



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

**COAST CONSERVATION (AMENDMENT)
ACT, No. 49 OF 2011**

[Certified on 30th November, 2011]

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*Coast Conservation (Amendment)
Act, No. 49 of 2011*

[Certified on 30th November, 2011]

L. D. —O. 47/99

AN ACT TO AMEND THE COAST CONSERVATION ACT, NO. 57 OF 1981;
TO AMEND CERTAIN PROVISIONS OF THE SRI LANKA LAND
RECLAMATION AND DEVELOPMENT CORPORATION ACT, NO. 15 OF
1968 AND THE BOARD OF INVESTMENT SRI LANKA LAW, NO. 4 OF
1978; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR
INCIDENTAL THERETO.

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

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| <p>1. This Act may be cited as the Coast Conservation (Amendment) Act, No. 49 of 2011.</p> <p>2. The Long Title to the Coast Conservation Act, No. 57 of 1981 (hereinafter referred to as the “principal enactment”) is hereby amended by the substitution for the word “Scheme of work for Coast Conservation” of the words “Scheme of work for Coast Conservation and Coastal Resource Management”.</p> <p>3. (1) In the principal enactment and in any other written law, there shall be substituted—</p> <p style="margin-left: 40px;">(a) for the words “Coast Conservation Act”, the words “Coast Conservation and Coastal Resource Management Act”;</p> <p style="margin-left: 40px;">(b) for the words “Director of Coast Conservation”, the words “Director-General of Coast Conservation and Coastal Resource Management”;</p> <p style="margin-left: 40px;">(c) for the word “Director” the words “Director-General”; and</p> <p style="margin-left: 40px;">(d) for the words “coast conservation” the words “coast conservation and coastal resource management”;</p> <p style="margin-left: 40px;">(2) Every reference to the “Coast Conservation Act”, the “Director of Coast Conservation”, “Director” and “coast conservation” in any notice, notification or other document</p> | <p>Short title</p> <p>Amendment of Long Title to Act, No. 57 of 1981.</p> <p>“Coast Conservation Act”, “Director of Coast Conservation”, “Director” and “coast conservation” to be known as “Coast Conservation and Coastal Resource Management Act”, “Director-General of Coast Conservation and Coastal Resource Management”, “Director-General” and “coast conservation and coastal resource management”.</p> |
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shall be read and construed as a reference respectively to “the Coast Conservation and Coastal Resource Management Act”, “the Director-General Coast Conservation and Coastal Resource Management”, “the Director-General” and “Coast Conservation and Coastal Resource Management”.

Amendment of
section 3 of the
principal
enactment.

4. Section 3 of the principal enactment is hereby amended by the substitution for sub-paragraph (i) of paragraph (b) of that section, of the following:—

“(i) such number of Directors, Deputy Directors and Assistant Directors;”.

Amendment of
section 4 of the
principal
enactment.

5. Section 4 of the principal enactment is hereby amended as follows:—

(1) in paragraph (b) of that section, by the substitution for the words “Coastal Zone; and” of the words “Coastal Zone;”; and

(2) by the repeal of paragraph (c) of that section and the substitution therefor of the following paragraphs:—

“(c) for the co-ordination of activities of other departments, institutions and agencies in connection with activities being carried out within the Coastal Zone;

(d) for the preparation and implementation of the Coastal Zone Management Plan prepared under section 12;

(e) for the dissemination of information on coast conservation and coastal resource management, to the public and to other departments, agencies and institutions and where necessary to tender advice and guidance;

- (f) for the conduct of research in collaboration with other departments, agencies and institutions for the purpose of ensuring effective coast conservation and coastal resource management;
- (g) for the implementation of the coast conservation and coastal resources management programmes specified in the National Fisheries Policy.”.

6. Section 5 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 5 of the principal enactment.

“Director-General may delegate any of his powers &c., under the Act to Divisional Secretaries or to prescribed officers.

5. The Director-General may, delegate by an authorization in writing in that behalf to any Divisional Secretary of a Division within which any part of the coastal zone is situated or to any prescribed public officer, as the case may be, any power, duty and function conferred or imposed on, or assigned to, the Director-General, by this Act, other than any power, duty or function falling within Part III of the Act. The Divisional Secretary or the prescribed public officer shall within such Divisional Secretary’s Division or other area of authority exercise, perform and discharge the power, duty or function so delegated subject to the general direction and control of the Director-General.”.

7. Section 6 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 6 of the principal enactment.

“Coast Conservation and Coastal Resource Management Advisory Council.

6. (1) There shall be established a Coast Conservation and Coastal Resource Management Advisory Council (hereinafter referred to as “the Advisory Council”) consisting of the following members:—

- (a) the Secretary to the Ministry of the Minister to whom the subject of Coast Conservation and Coastal Resource Management is assigned, who shall be the Chairman;

- (b) the Secretary to the Ministry of the Minister to whom the subject of Plan Implementation is assigned or his representative;
- (c) the Secretary to the Ministry of the Minister to whom the subject of Tourism is assigned or his representative;
- (d) the Secretary to the Ministry of the Minister to whom the subject of Urban Development is assigned or his representative;
- (e) the Secretary to the Ministry of the Minister to whom the subject of Public Administration is assigned or his representative;
- (f) the Secretary to the Ministry of the Minister to whom the subject of Industries is assigned, or his representative;
- (g) the Secretary to the Ministry of the Minister to whom the subject of Provincial Councils is assigned, or his representative;
- (h) the Secretary to the Ministry of the Minister to whom the subject of Environment is assigned, or his representative;
- (i) the Director-General of Fisheries and Aquatic Resources, appointed under the Fisheries and Aquatic Resources Act, No. 2 of 1996, or his representative;
- (j) the Director-General of the National Aquatic Resources Research and Development Agency, appointed under

the National Aquatic Resources,
Research and Development Agency Act,
No. 54 of 1981, or his representative;

- (k) the Director-General of the Urban Development Authority appointed under the Urban Development Authority Law, No.41 of 1978, or his representative;
- (l) the Director-General of the Central Environmental Authority appointed under the National Environmental Authority Act, No. 47 of 1980, or his representative;
- (m) The Director-General of the Geological Survey and Mines Bureau appointed under the Mines and Minerals Act, No. 33 of 1992, or his representative;
- (n) the Land Commissioner or his representative;
- (o) the Director-General appointed under section 3, who shall be the Secretary to the Council; and
- (p) three other persons appointed by the Minister, one from among persons who will represent the academic staff of the Universities, one representing the non-governmental organizations concerned with the protection of the coastal environment and the other who shall be a representative of the fishing industry.

(2) The Advisory Council may where in its opinion it appears to be necessary for the effective discharge of its functions, co-opt any

other Secretary to serve as a member of the Advisory Council for so long as may be necessary for such purpose. A Secretary co-opted in terms of this subsection shall be present at meetings of the Advisory Council only when the specific matter, which necessitated his presence, is being discussed. He shall not be entitled to vote at such meetings.”.

Replacement of
section 11 of the
principal
enactment.

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

“Survey of
resources
within the
Coastal Zone.

11. (1) The Director-General shall as soon as practicable cause a survey of all the resources and activities within the Coastal Zone to be conducted and thereafter prepare a report based on the results of such survey.

(2) In preparing the report required under subsection (1), the Director-General shall have regard to the relevant data and information collected or compiled by government departments, institutions and agencies. It shall be the duty of the Heads of such Departments, institutions and agencies to furnish any such data or information as may be reasonably required by the Director-General for the purpose of preparing such report.”.

Amendment of
section 12 of the
principal
enactment.

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

(1) in subsection (1) of that section—

(a) by the substitution for all the words from “The Director shall” to “the plan shall include” of the words “The Director-General shall, not later than three years from the date of operation of this Act, prepare and submit

to the Advisory Council, a Coastal Zone and Coastal Resource Management Plan (hereinafter referred to as “the Plan”) based on the results of the survey conducted in terms of section 11. The Plan shall include guidelines for the management of coastal resources and a comprehensive programme for conservation of coastal resources for sustainable development and also—”;

- (b) in paragraph (b) of subsection (1) thereof, by the substitution for items (ix) and (x) and the words “within the coastal zone.” of the following—

“(ix) agriculture;
(x) industry;
(xi) availability of coastal resources;
(xii) coastal erosion management;
(xiii) coastal water quality;
(xiv) zoning of coastal water usage; and
(xv) any other matters which in the opinion of the Director-General is relevant to coast conservation and coastal resource management,

within the Coastal Zone.”;

- (c) in paragraph (d) of subsection (1) thereof, by the substitution for the words “Coastal Zone regulation; and” of the words “Coastal Zone regulation;”;
- (d) in paragraph (e) of subsection (1) thereof, by the substitution for the words “purposes of coast conservation,” of the words “purposes of coast conservation;”;

- (e) by the addition immediately after paragraph (e) of subsection (1) thereof, of the following new sub-paragraphs:—

“(f) recommendations identifying Special Area Management sites, rating such sites in terms of the severity of resource management issues, bio diversity, viability and economic significance;

(g) identify the routes, paths and corridors of access available for the public to access the beach and the coastal zone and recommend measures required to clear any obstructions therein;

(h) recommend guidelines required for the sustainable development and management of the coastal zone; and

(i) formulate policies and furnish recommendations in relation to coast conservation and coastal resources management activities,”;

- (2) by the insertion immediately after subsection (1) of that section, of the following new subsection:—

“(1A) The Director-General shall cause the Plan prepared in terms of section 12 to be revised, at least once in every five years:

Provided that, the Director-General may where he deems it to be so necessary, cause a survey in terms of section 11 to be carried out at the time of revision of the Plan, and revise the plan based on the results of the survey so conducted.”;

- (3) in subsection (5) of that section, by the substitution for the words “period of four years” wherever they occur in that subsection of the words “period of five years”.

10. Section 13 of the principal enactment is hereby amended by the substitution for the words “quality of the Coastal Zone” of the words “quality of the Coastal Zone and the sustainability of the resources within the Coastal Zone”.

Amendment of section 13 of the principal enactment.

11. section 15 of the principal enactment is hereby amended as follows:—

Amendment of section 15 of the principal enactment.

- (1) by the substitution in paragraph (a) of that section, for the words “Coastal Zone Management Plan” of the words “Coastal Zone and Coastal Resource Management Plan”; and
- (2) by the substitution in paragraph (b) of that section, for the words “Coastal Zone” of the words “Coastal Zone and the sustainability of the resources within the Coastal Zone.”.

12. Section 16 of the principal enactment is hereby amended as follows:—

Amendment of section 16 of the principal enactment.

- (1) by the repeal of subsections (1) and (2) of that section and the substitution therefor of the following subsections:—

“(1) Upon receipt of an application for a permit to engage in a development activity within the Coastal Zone as required by subsection (3) of section 14, the Director-General may require the applicant to furnish an initial environmental examination report or an environmental impact assessment report relating to the development activity as the case may be, or both such reports. It

shall be the duty of the applicant to comply with such requirement. Every initial environmental examination report or environmental impact assessment report shall contain such particulars as may be prescribed:

Provided however, that the Minister may by regulation prescribe the categories of development activities in respect of which an initial environmental examination report would not be necessary.

(2) In cases where an initial environmental examination report is requested by the Director-General, he may, on receipt of such report and if it appears that such report is sufficient for the purpose of determining, whether or not to grant the permit, dispense with the requirement of providing the environmental impact assessment report.

(2A) Where the Director-General considers that the initial environmental examination report is sufficient to determine whether or not to issue the permit, he may submit a copy of such report to the Council for its comments, if any.

(2B) The Council shall, within thirty days of the initial environmental examination report being submitted to them, furnish its comments if any, to the Director-General.

(2C) Where after considering an initial environmental examination report submitted to him under subsection (2A), the Director-General considers that an environmental impact assessment report is necessary to arrive at a decision, he may require the applicant to submit the same to him.

(2b) Upon receipt of the environmental impact assessment report, the Director-General shall submit a copy of the same to the Council for its comments and by Notification published in the *Gazette* provide an opportunity for the public to submit comments in respect of the same within thirty days of the date of such Notification.”;

- (2) in subsection (4) of that section, by the substitution for the words “under subsection (3)” of the words “under subsections (2A), (2C), (2D) and (3)”;
- (3) in subsection (5) of that section, by the substitution for the words “under subsection (3)” of the words “under subsections (2C), (2D) and (3)”.

13. Section 17 of the principal enactment is hereby amended by the substitution for the words “Coastal Zone, having regard to the Coastal Zone Management Plan” of the words “Coastal Zone and resource therein, having regard to the Coastal Zone and Coastal Resource Management Plan”.

Amendment of section 17 of the principal enactment.

14. Section 18 of the principal enactment is hereby amended by the repeal of subsection (3) of that section and the substitution therefor of the following subsection:—

Amendment of section 18 of the principal enactment.

“(3) A permit issued under this Part shall not be transferred without the prior written approval of the Director-General. The Director-General may, where he has granted approval for a transfer, impose further conditions on such permit. A transfer may be effected only on payment of the prescribed fee. An order transferring the permit should also be entered on the permit, in order that the transfer be effective:

Provided however that the Director-General shall not make an order under this section unless a period of two years has elapsed from the original date of issue of the permit.”.

Amendment of
section 19 of the
principal
enactment.

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

- (1) in paragraph (b) of that section, by the substitution for the words “Costal Zone” of the word “Coastal Zone or the resources therein”; and
- (2) by the substitution for the words “to be served on the permit holder.” of the words “to be sent by registered post to the address stated by the permit holder in the application submitted by him for the permit or to such other address as intimated by him in writing, to the Director-General.”.

Amendment of
section 20 of the
principal
enactment.

16. Section 20 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for all the words “the Director may,” to the end of that subsection, of the words “or within any extended period given by the Director-General, cancel the permit issued to that person. Notice of such cancellation, stating reasons therefor, shall be sent to him by registered post to the address stated by the permit holder in the application submitted by him for the permit or to such other address as intimated by him in writing, to the Director-General.”.

Amendment of
section 21 of the
principal
enactment.

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

- (1) by the re-numbering of that section as subsection (1) of that section;
- (2) in the re-numbered subsection (1), by the substitution for the words “subject of Coast Conservation.” of the words “subject of Coast Conservation and Coastal Resource Management.”; and

- (3) by the addition, immediately after the re-numbered subsection (1) of the following new subsections:—

“(2) On receipt of an appeal under subsection (1) the Secretary shall forthwith require the Director-General to forward to him all relevant documents and files. The Director-General shall comply with such request within a period of fourteen days of the receipt of such request.

(3) The Secretary shall within sixty days of the receipt by him of the appeal under subsection (1), decide the matter and inform the Director-General and the party appealing, of his decision. The decision of the Secretary on an appeal shall be final.

(4) It shall be the duty of the Director-General to carry out the decision of the Secretary in respect of an appeal.

(5) The procedure to be followed in appeal shall be as prescribed.”.

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

Insertion of new section 22A in the principal enactment.

“Application of the Mines and Minerals Act.

22A. (1) Notwithstanding the provisions of the Mines and Minerals Act, No. 33 of 1992, the Director-General of the Geological Survey and Mines Bureau shall not issue, in relation to an area lying within the Coastal Zone, a permit under the provisions of this Act, without having obtained the prior consent of the Director-General, in respect of such issue.

(2) Where the Director-General consents to the grant of a permit by the Director-General of the Geological Survey and Mines Bureau, the Director-General may require that such conditions as he deems necessary in the circumstances be attached to the permit so granted.

(3) Where, a person to whom a permit is issued by the Director-General of the Geological Survey and Mines Bureau, fails to comply with the conditions attached to his permit, the Director-General shall notify the Director-General of the Geological Survey and Mines Bureau of the same.

(4) On receipt of such notification, the Director-General of the Geological Survey and Mines Bureau shall issue a direction to the permit holder who has contravened the provisions of the permit, requiring him to forthwith comply with the same within the period to be specified in the direction, or such later date to which period has been extended. Where the permit holder fails to comply with the direction, the Director-General of the Geological Survey and Mines Bureau shall, after consultation with the Director-General, cancel the permit.

(5) Where a permit is cancelled in terms of subsection (4), the provisions of sections 38, 39 and 40 of the Mines and Minerals Act, No. 33 of 1992, shall *mutatis mutandis* apply in respect of such cancellation.”.

19. The following new Parts are hereby inserted immediately after Part III of the principal enactment and shall have effect as Part IIIA, IIIB, IIIC and IIID (section 22B, 22C, 22D, 22E, 22F and 22G) of that enactment:—

Insertion of new Parts IIIa, IIIB, IIIC and IIID in the principal enactment.

“PART III A

AFFECTED AREAS

Declaration
of affected
areas.

22B. (1) The Minister may, by Order published in the *Gazette* declare any area:—

- (a) within the Coastal Zone or adjacent to the Coastal Zone or falling within both such areas; or
- (b) within any water body or part of any water body; or
- (c) within any lagoon or part of any lagoon or any peripheral area of a lagoon,

as an “affected area”.

(2) Any development activity which could be carried on in terms of a permit obtained under section 14, would if it is carried out in an area declared to be an affected area under paragraph (a) of subsection (1), be considered a prohibited activity. Any person, who engages in a prohibited activity, shall be guilty of an offence.

(3) No person shall in any area declared to be an affected area under paragraph (b) of subsection (1) fill, erect, construct, obstruct, pollute or introduce any waste matter, or do any act which will harm the aquatic or marine life in such area. Any person who fills, erects, constructs, obstructs, pollutes, introduces any waste matter or does any act which harms the aquatic or marine life in such area shall be guilty of an offence.

(4) The provisions of section 27A and section 28 shall *mutatis mutandis* apply to an in relation to any development activity carried on in contravention of the provisions of subsections (2) and (3).

(5) The onus of proving that the act in question was committed in an area outside the affected area, shall lie on the person engaging in the same.

(6) The Minister may make regulations for setting out the manner in which these areas are to be administered and the activities prohibited within such area.

PART III B

BEACH PARKS AND CONSERVATION AREAS

Beach
Parks

22C. (1) Where the Minister is of opinion that it is necessary for the preservation of the scenic beauty and the biodiversity of any area within the Coastal Zone to do so, declare by Order published in the *Gazette*, any area within the Coastal Zone to be a “Beach Park”.

(2) The Minister may make regulations setting out the manner in which such parks should be administered, the activities which can be carried out within such area and the persons who are permitted to enter into such areas.

Conservation
Areas.

22D. (1) The Minister may by Order published in the *Gazette*, declare as a “Conservation Area”, any area in which special measures need to be taken for the protection of the coastal and aquatic eco-system.

(2) No development activity or collection and gathering of aquatic resources shall be carried out in any area declared under subsection (1). The Director-General may however issue permits, in respect of applications made in the prescribed form, to persons intending to engage in scientific study and research within such area.

(3) The Minister may make regulations prescribing the manner and mode of administering such areas, the activities permitted within such areas and the persons who may engage in such activities within such areas.

PART III c

SPECIAL MANAGEMENT AREAS

Special
Management
areas.

22E. (1) The Minister may, in respect of any area of land within the Coastal Zone or adjacent to the Coastal Zone or comprising both areas from the Coastal Zone and the adjacent area of land, declare such area by Order published in the *Gazette*, to be a “Special Management Area” if it appears to him that it is necessary to do so due to the need to adopt a collaborative approach to planning resource management within the defined geographic area:

Provided that no area shall be declared as a Special Management Area, unless such area has been included in the Coastal Zone and Coastal Resource Management Plan prepared under the provisions of this Act.

(2) The Minister may make regulations prescribing the manner and mode in which, and the persons by whom, such Special

Management Area should be administered, the persons entitled to have access to these areas and the activities which can be carried out within such areas.

PART III D

COASTAL ACCESS PLAN

Coastal
Access Plan.

22F. (1) The Director-General shall cause to be carried out, as soon as possible after the coming into operation of this Act, a survey which would identify all the routes, paths and corridors which provide access to the public to the beaches, and routes, paths and corridors which provide access to the Coastal Zone. Based on the findings of the survey he shall prepare a comprehensive Report which he shall submit to the Council.

(2) The Director-General is hereby empowered to call for and obtain information reasonably required by him for the compilation of this Report from any government department, institution or agency concerned in related activities. It shall be the duty of these departments, institutions and agencies to furnish the Director-General with the relevant information.

(3) The Director-General shall within sixty days of the Coastal Access Plan being submitted to him by the Director-General after inclusion of such modifications, if any suggested by the Council, make the plan available to the public for its comments. Any member of the public may, within sixty days of the Coastal Access Plan being made available to them, forward his comments to the Director-General. It shall

be the duty of the Director-General to include any comments received by the public in the plan and submit a revised plan to the Minister.

(4) The Minister shall thereupon submit the revised Coastal Access Plan to the Cabinet of Ministers for its approval. Upon approval of the said Plan by the Cabinet of Ministers, the Minister shall cause the Coastal Access Plan to be published in the *Gazette*. The Coastal Access Plan shall be operative as from the date of publication in the *Gazette* or from such later date as may be specified therein.

(5) The Minister may make regulations specifying the matters which need to be included in the Coastal Access Plan, the activities which could be carried out in conformity with such plan, and details as to ownership of the lands included in the plan inclusive of extents and locations.

(6) Any person who acts in contravention of the provisions of this section or any regulation made thereunder, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine of not less than five thousand rupees and not more than twenty five thousand rupees or to imprisonment of either description for a term of not less than three months and not more than two years, or to both such fine and imprisonment.

Application
of the
provisions of
Act to Parts
IIIA, IIIB,
IIIC and IIID.

22G. The provisions contained in the Act, shall where relevant to the implementation of Parts IIIA, IIIB, IIIC and IIID (as inserted herein), of this Act, *mutatis mutandis* apply in relation to Parts IIIA, IIIB, IIIC and IIID (as inserted herein) of the Act.”.

Amendment of
section 24 of the
principal
enactment.

20. Section 24 of the principal enactment is hereby amended in subsection (1) of that section by the substitution for the words “lying within the Coastal Zone.” of the words “lying within the Coastal Zone, for the purpose of promoting scientific study and research.”.

Amendment of
section 25 of the
principal
enactment.

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

- (1) in subsection (1) of that section, by the substitution for the words “or the stability of the Coastal Zone” of the words “or the stability of the Coastal Zone or the resources within the Coastal Zone”;
- (2) by the insertion immediately after subsection (1) of that section, of the following new subsection:—

“(1A) Where a notice is served under paragraph (a) of subsection (1), the person on whom the notice is so served, shall comply with the said notice within the period specified in such notice. The Director-General shall, after the period specified has elapsed, take such measures as may be necessary to prevent such intrusion or activity. All expenses incurred by the Director-General in preventing the intrusion or the activity, shall be recovered from the person on whom notice is served, as a debt due to the State.”;

- (3) in subsection (2) of that section, by the substitution for all the words from “If a local authority is unable” to the end of that subsection of the words “If a local authority or an agency is unable to comply with such a request it shall forthwith inform the Director-General of such inability. Upon being so informed, the Director-General shall require, by notice in writing, the person responsible for such waste or foreign matter or such activity, to take corrective measures or to desist from engaging in such activity.”; and

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

“(3) Where notice has been served under subsection (2), the person on whom such notice is served shall take steps to comply with the notice in the time specified. Where, after the expiry of a reasonable period of time, no steps have been taken to comply with the notice, the Director-General shall take such measures as may be necessary to prevent such intrusion or activity. All expenses incurred by the Director-General in preventing the intrusion or the activity, shall be recovered from the person on whom notice is served, as a debt due to the State.”.

22. Section 26 of the principal enactment is hereby amended by the substitution for the words “permit issued under this Act.” of the words “permit issued under this Act, or any license issued under the Mines and Minerals Act, No. 33 of 1992 in respect of which the Director-General has imposed conditions under this Act,”.

Amendment of section 26 of the principal enactment.

23. The following new section is hereby inserted immediately after section 26 of the principal enactment, and shall have effect as section 26A of that enactment:—

Insertion of new section 26A in the principal enactment.

“Issue of directions to abate activity.

26A. (1) The Director-General shall have the power to issue directions to any person engaged in, or likely to engage in, any development activity which is causing or is likely to cause damage or detriment to the Coastal Zone or to the resources therein, regarding the measures to be taken in order to prevent or abate such damage or detriment, and it shall be the duty of such person to comply with such directions.

(2) Where any person fails to comply with any directions issued under subsection (1), the Magistrate shall, on an application made

by the Director-General order the temporary suspension of the project or activity, until the person complies with the directions.

(3) Any person who fails to comply with the order of the Magistrate shall be liable to a fine of rupees ten thousand for each day in respect of which he fails to comply with such order and shall in addition be guilty of Contempt of Court and shall be dealt with accordingly.”.

Amendment of
section 27 of the
principal
enactment.

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

- (1) by the renumbering of that section as subsection (1) thereof; and
- (2) by the addition immediately after the renumbered subsection (1), of the following new subsection:—

“(2) Any person who fails to comply with the notice issued in terms of subsection (1) within such time as may be indicated in such notice, shall, if he fails to comply with the notice even after a reminder in respect thereof being sent to him, be liable to have the permit so issued to him cancelled.”.

Amendment of
section 28 of the
principal
enactment.

25. Section 28 of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

“(1) Any person who acts in contravention of the provisions of section 14 shall be guilty of an offence under this Act and shall on conviction, after summary trial before a Magistrate, be liable—

- (a) in the case of a first offence, to a fine of not less than five thousand rupees and not more than twenty-five thousand rupees,

or to imprisonment of either description for a term not exceeding one year, or to both such fine and imprisonment; and

- (b) in the case of a second or subsequent offence, to a fine of not less than fifty thousand rupees and not more than one hundred thousand rupees, or to imprisonment of either description for a term not less than one year and not exceeding three years, or to both such fine and imprisonment.”.

26. Section 29 of the principal enactment is hereby amended as follows:—

Amendment of section 29 of the principal enactment.

- (a) in paragraph (a) of that section, by the substitution for the words and figures “section 25;”, of the word and figures “section 25 or under subsection (2) of section 25”; and
- (b) by the substitution for the words “to a fine not less than one thousand five hundred rupees and not exceeding twenty five thousand rupees” of the words “to a fine not less than five thousand rupees and not exceeding fifty thousand rupees”;.

27. Section 30 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words “to a fine not exceeding five hundred rupees for each day” of the words “to a fine not less than one thousand rupees and not exceeding five thousand rupees for each day”.

Amendment of section 30 of the principal enactment.

28. Section 31 of the principal enactment is hereby amended by the repeal of subsections (3) and (4) of that section, and the substitution therefor of the following subsection:—

Amendment of section 31 of the principal enactment.

“(3) Any person aggrieved by any direction issued by the Director-General under subsection (2), may

within three days of the affixing of the notice, appeal therefrom to the Secretary to the Ministry of the Minister to whom the subject of coast conservation has been assigned,

(3A) On receipt of an appeal under subsection (3), the Secretary shall forthwith require the Director-General to forward all relevant documents and files to him. It shall be the duty of the Director-General to forward, within fourteen (14) days of such a request, all relevant documents and files if any, to the Secretary. The Secretary may, where he is of the opinion that it is essential in order to arrive at a decision, give the appellant an opportunity to be heard in person.

(3B) The Secretary shall within forty five (45) days of the receipt of the appeal, make his decision on such appeal and inform both, the Director-General and the appellant of his decision. It shall be the duty of the Director-General to give effect to such decision. The decision of the Secretary on any such appeal shall be final.

(3C) No person on whom a order has been served under subsection (2), or who has appealed against the order under subsection (3), shall continue to erect or construct any unauthorized structure, house, hut, shed or other building or permit any such unauthorized structure, house, hut, shed or other building to remain standing in such place.

(3D) Any person who contravenes the provisions of subsection (3c) shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not less than fifty thousand rupees, and not exceeding five hundred thousand rupees, or to imprisonment of either description for a term of not less than one year and not exceeding three years or to both such fine and imprisonment.

(4) The Director-General shall either upon the serving of an order of demolition in terms of subsection (2) or on the conclusion of any appeal in terms of subsection (3), cause the construction of the unauthorized structure, house, hut, shed or other building to be taken down and removed from the land. The total cost incurred in the taking down of the unauthorized structure, house, hut, shed or other building and the cost incurred in the removal of all materials used in the construction of the unauthorized structure, house, hut, shed or other building shall be recovered from such person as a debt due to the State:

Provided that it shall be the responsibility of any person who is required in terms of the preceding provisions of this section, to take down and remove any unauthorized structure, house, hut, shed or other building as is specified, prior to the expiration of the period specified, to remove or cause to be removed therefrom all of his possessions as are presently within such unauthorized structure, house, hut, shed or other building.

(4A) Where any person alleges at any time after the taking down and removal of any unauthorized structure, house, hut, shed or other building as aforesaid, that any item of his possessions has been lost, the onus shall lie on such person to prove beyond reasonable doubt, that the item was in his possession immediately prior to such taking down and removing, as the case may be.

(4B) Wherever in any proceeding in terms of this section the question arises as to the existence of an unauthorized structure, house, hut, shed or other building which has been taken down and removed, a Certificate under the hand of the Director-General shall be admissible in evidence and shall be *prima facie* evidence thereof.”.

Insertion of new section 31BB in the principal enactment.

29. The following new section is hereby inserted immediately after section 31B of the principal enactment and shall have effect as section 31BB, of that enactment :

“Sea Corals. 31BB (1). The provisions of sections 31A and 31B shall *mutatis mutandis* apply in relation to the mining, collecting, possession, processing, storing, burning and transporting of sea coral within or outside the Coastal Zone.

(2) In any prosecution if the question arises as to whether the article being mined, collected, possessed, processed, stored, burnt and transported was sea coral, then a Certificate under the hand of the Director-General to that effect shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein.”.

Replacement of section 31F of the principal enactment.

30. Section 31E of the principal enactment is hereby repealed and the following section substituted therefor :—

“Transport and storage of sand or sea shells.

31E. (1) Any police officer shall have the power to—

(a) stop and examine any vehicle, vessel, boat or craft transporting or suspected of transporting sand or sea shells ;

(b) enter and inspect any premises on which sand or sea shells are stored.

(2) The onus of proving that such sand or sea shells were obtained lawfully shall be on the person transporting or storing, as the case may be, such sand or sea shells. Any person who is unable to furnish proof that the transporting or storing was lawful, shall be guilty of an offence.”.

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

Amendment of
section 31F of
the principal
enactment.

- (1) by the renumbering of that section as subsection (1) thereof ;
- (2) in the renumbered subsection (1) by the substitution for the words “credited to the Police Reward Fund established under the Police Ordinance, fifty *per centum*” of the words “established a Fund called the “Coastal Protection Reward Fund” (hereinafter referred to as “the Fund”) to which shall be credited all fines recovered under this Act and all sums of money realized by the disposal of articles forfeited under the provisions of this Act.” ; and
- (3) by the addition immediately after the renumbered subsection (1) of the following new subsections :—

“(2) The Director-General shall be responsible for the administration of the Fund and for the maintenance of the accounts of the Fund. The Auditor-General shall annually audit the accounts of the Fund.

(3) The Director-General may, with the concurrence of the Secretary to the Ministry of the Minister to whom the subject of Coast Conservation and Coastal Resource Management is assigned, and of the Secretary to the Ministry of the Minister to whom of the subject of Finance is assigned, pay a reward to any person eligible to receive the same. The Minister shall from time to time issue guidelines designed to assist in the determination of the qualifications for eligibility and other criteria governing the payment of any such reward.”.

Insertion of new section 31G and 31H and 31I in the principal enactment.

32. The following new sections are hereby inserted immediately after section 31F of the principal enactment and shall have effect as sections 31G and 31H of that enactment :—

“Filling of land or water bodies without a permit to be an offence.

31G. (1) No person shall, within the Coastal Zone, fill any land or any water body without a permit issued in that behalf by the Director-General.

(2) The Director-General may, by giving notice to the person or persons acting in contravention of the provisions of subsection (1) direct such person or persons to forthwith remove the substance or matter used for filling up the land or water body in question from such land or water body and restore the land or water body to the condition it was in prior to such filling, within such time as the Director-General may specify in such notice.

(3) Any person aggrieved by the direction of the Director-General made under subsection (2) may, within three days of the date of the notice being served on him, appeal therefrom to the Secretary to the Ministry of the Minister to whom the subject of Coast Conservation and Coastal Resource Management is assigned. The decision of the Secretary on any such appeal shall be final.

(4) On receipt of an appeal under subsection (3), the Secretary shall forthwith require the Director-General to forward all relevant documents and files to him. It shall be the duty of the Director-General to forward, within seven days of such a request, all relevant documents and files if any, to the Secretary. The Secretary may, where he is of the opinion that it is

essential in order to arrive at a decision, give the appellant an opportunity to be heard in person.

(5) The Secretary shall make his decision on such appeal within thirty days of the receipt of the appeal and inform both the Director-General and the appellant of his decision. It shall be the duty of the Director-General to give effect to such decision. The decision of the Secretary on any such appeal shall be final.

(6) No person on whom a direction has been served under subsection (2), or who has appealed against the order under subsection (3), shall continue to fill any land or water body.

(7) Any person who contravenes the provisions of subsection (6) shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not less than fifty thousand rupees and not exceeding five hundred thousand rupees, or to imprisonment of either description for a term of not less than one year and not exceeding three years or to both such fine and imprisonment.

(8) Where any person or persons fails to remove the substance or matter used for filling up the land or water body in question from such land or water body and restore the land or water body to the condition it was in prior to such filling, within such time as the Director-General had specified in the notice under subsection (2) or as specified by the Secretary when rejecting the appeal, the Director-General shall cause the substance or matter to be removed from the land or the water body as the

case may be, and the total cost of the removal of the substance and matter used for filling the land or the water body as the case may be, shall be recovered from such person as a debt due to the State.

(9) Wherever in any proceeding in terms of this section the question arises as to the existence of a land or water body which has been filled and from which the substance or matter used for filling has subsequently been removed, a Certificate under the hand of the Director-General shall be admissible in evidence and shall be *prima facie* evidence thereof.

Bail not to be allowed.

31H. No bail shall be allowed by a Magistrate during the continuance of any proceedings in respect of an offence under this Act :

Provided however that the High Court of the Province established under Article 154G of the Constitution may, for exceptional circumstances shown to the satisfaction of the Court, allow bail to an accused person in respect of an offence under this Act.”.

Replacement of section 35A of the principal enactment.

33. Section 35A of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution therefor of the following subsections :—

“(1) A police officer may without an order from a Magistrate and without obtaining a warrant, arrest any person reasonably suspected of having been concerned in, or connected with, the commission of an offence under this Act, punishable with imprisonment for a term exceeding six months.”

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

Insertion of new sections 35A and 35AAA in the principal enactment.

“Offences under the Act to be cognisable offences. 35AA. Every offence under this Act shall be a cognizable offence within the meaning, and for the purposes of the Code of Criminal Procedure Act, No. 15 of 1979 and the provisions of such Act shall apply accordingly.

Immunity from suit. 35AAA. No civil or criminal action shall be instituted against a police officer acting under the provisions of this Act, for any lawful act which is done or purported to be done in good faith by such police officer in pursuance of his duties under this Act.”.

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

Sinhala text to prevail in case of inconsistency.

36. Section 42 of the principal enactment is hereby amended as follows :—

Amendment of section 42 of the principal enactment.

(1) by the insertion immediately after the definition of the expression “coast conservation” of the following new definitions :—

“‘coastal access’ means the right of the public, to approach, enter or use an approach to enter into, or to go along a coastal margin in a physical and visual sense and also includes access along the shoreline, usually a strip of land parallel to the waters edge or path or trail which runs parallel to or along, the shoreline, path or trail which connects the nearest public roadway with a shoreline destination along a reasonable direct route

or access to the shoreline from a public road to the Mean High Water Level ;

“coastal resource” includes all living and non-living resources found within the Coastal Zone ;

“management” means the managing of renewable and non-renewable coastal resources, either separately or in an integrated fashion but excluding fisheries and aquatic resources which fall within the provisions of the Fisheries and Aquatic Resources Act, No. 2 of 1996 ;”;

- (2) in the definition of the expression “Coastal Zone” by the substitution for the words “any other body of water so connected to the sea;” of the words “any other body of water so connected to the sea, and shall also include the area lying within a further extended limit of one hundred metres inland from the Zero Mean Sea Level along the periphery ;”;
- (3) by the insertion immediately after the definition of the expression “foreshore” of the following new definition :—

“initial environmental examination report” means a written report wherein possible impacts of the development activity on the environment shall be assessed with a view to determining whether the impacts are significant and therefore requires the preparation of an environmental impact assessment report. Such report shall contain all details and descriptions, data maps, designs and other information which is relevant to the development activity ;”;

- (4) by the insertion immediately after the definition of the expression “straight base line” of the following new definition :—

‘ “sustainability” is the alternative to resource depletion caused by excessive exploitation for short term profit and implies the need for the wise use and careful management of individual species and communities, together with the habitats and ecosystems on which they depend, so that their current or potential use to people is not impaired’; and

- (5) by the insertion immediately after the definition of the expression “public corporation” of the following new definition :—

‘ “water body” includes rivers and any other body of water so connected to the sea, marshes, mudflats, lagoons and mangrove swamps ;’.

37. The Sri Lanka Land Reclamation and Development Corporation Act, No. 15 of 1968 and the Board of Investment of Sri Lanka Law, No. 4 of 1978 are hereby amended in the sections set out in Column I of the Schedule to this Act, to the extent and in the manner set out in the corresponding entry in Column II of the said Schedule.

Amendment to
the Sri Lanka
Land
Reclamation and
Development
Corporation Act
and the Board of
Investment of
Sri Lanka Law.

SCHEDULE

(Section 37)

AMENDMENTS TO THE SRI LANKA LAND RECLAMATION AND DEVELOPMENT CORPORATION ACT, No. 15 OF 1968	
<i>Column I</i>	<i>Column II</i>
Section	EXTENT OF AMENDMENT
Section 2	<p>by the addition immediately after subsection (4) of that section of the following new subsection :—</p> <p>“(5) Nothing contained in this Act shall be deemed to confer on the Minister the power to declare any area within the Coastal Zone as a “Reclamation and Development Area” without the concurrence of the Minister to whom the subject of Coast Conservation and Coastal Resource Management is assigned.</p> <p>In this subsection “Coastal Zone” shall have the same meaning as is assigned to it in the Coast Conservation and Coastal Resource Management Act, No. 57 of 1981.”.</p>
Section 9	<p>by the repeal of paragraph (BB) of subsection (1) of that section and the substitution therefor of the following paragraph :—</p> <p>“(BB) to construct harbours and anchorages and to undertake work in the field of irrigation, in such Areas ;”.</p>

*Coast Conservation (Amendment)
Act, No. 49 of 2011*

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AMENDMENTS TO THE BOARD OF INVESTMENT OF SRI LANKA LAW, NO. 4 OF 1978	
<i>Column I</i> Section	<i>Column II</i> EXTENT OF AMENDMENT
Section 20	<p>by the repeal of the proviso to paragraph (b) of subsection (1) of that section and the substitution therefor of the following proviso :—</p> <p>“Provided however that no by-law, regulation, order or notification shall be made or issued by the Board in terms of the provisions of the National Environmental Act, No. 47 of 1980, and no power or function shall be exercised or discharged by the Board under the aforesaid Act, except in consultation with and after having obtained the concurrence of, the Central Environmental Authority established under the National Environmental Act, No. 47 of 1980 or the Director-General of Coast Conservation and Coastal Resource Management, appointed under the Coast Conservation and Coastal Resource Management Act, No. 57 of 1981.”.</p>
Section 20A	<p>by the repeal of the proviso to subsection (2) of that section and the substitution therefor of the following proviso :—</p> <p>“Provided that no power, duty or function under the National Environmental Act, No. 47 of 1980 or the Coast Conservation and Coastal Resource Management Act, No. 57 of 1981 shall be exercised or discharged by Board under the aforesaid Act, except in consultation with and after having obtained the concurrence of the Central Environmental Authority established under the National Environmental Act, No. 47 of 1980 or the Director-General of Coast Conservation and Coastal Resource Management, appointed under the Coast Conservation and Coastal Resource Management Act, No. 57 of 1981.”.</p>

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