scientific research in a reserved forest shall make an application to the Conservator General in the form as may be determined by the Conservator General.

(2) The Conservator General may, upon considering such application, issue a permit for conducting a scientific research subject to such terms and conditions as may be specified in the Schedule.

(3) Any person who has been granted approval to conduct a scientific research under this regulation shall be required to pay a fee as may be determined by the Conservator General.

(4) Where any matter which is out of the scope of authority given under the permit, arises with regard to conducting a scientific research, a prior approval of the Conservator General shall be obtained by the person who conducts the research.

8. For the purpose of these regulations -

“ Conservator General” means the Conservator General of Forests appointed under section 58 of the Ordinance;

“firewood” means timber not exceeding 1 meter (3 feet) in length and not exceeding 45 centimeters (18 inches) in girth at either end, of any species except those set out in Schedules I and II of the Ordinance but including the branches of such species, yet conforming to the above specifications;

“local community” means permanent residents in a Grama Niladhari Division fully or partly situated within one kilometer aerial distance from the boundary of the relevant reserved forest;

“Management Plan” means a plan prepared in terms of section 3 of the Ordinance, for scientific management of any forest and approved by the Conservator General;

“ non-timber forest produce” means leaves, flowers, nuts, seeds, fruits, roots, juice, oil, myrabolans, resin, gum, thipal, herbal plants and parts thereof or substances generated by it, grass, Creepers, bamboo, reeds, moss, rattan, cane, mushroom and honey;

“Ordinance” means the Forest Conservation Ordinance (Chapter 451);

“reserved forest” means a forest declared as a reserved forest in terms of section 3 and forests deemed to have been reserved in terms of section 10 of the Ordinance; and

“sticks” means any wood that is dead or fallen of any plant species which are below 45 centimeters at the center.

SCHEDULE

{regulation 7(2)}

CONDITIONS FOR CONDUCTING A SCIENTIFIC RESEARCH

1. Any application for a permit to conduct a scientific research within a Reserved Forest shall be prepared substantially in the form as may be determined by the Conservator General and shall be submitted to the Conservator General at least three months prior to the initiation of research activities.

2. The permit issued by the Conservator General or an officer authorized by him in that behalf based on the recommendations of the National Forestry Sector Research Committee and on payment of fee as may be determined by the Conservator General, shall be valid for a maximum period of one year. For an extension of a permit, a request shall be made at least one month prior to the lapse of permitted time period, giving reasons along with the progress report of the research.

3. Any person who enters into a Reserved Forest for a scientific research shall subject to the provisions of the Forest Conservation Ordinance and rules and regulations made thereunder and to any other written law.

4. Any activity or study related to a scientific research within a Reserved Forest shall be done or conducted under the supervision of Forest Officers.

5. The permit shall not be transferable. Where any researcher intends to make any change to his research project, he shall obtain prior approval from the Conservator General.

6. Any foreign researcher shall submit their research applications through the Head of his Institution. Such research projects shall be conducted in collaboration with a state affiliated local research institute or the Department of Forest Conservation. The Head of the relevant local research institute shall approve such research project and the principal investigator of the research project shall be a person of such institute.

7. Any disclosure of contravention of a condition of the permit by the researcher may result in the cancellation of the permit or refusal of any future request for a permit to conduct any other research.

8. The Department of Forest Conservation shall not be responsible for any damage or loss caused to any person or a property during the period of research.

9. A report of the results or findings of the research shall be submitted to the Research Division of the Department of Forest Conservation within six months after the completion of the research project. The Conservator General may request the researcher to conduct a presentation on the findings of the research to the officers of the Department of Forest Conservation. The copies of the thesis, research papers, and the reports of the seminars which include the findings of the research shall be submitted to the Department of Forest Conservation. These requirements shall be fulfilled before making a request for a future research work.

10. The Conservator General may impose any other conditions depending on the nature of the research project.

I/ We hereby agree to comply with the above conditions.

Name :.....

Designation :.....

Institute :.....

Date :.....

.....
Signature of Principal Investigator
and the Official Frank

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