# THE GAZETTE OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

**Part II of June 09, 2023** 

**SUPPLEMENT** 

(Issued on 12.06.2023)



# **AYURVEDA (AMENDMENT)**

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BILL

to amend the Ayurveda Act, No. 31 of 1961

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### STATEMENT OF LEGAL EFFECT

- Clause 2: This clause replaces the long title of the Ayurveda Act, No. 31 of 1961(hereinafter referred to as the "principal enactment") and the legal effect of the section as amended is to provide for-
- (a) the regulation of certain categories of professionals in the field of Ayurveda medicine and surgery and certain activities carried out under the Act by setting out a requirement for registration of such professionals and activities;
  - (b) the expansion of the types of courses recognized under the Act; and
  - (c) the re-grading of Ayurveda hospitals.
- Clause 3: This clause provides for general amendments of certain words and terms of the principal enactment and enumerates the legal effects of such new words and terms on other written laws and documents.
- Clause 4: This clause amends section 3 of the principal enactment and the legal effect of the section as amended is to upgrade the post of Commissioner of Ayurveda and to introduce new gradings for officials.
- Clause 5: This clause amends section 4 of the principal enactment and is consequential to the amendment made by Clause 3.
- Clause 6: This clause amends section 5 of the principal enactment and is consequential to the amendment made by Clause 3.
- Clause 7: This clause replaces section 7 of the principal enactment and the legal effect of the section as replaced is to re-formulate the objects of the Act.
- Clause 8: This clause inserts a new section 7A in the principal enactment and the legal effect of the new section is to provide for the grants from and moneys to be credited to the Consolidated Fund.
- Clause 9: This clause amends section 8 of the principal enactment and the legal effect of the section as amended is to bring Herbal Gardens for Research and Extension under the purview of the Commissioner-General of Ayurveda.
- Clause 10: This clause amends section 10 of the principal enactment and is consequential to the amendment made by Clause 3.
- Clause 11: This clause amends section 11 of the principal enactment and the legal effect of the section as amended is to re-structure the composition of the Ayurveda Medical Council.

- Clause 12: This clause amends section 12 of the principal enactment and is consequential to the amendment made to section 11.
- Clause 13: This clause replaces section 13 of the principal enactment and is consequential to the amendment made to section 11.
- Clause 14: This clause amends section 16 of the principal enactment and the legal effect of the section as amended is to re-set the quorum of the Ayurveda Medical Council.
- Clause 15: This clause amends section 18 of the principal enactment and is consequential to the amendment made by Clause 3.
- Clause 16: This clause amends section 22 of the principal enactment and the legal effect of the section as amended is to re-structure the composition of the Ayurveda Education and Hospital Board.
- Clause 17: This clause amends section 23 of the principal enactment and is consequential to the amendment made to section 22.
- Clause 18: This clause amends section 24 of the principal enactment and is consequential to the amendment made to section 22.
- Clause 19: This clause amends section 27 of the principal enactment and the legal effect of the section as amended is to re-set the quorum of the Ayurveda Education and Hospital Board.
- Clause 20: This clause amends section 30 of the principal enactment and the legal effect of the section as amended is to expand powers of the Ayurveda Education and Hospital Board.
- Clause 21: This clause amends section 33 of the principal enactment and the legal effect of the section as amended is to re-structure the composition of the Ayurveda Research Committee.
- Clause 22: This clause amends section 38 of the principal enactment and the legal effect of the section as amended is to re-set the quorum of the Ayurveda Research Committee.
- Clause 23: This clause amends section 41 of the principal enactment and the legal effect of the section as amended is to widen the scope of the section by enabling fees to be levied in respect of matters referred to therein.
- Clause 24: This clause amends section 51 of the principal enactment and the legal effect of the section as amended is to enhance the scope of this section by introducing a new register for Consultant Physicians.
- Clause 25: This clause amends section 52 of the principal enactment and is consequential to the amendment made to section 51.
- Clause 26: This clause amends section 53 of the principal enactment and is consequential to the amendment made to section 18.

- Clause 27: This clause amends section 54 of the principal enactment and is consequential to the amendment made to section 18 of the principal enactment.
- Clause 28: This clause amends section 55 of the principal enactment by expanding the scope of this section.
- Clause 29: This clause amends section 56 of the principal enactment by expanding the scope of this section.
- Clause 30: This clause amends section 57 of the principal enactment and is consequential to the amendments made to sections 55 and 56 of the principal enactment.
- Clause 31: This clause amends section 58 of the principal enactment and is consequential to the amendment made to section 18 of the principal enactment.
- Clause 32: This clause amends section 59 of the principal enactment and is consequential to the amendment made to sections 18 and 51 of the principal enactment.
- Clause 33: This clause amends section 60 of the principal enactment and the legal effect of the section as amended is to enhance the scope of this section by introducing enabling provisions for the levying of fees by the Ayurveda Medical Council, the Ayurveda Education and Hospital Board and the Ayurveda Research Committee.
- Clause 34: This clause amends section 61 of the principal enactment and is consequential to the amendment made to section 18 of the principal enactment.
- Clause 35: This clause amends section 62 of the principal enactment and is consequential to the amendment made to sections 18 and 51 of the principal enactment.
- Clause 36: This clause amends section 63 of the principal enactment and is consequential to the amendment made to sections 18 and 51 of the principal enactment.
- Clause 37: This clause amends section 66 of the principal enactment by expanding the scope of this section.
- Clause 38: This clause amends section 69 of the principal enactment and is consequential to the amendment made to section 51 of the principal enactment.
- Clause 39: This clause amends section 70 of the principal enactment by expanding the scope of this section.
- Clause 40: This clause amends section 71 of the principal enactment and the legal effect of the section as amended is to enlarge the scope of the application of provisions relating to offences specified in of this section and exceptions to such offences.
- Clause 41: This clause amends section 72 of the principal enactment and is consequential to the amendment made to section 18 of the principal enactment.
- Clause 42: This clause amends section 77 of the principal enactment and the legal effect of the section as amended is to enlarge the scope of the provisions of that section.

- Clause 43: This clause amends section 79 of the principal enactment and the legal effect of the section as amended is to enlarge the scope of the provision relating to offence thereof.
- Clause 44: This clause amends section 80 of the principal enactment and the legal effect of the section as amended is to enlarge the scope of the provisions relating to offence and penalties.
- Clause 45: This clause amends section 83 of the principal enactment and the legal effect of the section as amended is to expand the scope of this section.
- Clause 46: This clause amends section 89 of the principal enactment by replacing certain existing definitions of expressions as well as introducing new definitions of expressions.

### Ayurveda (Amendment)

### L.D.-O. 39/2022

An Act to amend the Ayurveda Act, No. 31 of 1961

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

- 1. This Act may be cited as the Ayurveda (Amendment) Short title Act, No. of 2023.
- 2. The long title of the Ayurveda Act, No. 31 of 1961 Replacement of (hereinafter referred to as the "principal enactment") is hereby to Act, No. 31 repealed and the following long title is substituted therefor: - of 1961

the Long Title

- "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A DEPARTMENT OF AYURVEDA; FOR THE 10 REGISTRATION OF AYURVEDA HOSPITALS, AYURVEDA PHARMACIES, AYURVEDA DISPENSARIES, AYURVEDA STORES, HERBAL CULTIVATIONS AND HERBAL GARDENS FOR RESEARCH AND EXTENTION; FOR ESTABLISHMENT OF AN AYURVEDA MEDICAL 15 COUNCIL TO REGISTER AYURVEDA PRACTITIONERS, AYURVEDA PHARMACISTS, AYURVEDA NURSES AND AYURVEDA MASSEURS AND MASSEUSES AND TO DEAL WITH MATTERS RELATING TO THEIR
- 20 PROFESSIONAL CONDUCT; FOR THE ESTABLISHMENT OF AN AYURVEDA EDUCATION AND HOSPITAL BOARD TO DISCHARGE CERTAIN FUNCTIONS IN RELATION TO THE AWARD OF DIPLOMAS, CERTIFICATES, DEGREES AND POSTGRATUATE
- 25 DEGREES, IN RELATION TO THE EDUCATION AND TRAINING IN AYURVEDA; AND TO DEAL WITH MATTERS RELATING TO THE AYURVEDA NATIONAL HOSPITAL, AYURVEDA TEACHING HOSPITALS, AYURVEDA RESEARCH HOSPITALS AND THE
- 30 PHARMACIES, HERBARIA AND DISPENSARIES ATTACHED THERETO; FOR THE ESTABLISHMENT OF AN AYURVEDA RESEARCH COMMITTEE TO DISCHARGE CERTAIN FUNCTIONS IN RELATION TO RESEARCH IN AYURVEDA; TO REPEAL THE
- 35 INDIGENOUS MEDICINE ORDINANCE (CHAPTER 106) AND THE AYURVEDA MEDICAL COUNCIL ORDINANCE (CHAPTER 279); TO

CONSEQUENTIAL AMENDMENTS IN THE MEDICAL ORDINANCE (CHAPTER 105), THE POISONS, OPIUM AND DANGEROUS DRUGS ORDINANCE (CHAPTER 218), AND THE FOOD AND DRUGS ACT (CHAPTER 216); AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.".

3. (1) In the principal enactment and in any other written General law, there shall be substituted for the words the Amendments "Commissioner for aAyurveda", "Ayurvedic Medical 10 Council", "Ayurvedic hospitals", "Ayurvedic pharmacy", "Ayurvedic pharmacies", "ayurvedic dispensary", "ayurvedic dispensaries", "ayurvedic store", "ayurvedic

stores", "ayurvedic practitioners", "ayurvedic pharmacists", "ayurvedic nurses", "the Central Hospital of Ayurveda" and 15 the "Ayurvedic Research Committee" of the words "Commissioner-General for Ayurveda", "Ayurveda Medical Council", "Ayurveda hospitals", "Ayurveda pharmacy", "Ayurveda pharmacies", "Ayurveda dispensary", "Ayurveda dispensaries", "Ayurveda store", "Ayurveda stores", 20 "Ayurveda practitioners", "Ayurveda pharmacists", "Ayurveda nurses", "the Ayurveda National Hospital" and

the "Ayurveda Research Committee", respectively.

- (2) Every reference to the "Commissioner for Ayurveda", "Ayurvedic Medical Council", "Ayurvedic hospitals", 25 "Ayurvedic pharmacy", "Ayurvedic pharmacies", "ayurvedic dispensary", "ayurvedic dispensaries", "ayurvedic store", "ayurvedic stores", "ayurvedic practitioners", "ayurvedic pharmacists", "ayurvedic nurses", "the Central Hospital of Ayurveda" and the "Ayurvedic 30 Research Committee", appearing in any notice, notification or other document shall be read and construed as a reference to the "Commissioner-General for Ayurveda", "Ayurveda Medical Council", "Ayurveda hospitals", "Ayurveda pharmacy", "Ayurveda pharmacies", "Ayurveda
- 35 dispensary", "Ayurveda dispensaries", "Ayurveda store", "Ayurveda stores", "Ayurveda practitioners", "Ayurveda

pharmacists", "Ayurveda nurses", "the Ayurveda National Hospital" and the "Ayurveda Research Committee", respectively.

- (3) Every reference to the "Commissioner" in sections 3, 4, 6,8, 9,10, 11, 13, 15, 22, 23, 24, 26, 33, 34, 35, 37, and 75 in the principal enactment shall be read and construed as a reference to "the Commissioner-General of Ayurveda".
- (4) Every reference to the "Council" in sections 11 to 21, 42, 50 to 63, 71 and 81 in the principal enactment shall be 10 read and construed as a reference to "the Ayurveda Medical Council".
- 4. Section 3 of the principal enactment is hereby amended Amendment of in subsection (2) thereof, by the substitution for the words, section 3 of the "Deputy Commissioners for Ayurveda," of the words enactment 15 "Additional Commissioner-Generals for Ayurveda, Commissioners for Ayurveda, Deputy Commissioners for Ayurveda,".

5. Section 4 of the principal enactment is hereby amended Amendment of by the substitution for the words, "Deputy Commissioners section 4 of the 20 for Ayurveda," of the words "Additional Commissioner-Generals for Ayurveda, Commissioners for Ayurveda, Deputy Commissioners for Ayurveda,".

6. Section 5 of the principal enactment is hereby amended Amendment of by the substitution for the words, "Deputy Commissioners" section 5 of the 25 for Ayurveda," of the words "Additional Commissioner-Generals for Ayurveda, Commissioners for Ayurveda, Deputy Commissioners for Ayurveda,".

7. Section 7 of the principal enactment is hereby repealed Replacement of and the following section is substituted therefor: -

section 7 of the principal enactment

- 30 "Objects of the 7. The objects of the Act shall be -Act
  - (a) the provision of establishments and services necessary for the treatment of

Ayurveda (Amendment)

diseases, and generally for the preservation and promotion of the health of people according to ayurveda;

- (b) the encouragement of the study of, and research in, ayurveda by the grant of scholarships and other facilities to persons employed or proposed to be employed in the Department and by the grant of financial aid and other assistance to institutions providing courses of study or engaged in research in ayurveda;
  - (c) the taking, development or encouragement of measures for the investigation of diseases, and for the improvement of public health, according to ayurveda;
  - (d) the management of any herbarium established under section 8;
  - (e) the provision for the wellbeing of people by creating and maintaining orderly and efficient practices of Ayurveda medicine and surgery;
  - (f) the assurance of high professional standards by regulating performance and activities of registered Ayurveda professionals;
  - (g) the provision of quality Ayurveda articles, substances, and drugs and the management of any Herbal Gardens for Research and Extension or herbal cultivation by implementing provisions of the Code referred to in section 77 by the Department

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or through any Body established under Part VI of the Act for that purpose.".

8. The following new section is hereby inserted Insertion of immediately after section 7 of the principal enactment and 5 shall have effect as section 7A:-

in the principal enactment

"Utilization of moneys granted from the Consolidated Fund and crediting of 10 moneys to the Consolidated Fund

- 7a. (1) The moneys granted from the Consolidated Fund from time to time shall be utilized in carrying out the objects of the Act.
- (2) All such sums of money as may be received, levied, or collected under this Act by way of fees or otherwise in carrying out the objects specified in the Act and in the discharge of the functions of the Department shall be credited to the Consolidated Fund.".
- 15 9. Section 8 of the principal enactment is hereby amended, Amendment of by the substitution for the words, "Ayurvedic hospitals" of section 8 of the the words "Ayurveda hospitals, Herbal Gardens for Research" enactment and Extension".

10. Section 10 of the principal enactment is hereby Amendment of 20 amended, by the substitution for the words, "Ayurvedic the principal hospitals" wherever those words appear of the many the principal the p hospitals", wherever those words appear, of the words enactment "Ayurveda hospitals, herbal cultivation,".

11. Section 11 of the principal enactment is hereby Amendment of amended in subsection (1) thereof, as follows: -

section 11 of the principal enactment

- 25 (1) by the substitution for paragraph (b), of the following:-
  - "(b) the Head of the Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka, and the Head of the faculty of Indigenous Medicine of Gampaha

Wickramarachchi University of Indigenous Medicine, Sri Lanka, and the Head of the Unit of Siddha Medicine of University of Jaffna, Sri Lanka and the Head of the Unit of Siddha Medicine of Eastern University, Sri Lanka;";

(2) by the substitution for paragraph (c), of the following:-

"(c) five members including one Senior Lecturer elected by each unit or Institution of the Faculty of Indigenous Medicine of the Divisions of Ayurveda and Unani of University of Colombo, Sri Lanka, and the Faculty of Indigenous Medicine of Gampaha Wickramarachchi University of Indigenous Medicine, Sri Lanka, and the Unit of Siddha Medicine of University of Jaffna, Sri Lanka and the Unit of Siddha Medicine of Eastern University, Sri Lanka, from among themselves;";

(3) by the substitution for subparagraph (i) of paragraph (f) of the following:-

"(i) not more than three shall be so appointed from among persons representing the fields of legal, administrative and accountancy who are not registered ayurveda practitioners; and";

- (4) by the addition, immediately after paragraph (*f*), the following new paragraph:-
- 30 "(g) one member shall be so appointed as nominated by the Secretary to the Ministry

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of the Minister assigned the subject of Finance or Treasury, as the case may be .".

12. Section 12 of the principal enactment is hereby Amendment of 5 amended by the substitution for the words, commencing from section 12 of "Each member of the Council" to "or reappointment:" of the principal the following:-

enactment

"Each member of the Council other than the Commissioner-General and the Head of the Faculty of 10 Indigenous Medicine of the University of Colombo, Sri Lanka, and the Head of the Faculty of Indigenous Medicine of Gampaha Wickramarachchi University of Indigenous Medicine, Sri Lanka, and the Head of the Unit of Siddha Medicine of University of Jaffna, Sri Lanka and 15 the Head of the Unit of Siddha Medicine of Eastern University, Sri Lanka, shall, unless he vacates office earlier, hold office for a term of three years and shall be eligible for re-election or reappointment, as the case may be:".

13. Section 13 of the principal enactment is hereby Replacement of 20 repealed and the following section is substituted therefor: -

section 13 of the principal enactment

"Vacation of office by members of the Council

13. (1) A member of the Council, other than the Commissioner-General, the Head of the Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka, the Head of the Faculty of Indigenous Medicine of Gampaha Wickramarachchi University of Indigenous Medicine, Sri Lanka, the Head of the Unit of Siddha Medicine of University of Jaffna, Sri Lanka and the Head of the Unit of Siddha Medicine of Eastern University, Sri Lanka, shall be deemed to have vacated office-

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where he is not a public officer, (*a*) on sending his resignation in writing to the President of the Council; and

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where he is not a public officer, on being absent without excuse sufficient in the opinion of the Council, from three consecutive meetings of the Council.

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(2) The Commissioner-General shall be deemed to have vacated office as a member of the Council on his ceasing to hold office as the Commissioner-General.

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(3) The Head of the Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka, the Head of the Faculty of Indigenous Medicine of Gampaha Wickramarachchi University of Indigenous Medicine, Sri Lanka, the Head of the Unit of Siddha Medicine of University of Jaffna, Sri Lanka or the Head of the Unit of Siddha Medicine of Eastern University, Sri Lanka, as the case may be, shall be deemed to have vacated office as a member of the Council on him ceasing to hold office as the Head of any of the aforesaid respective Institutions as the case may be.".

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14. Section 16 of the principal enactment is hereby Amendment of amended, by the substitution for the words, "shall be six.", the principal of the words "shall be thirteen.".

section 16 of enactment

15. Section 18 of the principal enactment is hereby Amendment of amended as follows:-

section 18 of the principal enactment

- (1) by the insertion immediately after paragraph (d) thereof, the following new paragraph:-
- 5 "(da) the registration of persons as Ayurveda Masseurs or Masseuses.";
  - (2) in paragraph (e) thereof, by the substitution for the words, "registration; and" of the words, "registration;";
- 10 (3) in paragraph (f) thereof, in subparagraph (i), by the substitution for the words "and ayurvedic nurses; and" of the words "and Ayurveda nurses, and Ayurveda masseurs or masseuses; and".
- 16. Section 22 of the principal enactment is hereby Amendment of 15 amended in subsection (1) thereof, as follows:-

section 22 of the principal enactment

- (1) by the insertion, immediately after paragraph (a), the following new paragraph:-
  - "(aa) a representative of the Secretary to the Ministry of Finance or Secretary to the Treasury;";
- (2) by the substitution for paragraph (b), of the following:-
  - "(b) the Head of the Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka, the Head of the Faculty of Indigenous Medicine of Gampaha Wickramarachchi University of Indigenous

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Medicine, Sri Lanka, the Head of the Unit of Siddha Medicine of University of Jaffna, Sri Lanka and the Head of the Unit of Siddha Medicine of Eastern University, Sri Lanka;";

- 5 (3) by the insertion, immediately after paragraph (*b*), the following new paragraph:-
  - "(ba) the Head of the National Institute of Traditional Medicine;";
- (4) by the substitution for paragraph (c), of the following:-
  - "(c) the Head of the Ayurveda National Hospital;";
  - (5) by the substitution for paragraph (d), of the following:-
- 15 "(d) an officer of the rank of a Senior Assistant Secretary or of a higher rank of the Ministry of Higher Education appointed by the Minister on recommendation of the Minister assigned the subject of Higher Education;";
- 20 (6) by the substitution for paragraph (e), of the following:-
  - "(e) five members appointed by the Minister from among the lecturers of the Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka, the Faculty of Indigenous Medicine of Gampaha Wickramarachchi University of Indigenous Medicine, Sri Lanka, the Unit of Siddha

Medicine of University of Jaffna, Sri Lanka and the Unit of Siddha Medicine of Eastern University, Sri Lanka, on recommendation of the Minister assigned the subject of Higher Education;";

- by the substitution for paragraph (f) of the following:-
- "(f) five members, other than the members appointed under paragraph (e), elected by 10 the lecturers of the Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka, the faculty of Indigenous Medicine of Gampaha Wickramarachchi University of Indigenous Medicine, Sri Lanka, the Unit of Siddha Medicine of University of Jaffna, 15 Sri Lanka and Unit of Siddha Medicine of Eastern University, Sri Lanka, from among themselves;";
- (8) in paragraph (i), by the substitution for the words "Congress; and" of the words "Congress;";
  - (9) in paragraph (j), by the substitution for the words "Ayurvedic practitioners." of the words "Ayurveda practitioners; and";
  - (10) by the addition, immediately after paragraph (j) thereof, the following new paragraph:-
    - "(k) one member not below the rank of a Senior Assistant Secretary appointed by the Secretary to the Ministry of the Minister to whom the subject of Finance is assigned.".
- 17. Section 23 of the principal enactment is hereby Amendment of 30 amended by the substitution for the words from "Each section 23 of member of the Board" to "or reappointment:" of the enactment following: -

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"Each member of the Board, other than the Commissioner-General, the Head of the Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka, the Head of the Faculty of Indigenous Medicine of Gampaha Wickramarachchi University of Indigenous Medicine, Sri Lanka, the Head of the Unit of Siddha Medicine of University of Jaffna, Sri Lanka, the Head of the Unit of Siddha Medicine of Eastern University, Sri Lanka, the Head of the Ayurveda National Hospital and the Head of the National Institute of Traditional Medicine, shall, unless such member vacates his office earlier, hold office for a term of three years and shall be eligible for re-election or reappointment, as the case may

15 18. Section 24 of the principal enactment is hereby Amendment of amended as follows:-

section 24 of the principal enactment

- (1) in subsection (1) thereof, by the substitution for the words from "A member of the Board" to "Hospital of Ayurveda" of the words "A member of the Board, 20 other than the Commissioner-General, the Head of the Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka and the Heads of the Faculty of Indigenous Medicine of Gampaha Wickramarachchi University of Indigenous Medicine, Sri Lanka, the Unit of Siddha Medicine 25 of University of Jaffna, Sri Lanka, the Unit of Siddha Medicine of Eastern University, Sri Lanka, and the Ayurveda National Hospital and the Head of the National Institute of Traditional Medicine,";
- 30 by the substitution for subsection (3) thereof, of the following:-

"(3) The Head of the Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka, the Head of the Faculty of Indigenous

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Medicine of Gampaha Wickramarachchi University of Indigenous Medicine, Sri Lanka, the Head of the Unit of Siddha Medicine of University of Jaffna, Sri Lanka or the Head of the Unit of Siddha Medicine of Eastern University, Sri Lanka, shall be deemed to have vacated office as a member of the Board on his ceasing to hold the office of the Head of the Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka, the Head of the Faculty of Indigenous Medicine of Gampaha Wickramarachchi University of Indigenous Medicine, Sri Lanka, the Head of the Unit of Siddha Medicine of University of Jaffna, Sri Lanka or the Head of the Unit of Siddha Medicine of Eastern University, Sri Lanka, as the case may be.";

- (3) by the substitution for subsection (4) thereof, of the following:-
- 20 "(4) The Head of the Ayurveda National Hospital shall be deemed to have vacated office as a member of the Board on his ceasing to hold the office of the Head of the Ayurveda National Hospital.".
- 19. Section 27 of the principal enactment is hereby Amendment of amended, by the substitution for the words, "shall be six.", of the words "shall be fourteen.".

section 27 of the principal enactment

20. Section 30 of the principal enactment is hereby Amendment of amended as follows:-

section 30 of the principal enactment

(1) by the substitution for paragraph (a), of the following paragraph: -

### "(a) to determine-

- (i) the qualifications required for the award of post graduate degrees, basic degrees, diplomas, and certificates under this Act;
- (ii) the standards of the courses conferring basic degrees, diplomas and certificates, conducted by local or foreign universities or degree awarding institutions, to be considered for registration under the Act;
- 10 (iii) and to hold examinations for the holders of basic degrees, diplomas and certificates conferred by local or foreign universities or degree awarding institutions, to be considered for registration under the Act;
- 15 (iv) the standards and period of internship or training required by holders of basic degrees, diplomas and certificates conferred by local or foreign universities or degree awarding institutions, to be considered for registration under the Act;";
  - (2) in paragraph (b) by the substitution for the words "enable persons to obtain" of the words "enable persons to obtain post graduate degrees or basic degrees or";
- 25 (3) in paragraph (c) by the substitution for the words "enable persons to obtain" of the words "enable persons to obtain post graduate degrees or basic degrees or";
- (4) by the insertion, immediately after paragraph (*c*) of the following new paragraph:-

- "(ca) to make recommendations to the Minister in respect of any fees to be prescribed, where necessary, for the award of post graduate degrees, basic degrees, diplomas, and certificates under this Act:".
- 21. Section 33 of the principal enactment is hereby Amendment of amended by the repeal of subsection (1) thereof, and the substitution therefor of the following:-

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section 33 of the principal enactment

- "(1) There shall be a Committee which shall be called 10 the Ayurveda Research Committee, (hereinafter in this Part referred to as "the Committee") which shall consist of twelve members, namely-
  - (a) the Commissioner-General;
  - (b) the Head of the Ayurveda National Hospital;
- 15 (c) the Head of the Bandaranayake Memorial Ayurveda Research Institute;
  - (d) four Professors each representing the University of Colombo, the Gampaha Wickramarachchi University of Indigenous Medicine, the University of Jaffna, and the Unit of Siddha Medicine of Eastern University;
  - (e) one member duly appointed by the National Science Foundation established under the Science and Technology Development Act, No. 11 of 1994;
    - (f) one member duly appointed by the National Intellectual Property office of Sri Lanka established under the Intellectual Property Act, No. 36 of 2003;

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- (g) one member nominated by the Secretary to the Ministry of the Minister assigned the subject of Science;
- (h) one member appointed by the Minister from among persons who possess ten or more years of experience in the field of law;
- (i) one member not below the rank of Senior Assistant Secretary appointed by the Secretary to the Ministry of the Minister to whom the subject of Finance is assigned.".
- 22. Section 38 of the principal enactment is hereby Amendment of amended, by the substitution for the words, "shall be three.", the principal of the words "shall be five.".

section 38 of enactment

23. Section 41 of the principal enactment is hereby Amendment of 15 amended as follows:-

section 41of the principal enactment

- (1) in paragraph (c) of subsection (1) thereof, by the substitution for the words "ayurvedic clinical treatment" of the words "Ayurveda clinical treatment and Ayurveda primary health care";
- (2) in subsection (2) thereof, by the insertion 20 immediately after paragraph (d), the following new paragraph: -
- the charging of any prescribed fees in respect of any matters referred to in paragraphs (a) 25 to (*d*);";
  - (3) by the addition, immediately after subsection (2) thereof, of the following new subsection:-

- (3) Formulating one or more sub committees to carryout duties and responsibilities specified in sub sections (1) and (2).".
- 24. Section 51 of the principal enactment is hereby Amendment of amended as follows:-

section 51 of the principal enactment

(1) in subsection (1) thereof-

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- (a) in paragraph (a) by the substitution for the words "and a special register" of the words "and a special register and Consultant Physician register";
- (b) by the addition, immediately after paragraph (c), the following new paragraph:-
  - "(d) a register for the registration of Ayurveda masseurs or masseuses.".
- 15 (2) by the addition, immediately after subsection (2) thereof, of the following new subsection:-
  - "(3) There shall be a register for Consultant Physicians maintained by the Council under this Act, for the purpose of registering Consultant Physicians.".
  - 25. Section 52 of the principal enactment is hereby Amendment of amended as follows:-

section 52 of the principal enactment

- (1) in subsection (1) thereof, by the substitution for the words "general register or the special register" of 25 the words "general register, the special register or the Consultant Physician register,";
  - (2) by the insertion immediately after subsection (3) thereof, of the following new subsection:-

- "(3A) An application for the registration as a Consultant Physician in the Consultant Physician register shall not be refused by the Council except-
- 5 (a) on the ground that the applicant is not entitled to such registration under sub section (1) of section 55, or
  - (b) on any other ground specified in sub section (1) of section 57."; and
- 10 (3) in subsection (4) thereof, by the substitution for the words "both the general register and the special register" of the words "the general register, the special register and the Consultant Physician register,".
- 15 26. Section 53 of the principal enactment is hereby Amendment of amended by the substitution for the words "ayurvedic  $\stackrel{\text{section 53 of}}{\cdot}$ pharmacist or ayurvedic nurse" wherever they appear in that section, of the words "ayurveda pharmacist, ayurveda nurse or ayurveda masseur or masseuse".

the principal enactment

20 27. Section 54 of the principal enactment is hereby Amendment of amended by the substitution for the words "ayurvedic pharmacist or ayurvedic nurse" wherever they appear in that enactment section, of the words "ayurveda pharmacist, ayurveda nurse or ayurveda masseur or masseuse".

section 54 of the principal

28. Section 55 of the principal enactment is hereby Amendment of amended in paragraph (c) of subsection (1) by the substitution  $\frac{1}{2}$  section  $\frac{55}{2}$  of for the words "The institute of Ayurveda of the University enactment of Ceylon; or" of the words "the Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka, the

the principal

30 Faculty of Indigenous Medicine of Gampaha Wickramarachchi University of Indigenous Medicine, Sri Lanka, the Unit of Siddha Medicine of University of Jaffna, Sri Lanka, the Unit of Siddha Medicine of Eastern University, Sri Lanka; or".

29. Section 56 of the principal enactment is hereby Replacement of repealed and the following section is substituted therefor: -

the principal enactment

- "Qualifications 5 for registration as an ayurvedic pharmacist, ayurvedic nurse or ayurveda masseur or
- 56. No person shall be entitled to be registered as Ayurveda pharmacist, Ayurveda nurse or Ayurveda masseur or masseuse unless such person-
- (a) is a citizen of Sri Lanka; and
- 10 masseuse
- (b) satisfies the Council that such person possesses sufficient knowledge, experience and skill in the science of manufacturing Ayurveda medicines efficiently or sufficient experience in Ayurveda nursing or professional skill as an Ayurveda masseur or masseuse, as the case may be.".

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30. Section 57 of the principal enactment is hereby Amendment of amended as follows: -

section 57 of the principal enactment

- 20 (1) in subsection (1) thereof-
  - (a) in paragraph (a), by the substitution for the words "pharmacist, ayurvedic nurse" of the words "pharmacist, Ayurveda nurse, Ayurveda masseur or masseuse,";

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- (b) in paragraph (b), by the substitution for the words "pharmacist, ayurvedic nurse" of the words "pharmacist, Ayurveda nurse, Ayurveda masseur or masseuse,";
- (c) in paragraph (c), by the substitution for the words "any diploma or certificate" of the

words "any post graduate degree or basic degree or diploma or certificate";

- (2) in subsection (2) thereof, by the substitution for the words "ayurvedic pharmacist or ayurvedic nurse" wherever those words appear in that subsection, of the words "Ayurveda pharmacist or Ayurveda nurse or ayurveda masseur or masseuse";
- (3) by the repeal of subsection (3) thereof, and the substitution therefor, of the following:-
- 10 "(3) Where a person is registered as an ayurveda practitioner in both the General register and the Consultant Physician register, the Council shall, if his registration in the General register is cancelled, by order cancel his registration in the Consultant Physician register.".
- 31. Section 58 of the principal enactment is hereby Amendment of amended by the substitution for the words "ayurvedic"  $^{\rm section}\,58$  of pharmacist or ayurvedic nurse" wherever they appear in that section, of the words "Ayurveda pharmacist or Ayurveda nurse or Ayurveda masseur or masseuse".

the principal enactment

32. Section 59 of the principal enactment is hereby Amendment of 20 amended as follows:-

section 59 of the principal enactment

- (1) in subsection (1) thereof, by the substitution for the words "ayurvedic pharmacist or ayurvedic nurse" and the words "register of ayurvedic nurses," of the words "Ayurveda 25 pharmacist, Ayurveda nurse or Ayurveda masseur or masseuse" and the words "register of Ayurveda nurses, the register of Ayurveda masseur or masseuse,", respectively;
- (2) in subsection (2) thereof, by the substitution for the words "ayurvedic pharmacist or ayurvedic nurse" and the words "register of ayurvedic nurses," of the words "Ayurveda pharmacist or Ayurveda nurse or Ayurveda masseurs or masseuses" and the words "register of Ayurveda nurses, the register of Ayurveda masseurs or masseuses,", respectively; and

- (3) in subsection (3) thereof, by the substitution for the words "ayurvedic pharmacist or ayurvedic nurse" and the words "register of ayurvedic nurses," of the words "Ayurveda pharmacist or Ayurveda nurse or Ayurveda masseur or masseuse" and the words "register of Ayurveda nurses, the register of Ayurveda masseur or masseuse,", respectively.
- 33. Section 60 of the principal enactment is hereby Replacement of repealed and the following section is substituted therefor:-

section 60 of the principal enactment

"Fees to be 10 charged for the purposes of section 18, of powers under section 30 and in carrying out 15 duties under section 41

60.(1) The fee for registration as an Ayurvedic practitioner, Ayurveda pharmacist or Ayurveda nurse or Ayurveda masseurs or in the exercise masseuses, shall be such sum as may be prescribed by rules made by the Council under this Act.

> (2) The Registrar shall not register the name of any person in the register of ayurvedic practitioners, the register of ayurvedic pharmacists, register of ayurveda nurses, the register of Ayurveda masseurs, or masseuses, until the fee for registration as an ayurvedic practitioner, ayurveda pharmacist or ayurveda nurse or ayurveda masseurs or masseuses, as the case may be, is paid by that person.

> (3) The fees chargeable by the Ayurveda Education and Hospital Board in the exercise, discharge and performance of its powers, functions, and duties under section 30 of this Act, shall be as prescribed by regulations.

> (4) The fees chargeable by the Ayurveda Research Committee for the performance of its duties under section 41 of the Act, shall be as prescribed by regulations".

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34. Section 61 of the principal enactment is hereby Amendment of amended by the substitution for the words "Ayurvedic section 61 of pharmacist or ayurvedic nurse" of the words "Ayurveda pharmacist or Ayurveda nurse or Ayurveda masseur or masseuse";

the principal

35. Section 62 of the principal enactment is hereby Amendment of amended by the substitution for the words "register of section 62of the Ayurvedic nurses," and the words "ayurvedic pharmacist or enactment Ayurvedic nurse" of the words "register of Ayurveda nurses, 10 the register of Ayurveda masseurs or masseuses," and the words, "Ayurveda pharmacist or Ayurveda nurse or Ayurveda masseur or masseuse" respectively.

36. Section 63 of the principal enactment is hereby Amendment of amended as follows: -

section 63 of the principal enactment

- 15 (1) in subsection (1) thereof, by the substitution for the words "ayurvedic pharmacist or ayurvedic nurse" of the words "Ayurveda pharmacist or Ayurveda nurse or Ayurveda masseur or masseuse";
- (2) in subsection (3) thereof, by the substitution for the 20 words "ayurvedic pharmacist or Ayurvedic nurse" and the words "register of Ayurvedic nurses," of the words "Ayurveda pharmacist or Ayurveda nurse or Ayurveda masseurs or masseuses" and the words, "register of Ayurveda nurses, the register of Ayurveda masseur or masseuse," 25 respectively.
  - 37. Section 66 of the principal enactment is hereby Replacement of repealed and the following section is substituted therefor: -

section 66 of the principal enactment

- "Ayurveda pharmacist, ayurveda 30 nurse or ayurveda masseur or masseuse to be treated as duly qualified
- 66. For the purposes of any written law, a registered Ayurveda pharmacist, Ayurveda nurse or Ayurveda masseur or masseuse shall be deemed to be a legally or duly qualified Ayurveda pharmacist, Ayurveda nurse or Ayurveda masseur or masseuse, respectively.".

38. Section 69 of the principal enactment is hereby Amendment of amended in subsection (2) thereof, by the substitution for section 69 of the words "special register of ayurvedic practitioners," of the words "in the Special register of Ayurveda practitioners or Consultant Physician register of Ayurveda practitioners,".

enactment

39. Section 70 of the principal enactment is hereby Replacement of repealed and the following section is substituted therefor: -

section 70 of the principal enactment

"Registered ayurveda pharmacist, 10 registered ayurveda nurse or registered avurveda masseur or masseuse entitled to manufacture 15 or practice

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- 70. (1) Every registered Ayurveda pharmacist shall be entitled to manufacture Ayurveda medicines.
- (2) Every registered Ayurveda nurse shall be entitled to practise ayurveda nursing.
- (3) Every registered Ayurveda masseur or masseuse shall be entitled to practise Ayurveda massage techniques.".

40. Section 71 of the principal enactment is hereby Amendment of amended as follows: -

section 71 of the principal enactment

- (1) in subsection (1) thereof, by the substitution for the words "registered ayurvedic nurse," wherever those 20 words appear in that section, of the words "registered Ayurveda nurse or registered Ayurveda masseur or masseuse,";
  - (2) by the substitution for subsection (2) thereof, of the following subsection: -
  - "(2) A person who is registered under section 10 as the proprietor of a registered Ayurveda hospital, herbal cultivation, Ayurveda pharmacy, herbarium, Ayurveda sale centre or Ayurveda stores may, notwithstanding that he is not a registered Ayurveda pharmacist,

use, for the purposes of the business of such Ayurveda hospital, herbal cultivation, pharmacy herbarium, Ayurveda sale centre or stores, any name, title, addition, or description which may be used by a registered Ayurveda pharmacist, if-

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(a) he employs a registered Ayurveda pharmacist to personally superintend and manage the cultivation, distribution, sale or manufacturing of medicines, drugs or poisons at such Ayurveda hospital, herbal cultivation, pharmacy, herbarium, Ayurveda sale centre or Ayurveda stores, as the case may be; and

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(b) the name of the pharmacist so employed has been notified in writing to the Council.".

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**41.** Section 72 of the principal enactment is hereby Amendment of amended by the substitution for the words "ayurvedic section 72 of 20 pharmacist or ayurvedic nurse" of the words "Ayurveda pharmacist or Ayurveda nurse or Ayurveda masseur or masseuse".

the principal

42. Section 77 of the principal enactment is hereby Amendment of amended as follows: -

section 77 of the principal enactment

- (1) by the repeal of subsection (1) thereof and the 25 substitution therefor, of the following:-
  - "(1) Regulations may be made under this Act prescribing an Ayurveda Code containing all such provisions in respect of all such matters as the authority empowered to make such regulations may deem necessary to prohibit, regulate or control the manufacture,

preparation, importation, exportation, purchase, storage, advertising, transportation, quality control, sale, supply, distribution or dispensing of any article, substance or drug for the purpose of Ayurveda medicine and surgery. Such Code may, without prejudice to the generality of the powers hereinbefore conferred, make provision in respect of all or any of the following matters:-

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(a) the declaration of any article, substance or drug as a poison, poisonous substance or dangerous drug, as the case may be, for that purpose;

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 (b) the prohibition, regulation or control of, the manufacture, preparation, importation, exportation, purchasing, storing, advertising, transportation, quality control, sale, supply, or distribution of any Ayurveda product;

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(c) the registration and maintenance of any herbal Garden for Research and Extension;

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(d) the registration of or issuance of licences or permits for any herbal cultivation and for any related activity, including transportation and storing of crop;

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(e) the introduction and operation of a system of registration, licensing or issuance of permits for the purpose of effecting such regulation or control, including, but not limited to, the making of application for such registration, licensing or issuance of permits, the grant, refusal, suspension and cancellation of such registration, licence or permit;

- (f) the precautions to be taken, and the conditions to be complied with, in such herbal cultivation and in such manufacture, preparation, importation, exportation, purchase, storage, advertising, transportation, quality control, sale, supply, distribution or dispensing;
- (g) the books and records to be kept and maintained, and the returns to be furnished, by persons engaged in such herbal cultivation and in such manufacture, preparation, importation, exportation, purchase, storage, advertising, transportation, quality control, sale, supply, distribution or dispensing;
- (h) the inspection of the premises in which such herbal cultivation and in such manufacture, preparation, importation, exportation, purchase, storage, advertising, transportation, quality control, sale, supply, distribution or dispensing is carried on, and of the records and books kept and maintained for that purpose;
- (i) the charging of fees, where necessary in respect of any matter referred to in this section; and
- (j) any other matters incidental to or connected with the matters aforesaid.";
- "(2) in subsection (2) thereof, by the substitution for the words "the Prime Minister." of the words "the President.".

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43. Section 79 of the principal enactment is hereby Amendment of amended by the substitution for the words "registered section 79 of ayurvedic hospital, any registered ayurvedic pharmacy,", enactment wherever those words appear in that section, of the words 5 "registered Ayurveda hospital, any registered Ayurveda pharmacy, any Ayurveda drug manufactory, any herbal cultivation,".

the principal

44. Section 80 of the principal enactment is hereby Replacement of repealed and the following section substituted therefor: -

section 80 of the principal enactment

- 10 "offences and 80.(1)Any person who penalties
  - (a) resists or obstructs a person authorized in that behalf under this Act in the exercise by such person of any powers conferred on him by or under this Act;

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

(c) knowingly makes any false statement in any return or information furnished by him under this Act; or

(d) willfully omits any material fact from any return or information furnished by him under this Act in respect of which he is required to furnish information,

commits an offence under this Act and shall be liable on conviction after summary trial before a Magistrate, to a fine of not exceeding one hundred thousand rupees or to imprisonment of either description, for a term

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not exceeding one year or to both such fine and imprisonment.

(2) Any person who commits an act involving damage to public health commits an offence under this Act and shall be liable on conviction after summary trial before a Magistrate, to a fine of not exceeding two hundred thousand rupees or to imprisonment of either description, for a term not exceeding two year or to both such fine and imprisonment.

(3) Any person who commits an offence under section 79 of the Act, shall be liable on conviction after summary trial before a Magistrate, to a fine of not exceeding two hundred thousand rupees or to imprisonment of either description, for a term not exceeding two year or to both such fine and imprisonment.

## (4) Any person who-

(a) carries out any activity without a licence or permit for which a licence or permit is required under this Act;

(b) fraudulently displays logo or mark or sign indicating that a premises, establishment, an article, drug, substance or Ayurveda product has a valid licence issued under the Act,

commits an offence under this Act and shall be liable on conviction after summary trial before a Magistrate, to a fine not exceeding five hundred thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

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(5) Any person who acts in contravention of any provision of this Act, (other than the provisions referred to in subsections (1), (2), (3) and (4) of this section) or any requirements imposed under any such provision, or any regulations made under the Act, shall be guilty of an offence under this Act and shall, on conviction after summary trial before a Magistrate, be liable –

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where such person is not a body corporate, to a fine not less than rupees five thousand and not exceeding rupees fifty thousand or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment in the case of a first offence, and to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand or to an imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment in the case of a subsequent offence; and

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(b) where such person is a body corporate, to a fine not less than rupees fifty thousand and not exceeding rupees one million in the case of a first offence, and to a fine not less than rupees one hundred thousand and not exceeding rupees two million in the

case of a subsequent offence.".

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45. Section 83 of the principal enactment is hereby Amendment of amended by the substitution for the words "pharmacy or section 83 of 35 nursing," of the words "ayurveda drug manufacturing, enactment nursing or Ayurveda massage therapy,".

**46.** Section 89 of the principal enactment is hereby Amendment of amended as follows:-

Amendment of section 89 of the principal enactment

- (1) by the repeal of the definition of the expression "Ayurveda" and the substitution therefor, of the following:-
- "Ayurveda" includes the Ayurveda and Siddha and Unani and Yoga and Desiya Chikitsa systems of medicine and surgery and any other system of medicine indigenous to Asian countries and recognized as such by the Governments of such respective countries and the expression" ayurvedic" shall be construed accordingly;";
  - (2) by the insertion, immediately after the definition of the expression "ayurveda", the following new definition:-
- "Ayurveda Consultant Physician" means a person 20 registered as an Ayurveda Consultant Physician under this Act;
  - (3) by the insertion, immediately after the definition of the expression "ayurveda pharmacy", the following new definition: -
- 25 "Ayurveda Product" means any Ayurveda article, substance or drug which is manufactured or refined for sale, and includes any locally manufactured or imported medicinal extract or fraction, a health supplement, a food supplement, a cosmeceutical, or a device.;

	(4)	by the insertion, immediately after the definition of the expression "dispensary", the following new definitions:-
5		"Eastern University of Sri Lanka" means the Eastern University of Sri Lanka established under Order made under section 21 of the Universities Act, No.16 of 1978 and published in the <i>Gazette</i> Extraordinary No. 420/25 of September 26, 1086.
10		26, 1986;
15		"Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka " means the Faculty of Indigenous Medicine of the University of Colombo, Sri Lanka established by Order made under the Universities Act, No.16 of 1978 and published in the <i>Gazette</i> Extraordinary No. 2319/22 of February 13, 2023;
20		"Gampaha Wickramarachchi University of Indigenous Medicine, Sri Lanka" means the the Gampaha Wickramarachchi
25		University of Indigenous Medicine, Sri Lanka established by Order made under the Universities Act, No.16 of 1978 and published in the <i>Gazette</i> Extraordinary No. 2199/12 of October 28, 2020;
		"Herbal Cultivation" means an act of growing herbs in a large scale and shall include crop, harvest or residual of such growth which

has a commercial value;

"Herbal Gardens for Research and Extension"

means a dedicated space devoted to grow

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medicinal plants for research purposes, either by the Department of Ayurveda or a person registered under this Act;

(5) by the insertion, immediately after the definition of the expression "Hospital of Indigenous Medicine", the following new definitions:-

"Medicinal plant" means any plant which, in one or more of its organs, contain substances that can be used for thereputic purposes or which are precursors for the synthesis of useful drugs;

"Minister" means the Minister assigned the subject of Ayurveda under Article 44 or 45 of the Constitution;

15 (6) by the repeal of the definition of the expression "register of Ayurveda practitioners" and the substitution therefor, of the following:-

"register of Ayurveda practitioners" means the General register, or the Special register or the Consultant Physician register, maintained by the Ayurveda Medical Council under this Act for the registration of Ayurveda practitioners, and includes any register which is deemed to be a General register of Ayurveda practitioners or a Special register of Ayurveda practitioners or a Consultant Physician register of Ayurveda practitioners under subsection (3) of section 51;

(7) by the insertion, immediately after the definition of the expression "registered ayurvedic practitioner", the following new definitions:-

"A Registered Ayurveda masseur or masseuse" means a person registered as an Ayurveda masseur or masseuse under this Act;
"Register of Ayurveda Consultant Physician" means the register maintained by the Ayurveda Medical Council for the registration of Ayurveda Consultant Physicians under this Act;
"Register of Ayurveda masseur or masseuse" means the register maintained by the Ayurveda Medical Council for the registration of Ayurveda Masseur or masseuse in this Act;
"University of Colombo, Sri Lanka" means the University of Colombo, Sri Lanka established under section 139 of the Universities Act, No.16 of 1978;
"University of Jaffna, Sri Lanka" means the University of Jaffna, Sri Lanka

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47. For the avoidance of doubt, it is hereby declared that Avoidance of the provisions of this Act shall not affect or be deemed to have affected any act previously done or any decision

established under section 139 of the Universities Act, No.16 of 1978;".

25 previously made under the principal enactment prior to the date of commencement of this Act.

48. In the event of any inconsistency between the Sinhala Sinhala text to and Tamil texts of this Act the Sinhala text shall prevail.

inconsistency

