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PART I : SECTION (I) — GENERAL Government Notifications

C.F. 1/64.

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under Section 5 of the Public Security Ordinance (Chapter 40).

MAHINDA RAJAPAKSA,
President.

Colombo,
31st October, 2008.

Regulations

1. These regulations may be cited as the Emergency (Galle and Matara High Security Zones) Regulations, No. 02 of 2008.

2. The areas described in Schedule I to these regulations Galle (Part A, Part B, Part C and Part D) and Schedule II to these regulations Matara, shall each be declared respectively to be the “Galle High Security Zone” and the “Matara High Security Zone” for the purposes 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. If it appears to be so necessary, separate Competent Authorities may be appointed for the two High Security Zones declared by regulation 2 of these regulations.

4. (1) Where the Competent Authority, having regard to the security situation at any particular time in the country, is of the opinion that special arrangements are necessary in order to control any activities within the two High Security Zones declared by regulation 2 of these regulations, he may make such arrangement 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 and effect 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) If the Competent Authority is of the opinion, having regard to the prevailing security situation, that special security measures need to be taken in order to protect the activities being carried on within any building or structure or such identified part of such building or structure, situated within a High Security Zone declared by regulation 2 which is used for the storage of fuel and parking of bowsers or for the storage of gas, the Competent Authority may by order-

(a) identify the building or structure or part thereof as a "specified building" ;

(b) prohibit the entry of all persons to such specified building :

Provided that the Competent Authority may by special authorization permit certain persons to enter or remain within such specified building, subject to such conditions as may be specified therein.

(2) Where an order is made under paragraph (1) the Competent Authority may exercise all or any of the following powers :-

(a) to inspect or cause the inspection of any specified building, without giving notice of such inspection to the owner, occupier or person in charge of such building ;

(b) to ensure the placement of sufficient security personnel within and around the specified building ;

(c) to cause any person or vehicle entering the premises of the specified building to be searched ;

(d) to prevent any unauthorized person from entering or remaining within the specified building ;

(e) to direct the owner, occupier or person in charge of any specified building to take such measures as may be necessary to ensure the safety of the specified building and prevent it being used in a manner which may give rise to a security risk or for any unlawful purpose ;

(f) do such other acts as are necessary for the effective exercise of the any of the powers set out above.

(3) The Competent Authority may within the High Security Zone declared by regulation 2 in relation to an area within such Zone which is used for the storage of fuel and parking of bowsers or for the storage of gas, for the purpose of regulating all planning and building, activity taking place within such area identify permitted uses which can be carried out within such area and the conditions, if any, subject to which these permitted uses are to be carried out.

(4) Notwithstanding anything to the contrary in any other written law, no indemnity or other payment shall be payable under any policy of insurance, in respect of any death, injury or damage caused within an area used for the storage of fuel and parking of bowsers or for the storage of gas located within a High Security Zone declared by regulation 2, in contravention of the provisions of these regulations.

6. (1) No person shall enter, or take any lorry or tractor into a High Security Zone declared by regulation 2, 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 lorry or tractor may be driven.

(2) The permit issued under paragraph (1) shall at all times be carried by the person, or be kept in the lorry or tractor, to which the permit relates and shall be produced for inspection by the person using the lorry or tractor, 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 authorized by the Competent Authority, in that behalf.

(3) No person shall secure or park any lorry or tractor within a High Security Zone declared by regulation 2, 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 official or legitimate business within such Zone.

(4) Any person who enters or takes into, secures or parks a lorry or tractor within a High Security Zone declared by regulation 2, 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 lorry or tractor used in contravention of the provision of this regulation.

(5) Any lorry or tractor 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. (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, lorry or tractor within a High Security Zone declared by regulation 2, in order to verify whether such lorry or tractor is within such Zone in contravention of the provisions of these regulations.

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

(3) Where any officer specified in paragraph (1) has reasonable grounds for suspecting that any person or lorry or tractor stopped or detained by them has not obtained the permit required by regulation 6, such officer or member as the case may be shall cause such person to be arrested and the lorry or tractor to be detained and dealt within in accordance with the applicable law.

(4) Any person who navigates or drives a lorry or tractor within a High Security Zone declared by regulation 2, in contravention of the provisions of paragraph (2) of this regulation shall be guilty of an offence.

8. The Head or Employer of every Government Department or private institution situated within a High Security Zone declared by regulation 2, shall, furnish details of all the persons employed therein to the Officer in Charge of the respective Police Station and the Competent Authority.

9. (1) The Chief Occupant of any building situated within a High Security Zone declared by regulation 2, 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.

10. No person shall commence construction of any building or effect any addition or improvement to any existing building situated within a High Security Zone declared by regulation 2, without the prior written approval of the Competent Authority.

11. No person, government department or private institution or individual shall execute any excavation work within a High Security Zone declared by regulation 2, without the prior written approval of the Competent Authority.

12. (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 a High Security Zone declared by regulation 2, and examine whether any construction or excavation is being executed in contravention of the provisions of regulations 10 or 11 of these regulations.

(2) Where it is found that any construction or excavation is being executed in contravention of the provisions of regulations 10 or 11 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.

13. No person shall for any reason whatsoever, light any firecrackers or fireworks of any description within a High Security Zone declared by regulations 2. Any person who contravenes the provisions of this regulation shall be guilty of an offence.

14. A certificate issued under the hand of the Competent Authority to the effect that the acts specified in the Certificate took place within a High Security Zone declared by regulations 2, shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein.

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.

16. Any person who has committed an offence under these regulations shall on conviction after trial by the High Court of Sri Lanka holden in Colombo or the High Court established under Article 154P of the Constitution for the Western Province, holden in Colombo, be liable to rigorous imprisonment for a term not less than three months and not exceeding five years and to a fine of not less than five hundred thousand rupees.

SCHEDULE I

AREAS COMPRISING THE GALLE HIGH SECURITY ZONE - REGULATION 2

PART A

AREA COMPRISING THE SRI LANKA NAVAL BASE - DHAKSHINA

The Sri Lanka Naval Base - Dhakshina shall comprise the area of land depicted as “1” on the Map of Galle annexed hereto marked “A” and situated within Grid No’s 392934, 392933, 400932 and 400931 and bounded as follows:-

- North:* From the point at which the Ceylinco Grameen Credit Bank is situated at No. 146/A Samudra Mawatha, Pettigalawatte, Galle to a point situated about 800 metres in a southerly direction to the Muslim Church situated by the Magalle Bridge;
- East:* From the point of the Muslim Church near the Magalle Bridge for about a 1 kilometre distance towards the sea;
- South:* From the last mentioned point to a distance of 800 metres to the boundary of the sea from the right to the left; and
- West:* From the last mentioned point in a line drawn towards the North till such point meets the Ceylnco Grameen Credit Bank situated at No. 146/A, Samudra Mawatha, Pettigalawatte, Galle;

PART B

AREA COMPRISING THE LOCATION OF THE SRI LANKA PORTS AUTHORITY

The Sri Lanka Ports Authority Area shall comprise the land depicted as “2” on the Map of Galle annexed hereto marked “A” and situated within Grid No’s 396928, 401928, 401933, 406930, 406928 and 403927 and bounded as follows:-

- North:* From the Magalle Bridge in a southerly direction to a point 400 metres away where premises of Asoka Weeratunga is situated at No. 400, Magalle, Galle and from that point to a distance of 400 metres;
- East:* From the premises of Asoka Weeratunga situated at No. 400, Magalle, Galle, upto the Naval Security Post situated about 1 metre away across the entrance to the Closenber Hotel;
- South:* From the last mentioned point along the edge of the sea to a point about 1 kilometre away towards Galle; and
- West:* From the left boundary of the sea in a Northern direction for a distance of 1 kilometre till it meets the Magalle Bridge.

PART C

AREA COMPRISING THE LOCATION OF THE CEYLON PETROLEUM CORPORATION AREA

The Ceylon Petroleum Corporation Area shall comprise the land depicted as “3” on the Map of Galle annexed hereto marked “A” and situated within Grid No’s 404931, 404932, 405932 and 405931 and bounded as follows:-

- North:* From a line drawn from the point at which the premises bearing Assessment No. 291, Circular Road, Magalle of E. H. Rathna is situated at in a southerly direction for a distance of 125 metres till it meets the premises bearing Assessment No. 289/21 Meddawatte, Magalle of H. G. R. Upul Wijeratne ;

- East:* From the last mentioned point to a point further down for about 300 metres till the line meets the premises bearing Assessment No. 289/A, Matara Road, Magalle, of K. V. Dhammika;
- South:* From the last mentioned point in a line drawn in the direction of Galle and from there onwards for about 125 metres till it meets premises bearing Assessment No. 317, Circular Road, Magalle, Galle of Kalu Achchi Ariyawathie; and
- West:* From the last mentioned point in a northerly direction till the line meets the premises bearing Assessment No. 291, Circular Road, Magalle of E. H. Rathna.

PART D

AREA COMPRISING THE LOCATION OF THE LAUGH GAS AREA

The Laugh Gas Area shall comprise the land depicted as “4” on the Map of Galle annexed hereto marked “A” and situated at Grid No. 406931 and bounded as follows:-

- North:* From a line drawn from the point at which the premises bearing Assessment No. 289/8, Meddawatta, Magalle, Galle of U. P. Shiromi Deepika is situated proceeding 75 metres in a southerly direction till it meets Sudharma Maha Vidyalaya, Galle ;
- East:* From the last mentioned point downwards proceeding for about 100 metres till the line meets the Ruhunu Development Bank situated on the Galle - Matara main Road;
- South:* From the last mentioned point proceeding for about 75 metres in the direction of Galle till the line meets the premises bearing Assessment No. 289/A, Matara Road, Magalle, of K. V. Dhammika; and
- West:* From the last mentioned point in a northly direction till the line meets the premises bearing Assessment No. 239/8, Meddawatte, Magalle, Galle of U. P. Shiromi Deepika.

SCHEDULE II

AREAS COMPRISING THE MATARA - HIGH SECURITY ZONE (CEYPETCOSTORAGE AND BOWSERS PARKING PLACE)

Regulations 2

The area comprising the Marara High Security Zone (the Ceylon Petroleum Corporation (CEYPETCO) Storage and Bowser Parking Area) shall comprise the land depicted on the Map of Matara annexed hereto marked ‘B’ and situated within Grid No’s 746840, 748840, 746842 and 748842 and bounded as follows :-

- North :* From a point commencing from the Regional Office of the State Timber Corporation in a line drawn toward the south to a point situated 300 metres away, till it meets the Good Shed Road ;
- East :* From the last mentioned point going downwarda for about 300 metres to the point where the line meets Lalitha Printers and Communications situated at No. 67, Hakmana Road, Matara ;
- South :* From the last mentioned point, proceeding about 200 metres south from that point, and then from the left of that point to the place where business premises of Kodituwakku Tyre Centre is situated ; and
- West :* From the last mentioned point, in a northerly direction till the line meets the Regional Office of the State Timber Corporation.





