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EXTRAORDINARY

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PART IV(A) — PROVINCIAL COUNCILS

Provincial Council Notifications

NORTH WESTERN PROVINCIAL COUNCIL

**North Western Provincial Council Environmental (Amendment) Statute,
No. 02 of 2011 of the North Western Province**

THE above mentioned statute passed by the Provincial Council of the North Western Province on 19th May, 2011, and assented by the Governor of North Western Province 22nd June, 2011 is hereby published for the information of the public.

PADMINI KARIYAWASAM,
Secretary,
Provincial Council, North Western Province.

Council Office,
North Western Provincial Council,
Kurunegala,
27th June, 2011.

NORTH WESTERN PROVINCE

**Statute To Amend The North Western Provincial Environmental
Statute No. 12 of 1990**

BE it enacted by the North Western Provincial Council of the Democratic Socialist Republic of Sri Lanka.

1. This Statute may be cited as the North Western Province Environmental (Amendment) Statute No. 02 of 2011. Short Title

2. Section 1 of the North Western Province Environmental Statute No. 12 of 1990 (hereinafter referred to as “The principal statute” is hereby repealed and the following section substituted therefore. Amendment of section 1 of the Statute, No. 12 of 1990

This statute shall be called and referred to as the North Western Province Environmental Statute No. 12 of 1990 and shall come into operation on a date appointed by the Minister by order published in the *Gazette*.

3. Paragraph (e) of sub-section (1) of section 3 of the principal statute is hereby repealed and the following paragraph substituted therefore : -

Amendment of section 3 (1) of the principal statute

“(e) The Chairman of the Provincial Authority shall appoint the Director for the time being of the Authority as the Secretary of such Authority.”

4. Section 11 of the principal statute is hereby repealed and the following section substituted therefore:

Replacement of the section 11 of the principal statute

11. (1) The Chairman appointed under paragraph (d) of sub-section (1) of section 3 shall be the Chief Executive Officer of the Provincial Authority and the Director shall be Chief Administrative Officer of the Authority.

The Chief Executive and Chief administrative officer of the Provincial Authority

(2) (a) The Director of the Provincial Authority shall subject to the general direction and control of the Chairman be charged with the administration of the affairs of the Authority and the administration and control of the employees of the Authority.

(b) Provincial Authority shall subject to the provisions of 12 (1) of the Statute, appoint as the Director of the Provincial Authority, a person possessing educational qualifications in the subject of Environment and having specialized knowledge in environmental activities.

(c) He shall be paid proper remuneration as prescribed by the Provincial Authority under sub section (2) of section 12 of this statute.

(d) The Director of the Provincial Authority has the right to participate at the meetings of the Authority but he is not entitled to exercise his vote at such meetings.

5. Section 17 and 18 of the principal Statute are hereby repealed.

Repeal of section 17 & 18 of the principal statute

6. Section 20 of the principal Statute is hereby repealed and the following section substituted therefore:

Replacement of the section 20 of the principal statute

“20 (1) The Minister in charge of the subject of Environment shall determine by order published in the *Gazette*, the activities in respect of which a licence has to be obtained under this Statute (hereinafter referred to as “the prescribed activities”) that cause the emanating to the environment of any waste thereby causing environmental pollution or noise pollution”.

Minister to determine activities in respect of licence is required under this statute

(2) No person shall, engage in any prescribed activity unless he is acting –

(a) under the authority of a licence issued by the Provincial Authority and

(b) in accordance with the standards and criteria prescribed under this statute”

(3) Any person who is engaged in any prescribed activity in contravention of the provisions of sub section (2) of this section, shall be guilty of an offence and shall on conviction-

(a) be liable to a fine of not less than rupees ten thousand and or to imprisonment for a period of not less than one year or to both such fine and imprisonment.

(b) Shall obtain a licence issued under Sub-section (2), within such period as may be determined by the court

(4) Where any person convicted of an offence under the provisions of sub-section 3 continues to carry on the prescribed activity without obtaining a licence with the period specified in the Court Order, the Court shall order the closure of the factory or the premises where such prescribed activity is carrying on until such time such person obtains the required licence and submits a copy of such licence to the Court.

Amendment of section 24 (1) b of the principal statute

7. Paragraph (b) of sub-section (1) of section 24 of the principal Statute is hereby amended by the substitution for the words "five days" of the words "thirty days".

Replacement of the section 62 of principal statute

8. Section 62 of the principal statute is hereby repealed and the following section is substituted therefore :-

"Interpretation" 62. in this Statute unless the context otherwise requires -

"air pollution" means, an undesirable change in the physical, chemical or biological characteristics of air which will adversely affect the plants, animals, human beings and inanimate objects and releasing to the air of any unpleasant odour or smoke or any air having undesirable particles which disturbs the normal inhaling and exhaling process;

"building" means, any houses, factory, wall or any other construction of whatever description:

"construction" means, any fence, hurdle, gate, beam, wall or any building:

"environment" means all the physical factors of the surroundings of the human being including the land, the water, the atmosphere, the weather the noise, the odour, the taste, and all other biological factors of animals and plants of every description:

"land" includes dwelling, buildings and all the easements attached thereto and any state land whether occupied or not made available by the government:

"local authority" means any Municipal Council, Urban Council, Pradeshiya Sabha, or any other Sabha or Institution established in place thereof :

“Minister in charge of the subject” means the Minister in charge of the subject of Environment:

“noise pollution” means the presence of sound at a level which causes irritation, fatigue, hearing loss or interferes with the perception of other sounds or with creative activity through distraction :

“pollution” means the causing of adverse effect to the beneficial use of the environment or the causing of a condition which is hazardous to public health, public safety or public welfare or causing of any disturbance to or affects adversely the human beings, wild life or aquatic life including animals, birds, fish and fauna and flora, by the discharge, emission dispose or deposit of waste to the environment:

“territorial waters” means sea beach and the coastal line within the boundaries of the North Western Province including all reservoirs, rivers, lakes, canals and springs within the North western Province:

“toxic chemical” means any solid, liquid or gaseous substance which has harmful effect on living material or which can create hazardous changes in the environment:

“waste” means unpurified faeces, animal and plant refuse, industrial and agricultural toxics, carbonic gas, debris from material used for industrial and business purposes and air, gas or smoke which contains undesirable particles or has unpleasant odour which is harmful to public health and the environment:

“Secretary” means the Secretary of the Provincial Environmental Authority.

“Prescribed” means prescribed by regulations.

Sinhala text to prevail in case of inconsistency

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