

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය
අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 1468/7 - 2006 ඔක්තෝබර් 25 වැනි බදාදා - 2006.10.25
No. 1468/7 - WEDNESDAY, OCTOBER 25, 2006

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

C.F 1/64.

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATION made by the President under section 5 of the Public Security Ordinance (Chapter 40).

MAHINDA RAJAPAKSA,
President.

Colombo,
25th October, 2006.

Regulations

1. These regulations may be cited as the Emergency (Port of Colombo) Regulations No. 05 of 2006.
2. The Port of Colombo, comprising the area, the limits of which are described in the Schedule to these regulations and depicted in the map included in such Schedule, is hereby declared to be a Restricted Zone for the purpose of these Regulations.
3. The President shall appoint, by name or by office a person to be the Competent Authority for the purpose of these regulations, who shall be responsible for the implementation of these regulations.
4. (1) Where the Competent Authority, having regard to the security condition at any particular time in the country, is of the opinion that special arrangements are necessary in order to control any activities within the Restricted Zone, he may make such arrangements as are necessary to give effect to the same.
(2) The Competent Authority may, from time to time issue such directions as may be necessary for the proper implementation of these regulations.

(3) It shall be the duty of any person to whom a direction under paragraph (2) has been issued to comply with such direction.

5. (1) No person shall enter, or take any vessel or vehicle into the Restricted Zone except under the authority of a permit issued in that behalf by the Competent Authority or any person specially authorized in that behalf by the Competent Authority. Every such permit shall be subject to such terms and conditions as may be specified therein and shall specify the routes along which such vessel or vehicle may be navigated or driven.

(2) The permit issued under paragraph (1) shall at all times be carried by the person, or be kept in the vessel or vehicle, to which the permit relates and shall be produced for inspection at any time when requested to do so by any Police Officer or any member of the Sri Lanka Army, the Sri Lanka Navy or the Sri Lanka Air Force as authorized by the Competent Authority.

(3) No person shall secure or park any vessel or vehicle within the Restricted Zone except under the authority of a permit issued under paragraph (1) and in so far as it is necessary for the purpose of loading or unloading articles connected with the port activities or any other official or legitimate business within such Zone as is approved by the Competent Authority.

(4) Any person who enters or takes into, secures or parks a vessel or vehicle within, the Restricted Zone and having so entered remains within such Zone in contravention of the provisions of this regulations shall be guilty of an offence, and shall be liable on conviction after summary trial –

(i) in the case of a first offence to a fine not exceeding five thousand rupees ;

(ii) in the case of a second offence, to a fine not exceeding ten thousand rupees ; and

(iii) in the case of a third offence, to forfeiture to the State by an order of Court, of the vessel or vehicle used in contravention of this paragraph.

6. Any vessel or vehicle forfeited under regulation 5 shall -

(a) if no appeal is preferred to a High Court established under Article 154P of the Constitution against the relevant conviction, vest absolutely in the State with effect from the date on which the period prescribed for preferring an appeal against such conviction, expires ;

(b) if an appeal has been preferred to a High Court established under Article 154P of the Constitution against the relevant conviction, vest absolutely in the State with effect from the date on which such conviction is finally affirmed in appeal.

7. A certificate issued under the hand of the Competent Authority to the effect that the acts specified in the Certificate took place within the Restricted Zone shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein.

8. (1) Any Police Officer, or any member of the Sri Lanka Army, the Sri Lanka Navy or the Sri Lanka Air Force as authorized by the Competent Authority may search any person, vessel or vehicle within the Restricted Zone where he has reason to suspect that such person is likely to commit an offence under these regulations or to act in contravention of the provisions of these regulations.

(2) Any officer specified in paragraph (1) may within the Restricted Zone stop or detain any person or vessel or vehicle for the purpose of identification, so as to satisfy himself that such person is in possession of, or vessel or vehicle has been issued with, a permit under paragraph (1) authorizing such person, vessel or vehicle to enter, remain or ply within the Restricted Zone. For the purpose of so stopping or detaining any

person, vessel or vehicle the officer or member as the case may be give such orders, directions or signals or use such other devices, or take such other measures as may be necessary to stop and cause to be halted any person, vessel or vehicle.

- (3) Where any officer specified in paragraph (1) has reasonable grounds for suspecting that any person or vessel or vehicle stopped or detained by them has not obtained the permit required by regulation 5, such officer or member as the case may be shall cause such person to be arrested and the vessel or vehicle to be detained and dealt within accordance with the applicable law.
- (4) Any person who navigates or drives a vessel or vehicle within the Restricted Zone in contravention of the provisions of paragraph (2) of this regulation shall be guilty of an offence.

9. The Head or Employer of every Government department or private institution situated within the Restricted Zone shall, furnish details of all the persons employed therein to the Officer in Charge of the respective Police Station and the Competent Authority.

10. The Chief Occupant of any building situated within the High Security Zone shall take such steps as are necessary to ensure that no unauthorized persons are allowed to enter such premises. The Chief Occupant shall also furnish to the Officer-in-Charge of the respective Police Station a list of all the occupants permanently residing therein.

11. No person shall commence construction of any building or effect any addition or improvement to any existing building situated within the Restricted Zone without the prior written approval of the Competent Authority.

12. No person, government department or private institution or individual shall execute any excavation work within the Restricted Zone without the prior written approval of the Competent Authority.

13. (1) A police officer not below the rank of Assistant Superintendent of Police or any commissioned officer of the Sri Lanka Army, the Sri Lanka Navy or the Sri Lanka Air Force, duly authorized in that behalf by the Competent Authority may enter any premises within the Restricted Zone and examine whether any construction or excavation is being executed in contravention of the provisions of regulations 11 or 12 of the these regulations.
- (2) Where it is found that any construction or excavation is being executed in contravention of the provisions of regulations 11 or 12 of these regulations, the officers specified in paragraph (1) making the detection may order the person in charge of such construction or excavation work to forthwith terminate the execution of such excavation or construction work.
- (3) Where any person against whom an order under this regulation has been made, may appeal to the Minister showing reasons as to why the continuity of such construction or excavation work is necessary. The Minister may on the circumstances shown either permit the continuity of the construction or excavation work or prohibit the same.
- (4) Any person, who after being prohibited from continuing with any construction or excavation work in terms of paragraph (3), continues with such works shall be guilty of an offence under these regulations.

14. No person shall for any reason whatsoever, light any pyrotechnic firecrackers or fireworks of any description within the Restricted Zone. Any person who contravenes the provisions of this regulation shall be guilty of an offence.

15. Any person who contravenes any provision of these regulations or refuses or fails to comply with any order or direction made or given by the Competent Authority or any Police Officer or member of the Sri Lanka Army, the Sri Lanka Navy or the Sri Lanka Air Force, as the case may be, under the provisions of these regulations or prevents or obstructs or causes any other person to prevent or obstruct the Competent Authority or any person acting on his direction or any Police Officer or member of the Sri Lanka Army, the Sri Lanka Navy or the Sri Lanka Air Force as the case may be, in the course of his duties under these regulations shall be guilty of an offence under these regulations and shall on conviction after summary trial by a Magistrate be liable to imprisonment of either description for a period not exceeding two years or a fine for a sum not exceeding five thousand rupees or to both such imprisonment and fine.

16. For the purpose of these regulations -

“building” includes a permanent or temporary structure ;

“vehicle” means any mechanically propelled vehicle (including a trailer or foot bicycle) with two or more wheels ;

“vessel” means any floating object which is used as a mode of conveyance of goods or persons ;

SCHEDULE

AREA COMPRISING THE PORT OF COLOMBO RESTRICTED ZONE

All that area of land and water area including those areas commonly known as the Modera Fisheries Harbour, Trawler Harbour, Port of Colombo (Colombo Harbour), situated in the Colombo District, Western Province, and bounded by the undermentioned latitudes and longitudes which shall be demarcated by marked (lighted) bouys and by the public roads indicated in the annexed map:-

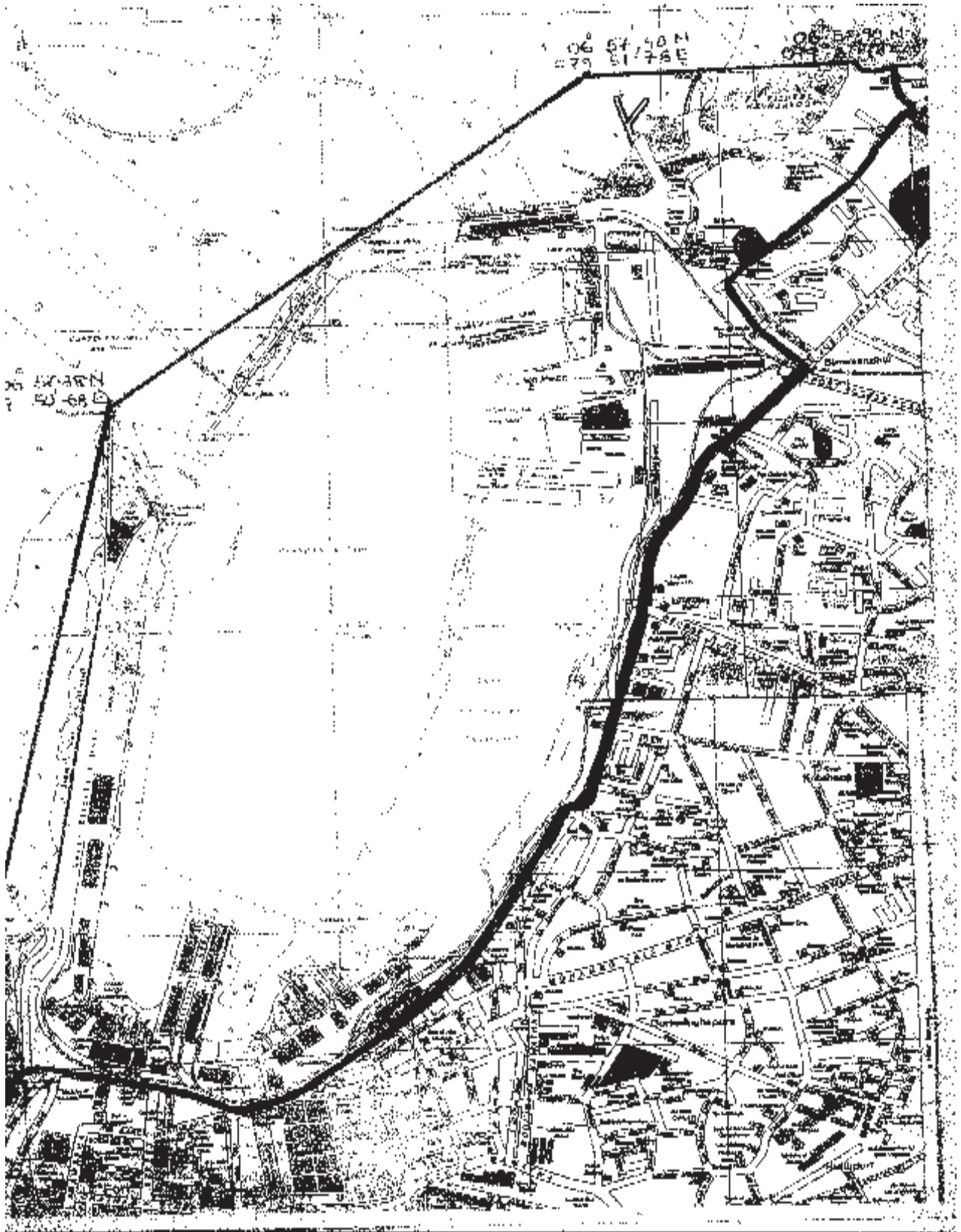
North : From co-ordinates (06° 57.90' N, 079° 51.78' E) to (06° 57.90' N, 079° 51.40' E) ;

North West : From co-ordinates (06° 57.90' N, 079° 51.40' E) to (06° 57.38' N, 079° 50.68' E) ;

West : From co-ordinates (06° 57.38' N, 079° 50.68' E) to (06° 56.19' N, 079° 50.39' E) ;

South : By Chaithya Road, Church Street and Leyden Bastian Road ; and

South-East/East : NHM Abdul Cader Road, Beach Road, St. Anthony's Mawatha, Srimath Ramanathan Mawatha, Upper Street, Andrew's Place, St. Andrew's Road, Muthuwella and Mosque Lane.



EMERGENCY (PORT OF COLOMBO) REGULATION, No. 05 of 2006

Appointment of Competent Authority

BY virtue of the powers vested in me by regulation 3 of the Emergency (Port of Colombo) Regulations, No. 05 of 2006, I, Mahinda Rajapaksa, President of the Democratic Socialist Republic of Sri Lanka do hereby declare the officers specified in the Schedule hereto be Competent Authorities for the purpose of the said regulations.

MAHINDA RAJAPAKSA,
President.

Colombo,
25th October, 2006.

SCHEDULE

1. Commander of the Sri Lanka Navy
2. Commander Western Naval Area.

11-188/2