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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 1477/24 - 2006 දෙසැම්බර් 29 වැනි සිකුරාදා - 2006.12.29
No. 1477/24 -FRIDAY, DECEMBER 29, 2006

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

CF 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,
29th December, 2006.

Regulations

1. These regulations may be cited as the Emergency (Restricted use of Outboard Motors) Regulations, No. 08 of 2006.

2. (1) No person shall import, bring into Sri Lanka, or possess, sell or deal with any out-board motor the horsepower of which exceeds fifteen (15) or any water scooter or swimmer delivery vehicle. Every person who possesses such an outboard motor, water scooter or swimmer delivery vehicle shall forthwith notify the Secretary to the Ministry of the Minister in charge of the subject of Defence (hereinafter referred to as “the Secretary”) of such fact with all relevant details of the same :

Provided however, the Secretary may on receipt of applications made in that behalf, in consultation with the Commander of the Sri Lanka Navy, permit an applicant whose application to import, bring into Sri Lanka, possess sell or deal with any outboard motor the horsepower of which exceeds fifteen (15) or any water scooter or swimmer delivery vehicle, discloses information tending to establish that such outboard motor, water scooter or swimmer delivery vehicle is essential for a purpose connected with the national economy, to so import, bring into Sri Lanka, possess, sell or deal with any outboard motor the horsepower of which exceeds fifteen (15) or any water scooter or swimmer delivery vehicle, subject to such conditions as may be imposed by Secretary and it shall be the duty of every person on whom such conditions have been imposed to strictly comply with such conditions.

(2). Any person who contravenes the provisions of paragraphs (1) of this regulation shall be guilty of an offence.

3. (1) Every importer, dealer, user or any other person in possession of an outboard motor the horsepower of which exceeds fifteen (15) , a water scooter or swimmer delivery vehicle, who is permitted import, bring into Sri Lanka, posses, sell or deal with any out board motor the horsepower of which exceeds fifteen (15) or any water scooter or swimmer delivery vehicle, in terms of regulation 2, shall furnish within ninety days of his being granted permission and for every period of ninety days ensuing thereafter, for so long as this regulation is in force, all the relevant technical details and the purpose for which the outboard motor, water scooter or swimmer delivery vehicle as the case may be, is being used to the Officer-in-charge of the Police Station of the area.

(2) It shall be the duty of the Officer-in-charge to whom such details were furnished to submit a detailed report on same to the Secretary Ministry of Defence within a period of seven (7) days.

(3) All out board motors the horsepower of which exceeds fifteen (15), water scooters or swimmer delivery vehicles which are not declared in terms of paragraph (1) of this regulation shall forthwith be deemed to be forfeited to the Republic.

(4) Any person who fails to comply with the provisions of paragraph (1) of this regulation shall be guilty of an offence.

4. (1) Within the Administrative District of Jaffna, Killinochchi, Manner, Vavuniya, Mulativu, Trincomalee, Batticaloa and Ampara and the Divisional Secretary's Division of Kalpitiya in the Administrative District of Puttalam, no person shall, in the interest of national security, possess any craft or boat which has been fitted with, or on board of which is carried an outboard motor or motors, the aggregate horsepower of which exceeds ten (10) horsepower or any water scooter or swimmer delivery vehicle, nor shall any person use on the adjacent to the Administrative District of Jaffna, Killinochchi, Manner, Vavuniya, Mulaitivu, Trincomalee, Batticaloa and Ampara and the Divisional Secretary's Division of Kalpitiya in the Administrative District of Puttalam, any craft or boat which has been fitted with, or on board of which is carried an outboard motor or motors, the aggregate horsepower of which exceeds ten (10) horsepower or any water scooter or swimmer delivery vehicle horsepower or any water scooter or swimmer delivery vehicles.

(2) Any person who contravenes the provisions of paragraph (1) of this regulation shall be guilty of an offence.

5. In a prosecution for an offence under these regulations, a Certificate under the hand of the Commander of the Sri Lanka Navy, the Naval Area Commander or a Naval Officer commanding a Naval Base, ship or craft as the case may be, to the effect that any area specified in the Certificate is situated within the metes and bounds of the areas specified in regulation 4, or a Certificate issued under the hand of the Commander of the Sri Lanka Navy, the Naval Area Commander or a Naval Officer commanding a Naval base, ship or craft as the case may be, in regard to the horsepower of any outboard motor, or to the effect that any craft being so used is a water scooter or swimmer delivery vehicle or that the outboard motor being used exceed ten (10) horsepower, shall be admissible in evidence and shall be prima facie evidence of the facts stated therein.

6. Any person who commits an offence under paragraph (2) of regulation 2, or paragraph (4) of regulation 3 or paragraph (2) of regulation 4 of the regulations, shall on conviction after trial by the High Court established under Article 154 P of Constitution for the Western Province Holding 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 and the outboard motor, water scooter or swimmer delivery vehicle used in or connection with the commission of the offence shall be forfeited to the Republic.

7. For the purpose of these regulations -

“water scooter” means any scooter designed to manoeuvre on water surface or sub surface ;

“swimmer delivery vehicle” means any vehicle designed to manoeuvre over and under water which is capable of delivering persons.