



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

**NATIONAL ENVIRONMENTAL
(AMENDMENT)**

**A
BILL**

to amend the National Environmental Act, No. 47 of 1980

Presented by the Minister of Environment on 06th of May, 2026

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STATEMENT OF LEGAL EFFECT

Clause 2: This clause amends section 2 of the National Environmental Act, No. 47 of 1980 (hereinafter referred to as the “principal enactment”) and is consequential to the amendment made by the clause 6 (paragraph (t) of subsection (4) of section 10.)

Clause 3: This clause amends section 3 of the principal enactment and the legal effect of that section as amended is to increase the number of members of the Central Environmental Authority (hereinafter referred to as the “Authority”).

Clause 4: This clause amends section 7 of the principal enactment and the legal effect of that section as amended is to specifically provide for the rank / positions to be appointed as the members of the Environmental Council (hereinafter referred to as the “Council”).

Clause 5: This clause amends section 8 of the principal enactment and the legal effect of that section as amended is to increase the quorum for any meeting of the Council or the Authority.

Clause 6: This clause amends section 10 of the principal enactment and the legal effect of that section as amended is to add to the powers, functions and duties of the Authority, matters pertaining to Strategic Environmental Assessment, solid waste management, instituting legal actions, Extended Producer Responsibility and monitoring prescribed activities.

Clause 7: This clause amends section 12 of the principal enactment and the legal effect of that section as amended is to compel any local authority to undertake any directive issued under this Act and the legal sanctions applicable for failure to comply with such directives.

Clause 8: This clause amends section 23A of the principal enactment and the legal effect of that section as amended, to provide for the site clearance before commencing such prescribed activity and to increase the fine.

Clause 9: This clause amends section 23B of the principal enactment and the legal effect of that section as amended is to provide for the Director- General to specify corrective measures to minimize the harm to the environment, when issuing a licence.

Clause 10: This clause repeals section 23C of the principal enactment.

Clause 11: This clause amends section 23D of the principal enactment and the legal effect of that section as amended is to provide for any industrial accident which may affect the environment adversely, as an additional ground on which a licence may be cancelled by the Authority.

Clause 12: This clause inserts section 23DA to the principal enactment to introduce a process to apply for a judicial order of confirmation of an order of suspension or cancellation of a licence where any person continues to carry on an activity during the period of cancellation or suspension of licence.

Clause 13: This clause amends section 23E of the principal enactment and the legal effect of that section as amended is to provide for an appeal for refusing to grant a licence and to hear and conclude such appeal expeditiously within the given time period.

Clause 14: This clause inserts new PART IVAA (Hazardous Waste Management), PART IVAB (Management of Chemicals) and PART IVAC (Control of Wastewater Discharged to the Environment) to the principal enactment to safeguard the environment.

Clause 15: This clause amends section 23H of the principal enactment and the legal effect of that section as amended is to increase the fine.

Clause 16: This clause amends section 23K of the principal enactment and the legal effect of that section as amended is to increase the fine.

Clause 17: This clause amends section 23N of the principal enactment and the legal effect of that section as amended is to increase the fine and to provide for corrective measures to be undertaken by the licensee to prevent further damages to the environment.

Clause 18: This clause amends section 23R of the principal enactment and the legal effect of that section as amended is to increase the fine.

Clause 19: This clause inserts new section 23RA in the principal enactment to provide for the prevention of pollution caused by the ground or air vibration and to provide for fine and imprisonment for contravention.

Clause 20: This clause amends section 23V of the principal enactment and the legal effect of that section as amended is to increase the fine.

Clause 21: This clause amends section 23W of the principal enactment and the legal effect of that section as amended is to extend the ambit of the Minister to prohibit certain activity, to provide for the relevant fine and to provide an opportunity for the person affected to be heard before the Magistrate before granting an order for closure.

Clause 22: This clause inserts new section 23WA to the principal enactment to empower the Director General to take into custody or seize any product or material prohibited under section 23W.

Clause 23: This clause amends section 23AA of the principal enactment and the legal effect of that section as amended is to authorize the Director-General to appoint the project approving agency.

Clause 24: This clause amends section 23BB of the principal enactment and the legal effect of that section as amended is to provide for the project approving agency to consider the degree of compliance of the prescribed standards and criteria before approving a project.

Clause 25: This clause amends section 23DD of the principal enactment and the legal effect of that section as amended is to provide for the Authority to cancel any approval on account of any violation of conditions and for the aggrieved party to appeal to the Secretary.

Clause 26: This clause inserts new sections 23GG, 23HH and 23JU in the principal enactment to provide for,

- (i) the punishment for the offences relating to prescribed projects;

- (ii) the submission of environmental management and monitoring plan to the project approving agency for the projects which an Environmental Impact Assessment is required; and
- (iii) the submission of periodic reports to the project approving agency for the projects which an Initial Environmental Examination report is required, respectively.

Clause 27: This clause inserts new PART IVD (Strategic Environmental Assessment), PART IVE (Conservation of Wetlands), PART IVF (Extended Producer Responsibility), Part IVG (Offences and Penalties) in the principal enactment.

Clause 28: This clause amends section 24A of the principal enactment and the legal effect of that section as amended is to extend the powers of the Authority to enter and inspect any premises for any examination or inspection.

Clause 29: This clause inserts new section 24AA in the principal enactment to empower the Director-General to refer any matter to any Government institution requesting a report on adverse implications to the environment.

Clause 30: This Clause amends section 24B of the principal enactment and the legal effect of that section as amended is to empower the Director-General to issue directives to any person doing a prescribed activity under PART IVA, PART IVAA, and PART IVAB and PART IVAC.

Clause 31: This clause inserts new section 24BB in the principal enactment to provide for the removal of any unauthorized construction which is harmful to the environment by making an application to the Magistrate.

Clause 32: This clause amends section 24C of the principal enactment and the legal effect of that section as amended is to provide for a fine and imprisonment for any activity done in contravention of any Order issued by the Minister within an environment protection area.

Clause 33 : This clause inserts new section 24CC to the principal enactment to provide for the assessment of the damages and to recover such cost from the party responsible, by instituting action before Magistrate.

Clause 34: This clause amends section 24D of the principal enactment and the legal effect of that section as amended is to rectify an error in the principal enactment.

Clause 35: This clause amends section 27 of the principal enactment and the legal effect of that section as amended is to provide that the officers, members and employees of the Authority to be public servants.

Clause 36: This clause inserts new section 27A in the principal enactment to enable all offences under Part IVB to be cognizable offences.

Clause 37: This clause amends section 28 of the principal enactment and the legal effect of that section as amended is to cause the Authority to be a scheduled institution within the meaning of Anti-Corruptions Act, No. 9 of 2023.

Clause 38: This clause repeals section 31 of the principal enactment and is consequential to the amendment made to section 27 (PART IVG)

Clause 39: This clause inserts new section 31A in the principal enactment to include offences committed by body of persons.

Clause 40: This clause amends section 32 of the principal enactment and the legal effect of that section as amended is to provide for the Minister to make regulations in respect of prohibition or restriction on the use of hazardous substances and registration and monitoring of such substances.

Clause 41: This clause amends section 33 of the principal enactment and the legal effect of that section as amended is to make provision to interpret new terms and expressions.

National Environmental (Amendment)

L.D.-O 48/2025

AN ACT TO AMEND THE NATIONAL ENVIRONMENTAL
ACT, No. 47 OF 1980

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

1. This Act may be cited as the National Environmental Short title
(Amendment) Act, No. of 2026.

5 2. Section 2 of the National Environmental Act, No. 47 of Amendment
1980 (hereinafter referred to as the “principal enactment”) of section 2
is hereby amended by the repeal of subsection (1) and of the Act,
substitution therefor of the following subsection:- No. 47 of
1980

10 “(1) There shall be established an authority called the
Central Environmental Authority.”.

3. Section 3 of the principal enactment is hereby amended Amendment
by the repeal of subsection (1) and substitution therefor of of section 3
the following subsection:- of principal
enactment

15 “(1) The Authority shall consist of five members as
follows:-

(a) one ex-officio member who shall be an Additional
Secretary of the Ministry of the Minister assigned
the subject of environment; and

20 (b) following four members appointed by the President
in consultation with the Minister:-

(i) three of whom shall have at least ten years

of expertise and qualifications in the field of environmental management; and

- 5 (ii) one of whom shall have qualifications in administration and experience in the field of environmental management.”.

4. Section 7 of the principal enactment is hereby amended in subsection (1) thereof as follows:-

Amendment of section 7 of the principal enactment

- 10 (1) in all paragraphs commencing from paragraph (a) to paragraph (s) thereof, by the substitution for the words “a senior officer”, of the words “an officer not below the rank of a Senior Assistant Secretary”;

- (2) in paragraph (t) of that subsection, by the substitution for the words “a senior officer” of the words “a Director”;

- 15 (3) in paragraph (v) of that subsection, by the substitution for the words “field of environment; and” of the words “field of environment;”

- 20 (4) in paragraph (w) of that subsection, by the substitution for the words “management.” of the words “management;”

- (5) by the addition immediately after paragraph (w) of that subsection, of the following paragraphs:-

 “(x) an officer not below the rank of an Additional Secretary of the Ministry;

- 25 (y) the General Manager of the Marine Environment Protection Authority appointed under section 16 of the Marine Pollution

Prevention Act, No. 35 of 2008 or an officer not below the rank of a Manager nominated by him;

5 (z) the Conservator General of Forests appointed under section 58 of the Forest Conservation Ordinance (Chapter 451) or an officer not below the rank of a Conservator nominated by him;

10 (aa) the Director-General of the Department of Wildlife Conservation, appointed under section 68 the Fauna and Flora Protection Ordinance (Chapter 469) or an officer not below the rank of a Director nominated by him; and

15 (ab) the Director-General of the Department of Coast Conservation and Coastal Resources Management appointed under section 3 of the Coast Conservation and Coastal Resources Management Act, No. 57 of 1981 or an officer not below the rank of a Director nominated by him.”.

5. Section 8 of the principal enactment is hereby amended in subsection (14) of that section as follows:-

Amendment of section 8 of the principal enactment

25 (1) in paragraph (a) of that subsection, by the substitution for the word “two” of the word “three”; and

(2) in paragraph (b) of that subsection, by the substitution for the word “seven” of the word “nine”.

6. Section 10 of the principal enactment is hereby amended as follows:-

Amendment of section 10 of the principal enactment

- (1) by the insertion immediately after paragraph (h) of that section, of the following new paragraph:-

5 “(ha) to require the carrying out of Strategic Environmental Assessments, in respect of new policies, strategies, plans and programmes or changes made to existing policies, strategies, plans and programmes in the manner as may be prescribed;”;

- (2) in paragraph (i) of that section-

10 (a) by the substitution for the word “recommendation” wherever such word appears in such paragraph of the words “direction”;

15 (b) by the insertion immediately after subparagraph (vii) of that paragraph of the following new subparagraph: -

20 “(viii) the proper management of solid waste including measures for waste minimization, waste segregation, waste conversion or treatment, processing and the final disposal in terms of the most beneficial manner of its use;”

- (c) by the insertion immediately after the new subparagraph (viii) of that paragraph of the following new paragraph:-

25 “(ia) to institute proceedings in the Magistrate’s court against any local authority which fails to comply with or contravenes the provisions of this Act or any direction given to it by the Authority in terms of this Act;”;

- (3) in paragraph (r), by the substitution for the words “utilizing residue.” of the words “utilizing residue;”;
- (4) by the insertion immediately after paragraph (r) of that section, of the following new paragraphs: -

5 “(s) to implement a mechanism for Extended Producer Responsibility in respect of prescribed goods or products either independently or in conjunction with any other person;

10 (t) to monitor any prescribed activity for which a licence has been granted under the provisions of any Act other than this Act, subject to the concurrence of the Authority, and to institute proceedings in the Magistrate’s court, against any person engaged in such prescribed activity in a manner that contravenes any provision of this Act in the course of such activity; and

15 (u) to do, perform or discharge any duty, function or power vested in the Authority by or under any other written law .”.

20 7. Section 12 of the principal enactment is hereby amended by the addition immediately after subsection (2) of that section of the following new subsections:-

Amendment of section 12 of the principal enactment

25 “(3) Where the respective local authority fails to comply with or contravenes the provisions of the Act or any direction given to it under subsection (1), the Chairman or the Director-General of the Authority may make an application to the Magistrate having jurisdiction. Every such application shall be supported by an affidavit of the Chairman or the Director-General together with a ‘Directive for Enforcement’ by which

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instructions are given to such local authority to comply with the directions of the Authority given to it.

5 (4) Where the Magistrate is satisfied upon an inquiry that the alleged failure on the part of the local authority did in fact take place, the Magistrate shall issue an order directing the respective local authority to comply with the Directive for Enforcement. The order shall specify the period of time as is necessary for such compliance.

10 (5) Every Directive for Enforcement shall be admissible in evidence and shall be *prima facie* proof of the facts stated therein.

15 (6) Where the respective local authority fails or neglects to comply with such Order, such authority shall be guilty of an offence under section 23RR”.

8. Section 23A of the principal enactment is hereby amended as follows:-

Amendment
of section
23A of the
principal
enactment

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

“(1) The Minister shall determine by Order published in the *Gazette* the activities for which a licence is required (hereinafter referred to as the “prescribed activities”), which -

25 (a) involve or result in the discharge, deposit or emission of waste into the environment and where such discharge, deposit or emission causes pollution; or

5 (b) do not involve or result in the discharge, deposit or emission of waste into the environment, but the carrying out of such activity is by itself harmful to the beneficial use of the environment.

(2) A person shall not carry on any prescribed activity except-

10 (a) under the authority of a licence issued by the Director-General or any officer authorized by the Director-General, subject to site clearance granted in terms of subsection 2A; and

(b) in accordance with such terms, conditions and standards as may be prescribed.

15 (2A) An applicant who intends to carry out any prescribed activity shall initially make an application to the Director-General to obtain approval for site clearance. The Director-General shall forward such application to an officer designated for such purpose who shall inspect the site and prepare a report in the manner prescribed. The Director-General or the officer
20 authorized by him shall, having considered the report, and for reasons recorded in writing, approve or reject the application for site clearance.

25 (2B) An applicant shall not commence any construction on the site unless site clearance has been obtained.

30 (2C) Every site clearance shall be valid for not more than a period of twelve months from the date of such clearance. Any site clearance may be renewed for a further period of twelve months by way of application made to the Director-General in that behalf.”;

(2) in subsection (3) of that section -

(a) by the substitution for the words “contravention of subsection (2) of this section, shall be guilty of an offence and on conviction be” of the words “contravention of subsections (2) or (2B) of this section, shall be guilty of an offence and on conviction before the Magistrate having jurisdiction be”; and

(b) in paragraph (a) thereof by the substitution for the words “not less than ten thousand rupees” of the words “not less than fifty thousand rupees and not more than twenty million rupees”.

9. Section 23B of the principal enactment is hereby amended as follows: -

Amendment
of section
23B of the
principal
enactment

(1) in paragraph (b) of subsection (2) of that section, by the substitution for the words “as may be prescribed;” of the words “as may be prescribed from time to time”;

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

“(3) When issuing a licence for a prescribed activity, the Director-General shall specify the corrective measures required to be taken, to minimize any damage likely to be caused to the environment and to provide sufficient safeguards to protect the environment.

(4) The Director-General or any officer authorized by the Director-General having considered the provisions contained in this section and on being satisfied that applicant has the capacity to take such corrective measures and

safeguards as may be required shall issue a licence to the applicant as specified in subsection (1).

5 (5) Where the Director-General or any officer authorized by the Director- General has reason to believe that an applicant for a licence or for a renewal of a licence does not have the capacity to comply with the provisions of this Part or take such measures or safeguards as may be required, the applicant shall be informed in writing that, 10 for reasons given, his application is rejected.?"

10. Section 23C of the principal enactment is hereby repealed. Repeal of section 23C of the principal enactment

11. Section 23D of the principal enactment is hereby repealed and the following substituted therefor:- Replacement of section 23D of the principal enactment

15 "Suspension or cancellation of a licence" **23D.** Where a licence has been issued to any person under this Part and such person acts in violation of the provisions of this Act, or any regulation made thereunder or any of the terms, standards and conditions of the licence, or where since the issue of the licence, the receiving environment has been altered or changed due to natural factors or otherwise, 20 or where the continued discharge, deposit or emission of waste into the environment under the authority of a licence will or could affect any beneficial use adversely, or where the licensee fails to prevent any industrial accident which results in causing or is likely to cause an adverse effect on the environment, the 25 Director-General or any officer authorized by 30

the Director- General may by Order suspend the licence for any period specified in such Order, or cancel such licence.”.

- 5 **12.** The following new section is inserted immediately after section 23D of the principal enactment and shall have effect as section 23DA of that enactment :-

Insertion of new section 23DA in the principal enactment

- 10 “Application of section 23A to a suspended or cancelled licence **23DA.** Where any person continues to carry on an activity during the pendency of the suspension or cancellation of a licence under section 23D, the provisions of subsections (3) and (4) of section 23A shall *mutatis mutandis* apply in relation to such person.”.

- 15 **13.** Section 23E of the principal enactment is hereby amended in subsection (2) thereof, by the addition at the beginning of that subsection of the words “The appeal specified in subsection (1) shall be concluded within thirty days from the receipt of such appeal.” .

Amendment of section 23E of the principal enactment

- 20 **14.** The following new Parts are inserted immediately after section 23E of the principal enactment and shall have effect as Part IV_{AA} (Sections 23F, 23FA, 23FB, 23FC, 23FD), Part IV_{AB} (Section 23FE) and Part IV_{AC} (Sections 23FF, 23FG and 23FH) thereof :-

Insertion of new Parts IV_{AA}, IV_{AB} and IV_{AC} in the principal enactment

“PART IVA

HAZARDOUS WASTE MANAGEMENT

- Minister to determine the granting of a licence for hazardous waste management
- 5
- 23F. (1) The Minister may by Order published in the *Gazette* specify the lists of hazardous waste by categories (hereinafter referred to as ‘prescribed hazardous waste’). The Minister may prescribe the procedures and criteria necessary for the proper management of such prescribed hazardous waste.
- 10
- (2) No person carrying on a facility, industry or commercial activity shall generate, handle or manage such prescribed hazardous waste,-
- 15
- (a) except under the authority of a licence issued under the hand of the Director- General; and
- (b) in accordance with such terms, conditions, standards or other criteria as may be prescribed.
- 20
- (3) Subject to subsection (4), any person who acts in contravention with the provisions of subsection (2), shall be guilty of an offence and on conviction after a summary trial before a Magistrate, be –
- 25
- (a) liable to a fine not more than twenty million rupees and in case of a continuing offence to a fine of not more than one hundred and fifty thousand rupees for

5 each day on which the offence continues after conviction and to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment;

10 (b) required to obtain within such period of time, as may be determined by Court, a licence under subsection (2).

15 (4) Where a person is convicted of an offence under subsection (3), continues to carry on such activity without obtaining a licence within the time period determined by Court, the Court shall, on an application for closure being made by the Director- General or any officer authorized in that behalf in writing, order the closure of such facility, industry or commercial activity until such person obtains a licence and a copy of the licence so obtained is produced before Court.

25 (5) The licensee who carries on any facility, industry or commercial activity that generates, handles or manages any prescribed hazardous waste, shall inform the Authority of the category of hazardous waste and the quantity or volume of such waste, during such time durations and such frequencies as may be determined by the Authority.

30 (6) Every person who contravenes the provisions of subsection (5) shall be guilty of an offence and shall on conviction after a

5 summary trial before a Magistrate be liable to a fine not less than one hundred thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

10 Issue of a licence to engage in activities and manage prescribed hazardous waste

23FA. (1) On receiving an application form as may be prescribed and on payment of the prescribed licence fee, the Director-General or any officer authorized by the Director-General being satisfied of the facts specified therein, may issue a licence.

15 (2) The licence issued under subsection (1) may authorize the applicant to generate, collect, transport, store, reuse, recover, treat, recycle, process or dispose prescribed categories of hazardous waste, subject to such specifications as provided in subsection (4).

20 (3) Where the Director-General or any officer authorized by the Director-General is not satisfied, he may reject an application referred to in subsection (1), giving reasons for such decision. The decision made under this section shall be final and conclusive.

25 (4) Every licence issued under this Part -

(a) shall be in such form, as may be prescribed;

30 (b) shall be subject to such terms, conditions, standards or criteria, from time to time, as may be prescribed;

(c) shall be valid for such period as shall be specified in the licence, provided, it shall not be for more than a period of twelve months; and

(d) may be renewable upon re-evaluation in such form as may be prescribed.

10 Suspension or
cancellation of
a licence

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23FB. (1) Where a licence has been issued to any person under this Part and such person acts in violation of the provisions of this Act or any regulation made thereunder or of any terms, conditions, standards or criteria of the licence, or since the issue of the licence the receiving environment has been altered or changed due to natural factors or otherwise, or where the continued generation, handling or management of such prescribed hazardous waste will or could affect the beneficial use of the environment adversely, or where the licensee fails to prevent any industrial accident which results in causing or is likely to cause an adverse effect on the environment, the Director-General or any officer authorized by the Director-General shall by Order either suspend such licence for any specified period or cancel such licence.

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(2) Where person continues to carry on an activity during the pendency of the suspension or cancellation of a licence as specified under subsection (1), the provisions of subsections (3) and (4) of section 23A shall *mutatis mutandis* apply in relation to such

person. The Director- General shall forthwith to make an application to the Magistrate Court having jurisdiction.

5 Technical
Expert
Committee
for the
management
of prescribed
hazardous
waste

23FC. (1) There shall be appointed a Technical Expert Committee (hereinafter referred to as the “Committee”) for the management of prescribed hazardous waste. The Committee shall consist of such number of members as may be determined by the Authority. The Director-General of the Authority shall be the Chairman of the Committee.

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(2) The function of the Committee shall be to advise the Authority on any matter referred to the Committee by the Authority pertaining to the management of prescribed hazardous waste.

Hazardous
waste
management
system

23FD. (1) The Minister may prescribe matters relevant to-

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(a) the import, export and transition of hazardous and other waste;

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(b) the submission of reports by the importer or exporter related to hazardous and other waste.

(2) No person shall import, export or have on transit any prescribed hazardous waste or other waste without the written permission of

the Director-General or any officer authorized by the Director- General.

5 (3) Any person including an importer, exporter, a handler or a facilitator, who acts in contravention of the provisions of this section shall be guilty of an offence and on conviction after a summary trial before a Magistrate be liable to a fine -

10 (a) not less than one million rupees for a shipment which shall not exceed one ton; or

15 (b) not less than two million rupees for a shipment which shall exceed one ton and for each additional increase of a ton, up to and not exceeding five tons; or

20 (c) of three million rupees for each additional ton, where the shipment exceeds five tons,

shall accordingly be charged on a *pro rata* basis, together with any other charges as may be applicable.

25 (4) Where any person is convicted of an offence under subsection (3), the Director-General or an officer authorized in writing, shall make an application to the Magistrate for an order to return the waste to the country of origin and the relevant cost shall be borne by
30 the person convicted.

(5) For the purposes of this Part –

5 “facility” means any location used for or is incidental to the generation, collection, transportation, storage, process, treatment and disposal of the prescribed categories of waste;

10 “handle” means to collect, transport, store, reuse, recover, treat, recycle, process, or dispose prescribed categories of hazardous waste; and

15 “other waste” means the waste specified in the Basel Convention on the Control of Transboundary Movements of the Hazardous Waste and their Disposal 1989.

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PART IV^{AB}

MANAGEMENT OF CHEMICALS

25 Management of chemicals and the establishment of a Technical Advisory Committee

23FE. (1) The Minister may, by an Order published in the *Gazette* specify the list of names of chemicals, chemical substances, group of chemicals or chemical products (hereinafter referred to as “chemicals”) managed by the Authority. The Minister may vary such list from time to time as may

be necessary, by an Order published in like manner.

5 (2) The Minister may by Order published in the *Gazette* prescribe such activities relevant to prescribed chemicals for which a permit shall be obtained from the Director-General or any officer authorized in that behalf. No person shall carry out any such prescribed activity except under the authority of a permit.

10 (3) The Minister may prescribe the standards, procedure and criteria in relation to the management of chemicals.

15 (4) There shall be appointed a Technical Advisory Committee for the management of chemicals (hereinafter in this Part referred to as “the Committee”). The Committee shall consist of such number of members as may be determined by the Authority. The Director- General shall be the Chairman of the
20 Committee.

(5) The function of the Committee shall be to provide advise on any matter referred to it by the Authority pertaining to the management of chemicals.

25 (6) Any person who contravenes 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 not
30 less than five hundred thousand rupees or to imprisonment of either description for a term

not exceeding two years or to both such fine and imprisonment.

PART IVAC

**CONTROL OF WASTEWATER
DISCHARGED TO THE
ENVIRONMENT**

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Wastewater discharge fee

23FF. (1) The Minister shall by Order published in the *Gazette* specify the waste water discharge fee in accordance with the prescribed formula in respect of Wastewater load discharged from factories and other sources, considering the pollutants discharged and its effect on the environment. The Minister may prescribe the procedure of charging the said fee.

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(2) The Director-General or any officer authorized by the Director- General shall charge the wastewater discharge fee as specified under subsection (1).

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Payment of the wastewater discharge fee and the surcharge

23FG. (1) The Director-General or any officer authorized by the Director- General shall notify the wastewater discharge fee to the owner or occupier of the factory or other source in terms of section 24. The owner or occupier shall settle payment of the said fee within thirty days from the date of receipt of such notice.

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(2) Where the owner or occupier to whom the notice under subsection (1) has

5 been issued, fails to pay the same within the required period of time, the Director-General or any officer authorized by the Director-General may impose a surcharge, which shall be prescribed by regulation in addition to the wastewater discharge fee.

10 (3) The Authority shall direct, the owner or occupier of the factory or other source to expeditiously reduce, control or divert the wastewater discharged to the environment, as the Authority may consider appropriate in the interest of the environment. The owner or occupier of the factory or other source shall comply with this direction which shall be in addition to the payment of wastewater discharge fee. The Authority shall ensure that such direction is carried out.

20 (4) All fees payable under this Part shall be credited to the fund established under section 5 and shall be maintained for the implementation of any new project or the improvement of any existing project relating to wastewater discharge.

25 (5) The Director-General shall forward a report annually to the Authority on measures taken to control, minimize or rectify the damage to the environment to ensure the environmental sustainability.

30 Mode of recovery of fees due to the Authority

23FH. (1) Where a person fails to pay the wastewater discharge fee within the required period the Director-General or any officer authorized by the Director-General may

proceed to recover such sum by instituting legal action by way of summary procedure before the Magistrate having jurisdiction.

5 (2) Every person who fails to pay the wastewater discharge fee, fails to pay the surcharge or fails to comply with any direction issued under subsection (3) of section 23FG shall be guilty of an offence and shall on conviction after summary trial before a
10 Magistrate be liable to a fine not less than one hundred thousand rupees and not more than one million rupees or to an imprisonment for a term not exceeding two years of either description or to both such fine and imprisonment.”.

15 **15.** Section 23H of the principal enactment is hereby amended as follows:-

Amendment of section 23H of the principal enactment

(1) in subsection (3) thereof –

(a) by the substitution for the words “on conviction shall be-” of the words “on conviction before the
20 Magistrate having jurisdiction shall be-”;

(b) by the repeal of paragraph (a) thereof and the substitution therefor of the following:-

25 “(a) liable to a fine not less than one hundred thousand rupees and not more than one million rupees and thereafter in the event of the offence being continued to be committed, to a fine of five thousand rupees for each day on which the offence is so continued to be committed
30 after conviction.”;

- (2) in subsection (4) thereof by the substitution for the words “six weeks” of the words “four weeks”.

16. Section 23K of the principal enactment is hereby amended in subsection (3) thereof, as follows:-

Amendment
of section
23K of the
principal
enactment

- 5 (1) by the substitution for the words “on conviction shall be-” of the words “on conviction before the Magistrate having jurisdiction shall be-”;

- 10 (2) in paragraph (a) thereof, by the substitution for the words “not less than rupees ten thousand and not exceeding rupees one hundred thousand” of the words “not less than one hundred thousand rupees and not more than one million rupees”, and by the substitution for the words “rupees five hundred” of the words “five thousand rupees”.

- 15 17. Section 23N of the principal enactment is hereby amended by the repeal of subsection (4) of that section and the substitution of the following subsections-

Amendment
of section
23N of the
principal
enactment

- 20 “(4) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall on conviction after a summary trial before a Magistrate be-

- 25 (a) liable to a fine not less than one hundred thousand rupees and not more than one million rupees and thereafter in the event of the commission of the offence being continued, to a fine of five thousand rupees for each day on which the offence is so continued after conviction;

- (b) required to take such corrective measures as ordered by Court, within such period of time specifying in such order and to prevent further

damage being caused by pollution to the environment and to restore the environment as ordered by Court; and

5 (c) required to furnish at the end of such period, sufficient and acceptable proof of corrective measures taken.”.

10 18. Section 23R of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words “shall on conviction be liable to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand and in the case of a continuing offence to a fine of rupees five hundred for every day in which the offence continue after conviction.” of the words “shall on conviction before the Magistrate having jurisdiction be liable to a fine not less than one hundred thousand rupees and not more than one million rupees and thereafter in the event of the commission of the offence being continued, to a fine of five thousand rupees for each day on which the offence is so continued after conviction.”.

Amendment of section 23R of the principal enactment

20 19. The following new section is inserted immediately after section 23R of the principal enactment and shall have effect as section 23RA of that enactment:-

Insertion of section 23RA in the principal enactment

25 “Pollution caused by vibration 23RA. (1) No person shall cause the emission of excessive ground or air vibration except under the standards or limitations as may be prescribed with regard to the volume, intensity or quality of such vibration.

30 (2) Any person who contravenes the provisions of this section or any regulation made thereunder shall be guilty of an offence

21. Section 23w of the principal enactment is hereby amended as follows:-

Amendment
of section
23w of the
principal
enactment

(1) by the repeal of paragraph (a) of subsection (1) of that section, and the substitution therefor of the following:-

5 “(a) prohibit the production or the use of any product or material for any process, activity, trade, storage or industry or specify any material to be used in any such production, process, activity, trade, storage or industry;”;

10 (2) in subsection (3) of that section by the substitution for the words “shall be guilty of an offence.” of the words “shall be guilty of an offence and shall on conviction after a summary trial before a Magistrate be liable to a fine not less than one hundred thousand rupees and not more than one million rupees and in the event of the commission of the offence is continued, to a fine not exceeding one hundred thousand rupees for each day on which the offence is so continued or to imprisonment for a term not exceeding two years of either description or to both such fine and imprisonment.” ;

20 (3) by the insertion immediately after subsection (3) of that section of the following new subsection :-

25 “(4) Where any person convicted under subsection (3) continues to contravene any prohibition or fails to comply with any requirement in the Order made by the Minister, the Court shall, upon an application for closure being made by the Director- General or any officer authorized in that behalf by the Director-General, order the closure of the premises within which such process, activity, trade, storage or industry is carried out.”.

30

22. The following new section is inserted immediately after section 23w of the principal enactment and shall have effect as section 23WA of that enactment:-

Insertion
of section
23WA in the
principal
enactment

- 5 “Power to take into custody or seize, any product or material prohibited under section 23w
- 10 **23WA.** (1) The Director-General or any officer authorized by the Director-General may, after due inquiry, if he has reason to believe that an offence under section 23w has been committed or is being committed -
- 15 (a) at any reasonable time of the day, enter into and inspect any premises to ascertain whether any prohibited product or material has been or is being produced or, such product or material has been or is being used in any such production, process, activity, trade, storage or industry within that premises; and
- 20 (b) take into custody and seize any prohibited product or material.
- 25 (2) The Director-General or any officer authorized by the Director-General shall produce any prohibited product or material taken into custody or seized under subsection (1), together with the relevant documents before the Magistrate having jurisdiction, within twenty four hours from the date of such taking into custody or seizure.
- 30 (3)The Director-General or any officer authorized by the Director-General may apply to the Magistrate having jurisdiction over the place where any prohibited product or material

5 has been seized, for an order to destroy or recycle such product or material. The Magistrate may, after such inquiry as he may deem necessary, make such order specifying the manner for destruction or recycling of such product or material and at the cost of the person responsible.”.

10 **23.** Section 23AA of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsections:-

Amendment of section 23AA of the principal enactment

15 “(2) The approval referred to in subsection (1) shall be obtained from the relevant project approving agency which shall be appointed by the Director-General. Prior to such appointment, the Director-General shall satisfy himself that the project approving agency shall not have any interest or is in anyway concerned or connected with such prescribed project.

20 (3) A project approving agency shall approve a prescribed project only with the concurrence of the Director- General, except where the Authority functions as the project approving agency of a prescribed project.”.

25 **24.** Section 23BB of the principal enactment is hereby amended by the insertion immediately after subsection (3) thereof, of the following subsection:-

Amendment of section 23BB of the principal enactment

30 “(3A) A project approving agency shall, when considering the grant of approval for an initial environmental examination report or an environmental impact assessment report submitted to it, as the case may be, examine the degree of compliance with the standards and criteria prescribed under section 32 and Part IVB of this Act.”.

25. Section 23DD of the principal enactment is hereby amended as follows:-

Amendment
of section
23DD of the
principal
enactment

- (1) by the insertion immediately after subsection (1) thereof, of the following subsections:-

5 “(1A) Where an approval has been granted to any person or body of persons under this Part and such person does any act in violation of any condition on which such approval has been granted, the Authority may by Order cancel the approval or suspend such approval for such

10 period of time as specified in such Order.

 (1B) Any person or body of persons who is aggrieved by the decision made by the project approving agency or the Authority as provided under subsection (1) or (1A), as the case may be, within thirty days after the date of the notification of such decision may appeal in writing against such decision to the Secretary.”;

15

- (2) in subsection (2) thereof, by the substitution for the words “on such appeal of the Minister shall be final.” of the words “on such appeal made under subsection (1B) shall be final.”.
- 20

26. The following new sections are inserted immediately after section 23FF of the principal enactment and shall have effect as sections 23GG, 23HH and 23JJ of the principal enactment:-

Insertion
of sections
23GG, 23HH
and 23JJ in
the principal
enactment

“Offences under this Part **23GG.** Any person who-

- (a) carries out a prescribed project without obtaining an approval under section 23BB;
- 30

5 (b) furnishes information which is likely to mislead or provide false or inaccurate information relevant to the Environmental Impact Assessment report or Initial Environmental Examination report, as the case may be, of a prescribed project;

10 (c) having obtained approval for a prescribed project, subsequently makes any alteration to such prescribed project without prior written approval from the appropriate project approving agency as specified under section 23EE;

15 (d) after having furnished an Environmental Impact Assessment report or Initial Environmental Examination report, as the case may be, engages in a prescribed project prior to receiving such approval;

20 (e) having once obtained approval for a prescribed project which approval was subsequently cancelled, continues to engage in the said project;

(f) abandons a prescribed project-

25 (i) without complying with the requirements imposed by the project approving agency; or

30 (ii) fails to intimate the project approving agency of such abandonment, and where necessary the Authority as specified under section 23EE;

(g) contravenes any term or condition subject to which approval has been granted for any prescribed project, by any project approving agency,

5 shall be guilty of an offence and shall on conviction after summary trial before a Magistrate having jurisdiction be liable to a fine not more than ten million rupees or to imprisonment for a term not exceeding three
10 years or to both such fine and imprisonment.

Environmental Management and Monitoring Plan to be submitted for a project for which an environmental impact assessment is required

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23HH. (1) Any person who carries on a prescribed project which has been subjected to an Environmental Impact Assessment and, as the case may be, to an Initial Environmental Examination shall within one month of the project approving agency granting approval for the project, submit to the project approving agency an Environmental Management and Monitoring Plan under this Part to ensure that management actions arising from the Environmental Impact Assessment process are clearly defined and implemented.

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(2) It shall be the duty of any person who carries on a prescribed project, to report periodically to the project approving agency the progress of the activities provided in the Environmental Management and Monitoring Plan submitted under subsection (1). The project approving agency shall inspect the progress of the said Plan from time to time and be satisfied of its proper implementation.

5 (3) Any person who contravenes any of the provisions of this section shall be guilty of an offence and on conviction after a summary trial before a Magistrate having jurisdiction be liable to a fine not exceeding ten million rupees or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.”.

10 (4) For the purpose of this section “Environmental Management and Monitoring Plan” means a comprehensive plan which requires recommended mitigation measures into specific actions that will be carried out by the person who carries on a prescribed project.

15 Reports to be submitted for a project for which an initial environmental examination is required

20 **23JJ.** (1) Any person who carries on a prescribed project which has undergone an initial environmental examination shall submit periodic reports to the relevant project approving agency. Such person shall ensure compliance with the conditions of the approval granted under section 23BB.

25 (2) Any person who contravenes the provisions of this section shall be guilty of an offence and on conviction after a summary trial before a Magistrate having jurisdiction be liable to a fine not exceeding ten million rupees or to imprisonment for a term not exceeding three years of either description or to both such fine and imprisonment.”.

30 **27.** The following new Parts are inserted immediately after newly inserted section 23JJ to the principal enactment and shall have effect as Part IVD (Sections 23KK, 23LL),

Insertion of new Parts IVD, IVE, IVF and IVG to the principal enactment

potential significant environmental effects of a proposed policy, strategy, plan or programme.

5 (3) Without prejudice to the provisions of subsection (1), where it appears to the Minister that any policy, strategy, plan or programme being formulated or amended, irrespective of whether such policy, strategy, plan or programme comes within the provisions of subsection (1) or not, is likely to have a significant effect on the environment, the Minister may by written notice require the Government institution responsible for the formulation of such policy, strategy, plan or programme to prepare and submit for review a strategic environmental assessment report with the draft policy, strategy, plan or programme.

10 (4) It shall be the duty of a Government institution to prepare a strategic environmental assessment report under subsection (1) or as required by a notice issued under subsection (3) together with the draft policy, strategy, plan or programme. and to submit the same to the Authority. The Authority shall review and specify its recommendations or concerns, on the said report.

25 (5) The Authority shall on receipt of a strategic environmental assessment report submitted to it under subsection (4), by notice published in the newspaper each in Sinhala, Tamil and English language, notify the place and times at which such report shall be available for inspection to enable the public to make its' comments, if any, thereon. A

5 strategic environmental assessment report submitted in compliance with the requirements imposed under subsection (4) shall be deemed to be a public document for the purpose of sections 74 and 76 of the Evidence Ordinance (Chapter 21).

10 (6) Any member of the public may, within thirty days of the date on which a notice under subsection (5) is published, make his comments, if any, thereon to the Authority. The Authority may, where it considers appropriate in the public interest, afford an opportunity to any such person of being heard in support of his comments, and shall have regard to such comments and any other material, if any, elicited at any such hearing, in reviewing such policy, strategy, plan or program. The Authority shall, thereupon report its findings, concerns and recommendations by a review made in writing to the relevant Government institution.

25 (7) The Government institution which prepared the policy, strategy, plan or programme shall revise or modify the draft policy, strategy, plan, or programme taking into account the findings of the strategic environmental assessment and the findings, concerns and recommendations of any review prepared by the Authority and shall submit to the Authority the final policy, strategy, plan or program, together with the written statement of such revision or modification made to the draft in response to the Authority's findings. The Government institution which prepared

the policy, strategy, plan or programme shall give reasons in writing if the revisions or modifications made to the draft differ from the recommendations of the Authority.

5 (8) The final policy, strategy, plan or programme, including the findings, concerns and recommendations of a review by the Authority referred to in subsection (6) and the documents referred to in subsection (7), as the case may be, shall be published on the website of the Authority.

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 (9) The Authority, having examined the documents referred to in subsection (7), shall submit its final observations and recommendations to the relevant Government institution.

15

 (10) The final policy, strategy, plan or programme, including the findings, concerns and recommendations of a review by the Authority referred to in subsection (6) and the documents referred to in subsection (9), as the case may be, shall be submitted by the relevant Government institution to the Cabinet of Ministers or any other authority responsible for approving such policy, strategy, plan or programme.

20

25

 (11) The Cabinet of Ministers or any other authority responsible for approving such policy, strategy, plan, or programme shall take into consideration the strategic environmental assessment report and the final observations and recommendations of the Authority in

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making its decision in respect of approving, issuing or adopting the policy, strategy, plan or programme.

5 (12) Where approval is granted under subsection (10), such approval shall be published in the *Gazette* and in one newspaper each in Sinhala, Tamil, and English languages.

10 (13) The Authority may request any Government institution to provide any information and data which are not classified as “confidential” within a reasonable timeframe for reviewing of any strategic environmental assessment report, and such institution shall provide the same accordingly.

15 Regulations for Strategic Environmental Assessment **23LL.** The Minister may make regulations for carrying out or giving effect to the provisions pertaining to strategic environmental assessment, in respect of matters including :-

20 (a) the determination of criteria to be included in the environmental significance checklist as referred to in subsection (2) of section 23KK;

25 (b) the structure and content of strategic environmental assessment reports;

(c) the fee for the conduct of a strategic environmental assessment process;

(d) transparency and public participation for the purpose of

review and decision making in respect of strategic environmental assessment process;

5 (e) time limits to be taken to undertake the necessary steps in carrying out a strategic environmental assessment process;

10 (f) incorporation of the findings, concerns and recommendations of any review of the strategic environmental assessment report into the assessed policy, strategy, plan or programme; and

15 (g) monitoring the implementation of the findings, concerns and recommendations incorporated into the policy, strategy, plan, or programme.

PART IV

20 CONSERVATION OF WETLANDS

Declaration of wetlands

23MM. Unless otherwise provided in any other written law, the Minister may by Order published in the *Gazette* –

25 (a) declare wetlands for the protection and conservation, excluding wetlands declared, defined or managed under any other law; and

(b) specify the permissible activities within such declared wetland.

- 5 Conservation of declared wetlands
- 23NN.** (1) No person shall commence, carry on, engage in, continue or complete any activity other than a permissible activity within or over any declared wetland, for the purpose of this Act, except under the approval of the Director-General.
- 10 (2) Every application for approval shall be in the form as may be prescribed by the Director-General and be accompanied by the prescribed fees for processing the application and monitoring the compliance of the conditions of approval of the applicant.
- 15 (3) The Director-General or an officer authorized in writing by the Director-General shall require an applicant to submit any document or furnish further information for the purpose of processing the application.
- 20 (4) The activities for which approval has been granted under this section shall be subject to such conditions as specified by the Director-General or an officer authorized by the Director-General.
- 25 Carrying out an activity without approval within a wetland to be an offence
- 30 **23PP.** (1) Every person who carries on or engages in or continues or completes any activity without approval within or over any area of a declared wetland, in contravention of this Part, shall be guilty of an offence and on conviction after summary trial before a Magistrate having jurisdiction be -

5 (a) liable to a fine not less than one million rupees and not exceeding ten million rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment; and

10 (b) required to comply with the conditions recommended by the Director-General and restore the wetland to the satisfaction of the Director-General.

15 (2) Where any person who is convicted under subsection (1) continues to carry on such activity without complying with the conditions recommended by the Director-General within the time period determined by Court under that subsection, the Magistrate shall upon an application being made by the Director-General or any person authorized by him in that behalf, order the closure or cessation of any activity, until such person complies with such recommendations.

PART IVF

EXTENDED PRODUCER RESPONSIBILITY

25 Establishment of Extended Producer Responsibility mechanism

30 **23QQ.** (1) The Minister shall specify by Order published in the *Gazette* the goods or products subject to the implementation of the Extended Producer Responsibility either to be undertaken independently or in conjunction with any other person.

5 (2) The Minister may, by regulations establish a coordinated mechanism to track and implement Extended Producer Responsibility which requires the importer, manufacturer, vendor, handler and consumer of any goods or products, to be responsible for the life cycle management of such goods or products, until the ultimate disposal in the form of recycling, reuse or by disposal or in any other form. 10 The manner and procedure of charging a fee from the responsible party and a fee charged for non-compliance of any term or condition of the mechanism shall be specified in the mechanism.

15 (3) Every importer, manufacturer, vendor, handler and consumer of any goods or products specified under subsection (1) shall comply with the terms and condition of the mechanism established under subsection (2).

20 (4) Where any person fails to pay a fee as specified in the mechanism, the Director-General may proceed to recover such sum by instituting a action by way of summary procedure before the Magistrate having jurisdiction. 25

(5) Every person who contravenes the provisions of any regulation made under this section shall be guilty of an offence and shall on conviction after summary trial before a Magistrate having jurisdiction be liable to a fine not less than one hundred thousand rupees and to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment. 30

(6) For the purpose of this Part –

5 ‘Extended Producer Responsibility’
 means, an environmental
 management approach in which
 a producer’s responsibility for a
 product is extended to the post-
 consumer stage of a product’s life
 cycle;

10 ‘producer’ means, an entity that introduces
 goods, products and packaging into
 the country using authorized means
 by manufacturing, importing,
 distributing, converting, selling or
 re-selling or otherwise.

15

PART IV

OFFENCES AND PENALTIES

General
penalty

20 **23RR.** Every person who contravenes or
 fails to comply with the provisions of this Act
 or any regulation made thereunder or obstructs
 any person acting in accordance with the Act
 shall be guilty of an offence and be triable in
 the Magistrate’s Court having jurisdiction
 and any person who is found guilty of an
25 offence under this Act or regulation made
 thereunder for which no penalty is expressly
 provided for, shall be liable to a fine not less
 than two hundred and fifty thousand rupees
 and not exceeding fifteen million rupees or
 imprisonment of either description for a term
30 not exceeding two years or to both such fine
 and imprisonment.

Restoration or
to minimize
the damage
&c. to the
environment

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23ss. (1) Where damage, harm or pollution has been caused to the environment by any activity or project, whether prescribed or not, the Magistrate may, prior to conviction, on an application made by the Director-General, order any person responsible for such harm, damage or pollution, to take such corrective measures as the Magistrate thinks expedient so to do. The Magistrate having considered such harm, damage or pollution, may require the person responsible, to restore the environment to its original condition or to minimize the damage of the area in which the said damage had taken place, within such period specified in that order.

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(2) An application under subsection (1) shall be made by the Director-General subject to section 23E or 23DD. Such application shall be taken up by the Magistrate within three working days of filing the application, for order to be made within two weeks therefrom.

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(3) Any person in respect to whom the order referred to in subsection (1) has been made, shall submit to the court proof of measures taken by such person to restore the environment or to minimize the damage and to prevent any further damage to the environment.

30

(4) The Magistrate may suspend operations of any activity or project for such duration of time as the Magistrate considers necessary depending on the nature of the offence and extent of damage or pollution which has taken

place, until compliance of the order issued under subsection (1).

5 (5) Where the Director-General is satisfied in respect of the measures taken on proof of such measures submitted to him, he shall issue a written declaration and produce the same in Court in order to conclude the case.

10 (6) If it is not practical for the person to whom an order has been made under subsection (1) to take sufficient corrective measures to restore the environment, the Director-General shall take all measures to do the same. The Court shall order the said person responsible, to pay all expenses and costs incurred by the Authority. Such expenses and costs shall be charged as a fine imposed by Court. The Court may in addition, order such ensuing costs as may be needed as the Court considers essential.”.

20 **28.** Section 24A of the principal enactment is hereby amended in subsection (1) as follows:-

Amendment of section 24A of the principal enactment

(1) in paragraph (d) of that subsection by the substitution for the words “in the course of such examination; or” of the words “in the course of such examination”;

25 (2) by the insertion immediately after paragraph (e) of that subsection of the following new paragraphs:-

30 “(f) examine and inspect such land and premises in which any trade, process, industry or activity is been carried on or which had been carried out and examine the records, books and

documents electronic or otherwise relating to the same and make records if necessary, take samples, videos and photographs thereof; or

- 5 (g) to do all such inspection, examination or other verifying, as may be required for the proper implementation of the provisions of this Act and regulations made thereunder.”.

29. The following new section is inserted immediately after section 24A of the principal enactment and shall have 10 effect as section 24AA of that enactment :-

Insertion of new section 24AA in the principal enactment.

15 “The Director-General may refer an application to a Government department or public corporation 24AA. (1) The Director-General or any officer duly authorized in writing by the Director-General may, refer a matter to an appropriate Government department or public corporation requesting a report on the adverse implications to the environment.

20 (2) Where a request is made under subsection (1), the Director-General or any officer duly authorized in writing by the Director-General shall not take any decision on such application until it receives the report relating to the adverse implications to the environment from such department or corporation.”.

25 30. Section 24B of the principal enactment is hereby amended by the insertion immediately after subsection (2) of that section of the following subsection:-

Amendment of section 24B of the principal enactment

30 “(3) The provisions of this section shall be applicable to prescribed activities specified in Part IVA, Part IVAA, Part IVAB and Part IVAC.”.

31. The following new section is inserted immediately after section 24B of the principal enactment and shall have effect as section 24BA of that enactment:-

Insertion of new section 24BA in the principal enactment.

“Removal of unauthorized constructions harmful to the environment

24BA. (1) Where-

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(a) the Director-General is of the view;
or

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(b) a complaint is received in writing from a member of the public and the Director-General having examined the matters is of the view,

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that there exists a public inconvenience or a threat, harm or an injury has been caused or is likely to be caused to the environment from any construction done in contravention of the provisions of this Act, the Director-General shall make an application to the Magistrate having jurisdiction to grant an order to demolish such construction.

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(2) Every application for a demolition order shall be subjected to section 23E or 23DD and be accompanied by a Certificate under the hand of the Director-General setting out all facts relevant to the application. The Certificate of the Director-General shall be admissible in evidence and shall be *prima facie* proof of the matters contained therein.

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(3) The Magistrate on being satisfied with the contents of the application and the Certificate submitted under subsection (2)

may issue an order to demolish the said unauthorized construction.

5 (4) It shall be the responsibility of the person to whom the order has been referred to to proceed to demolish such construction within the period of time as may be specified in such order and to inform the Authority of such demolition.

10 (5) In any case where such person fails to comply with the order to demolish, the Magistrate shall forthwith order the fiscal of the court requiring and authorizing such fiscal before a date specified in such order not being a date earlier than three or later than seven clear days from the date of issue of such order to demolish such construction. Such order shall be sufficient authority for the said fiscal or any police officer authorized by the Magistrate to assist in that behalf to enter the premises and execute such order.

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25 (6) The Court may order the person responsible to take such corrective measures as may be determined by Court, to restore the damages caused to the environment and to furnish to the court sufficient and acceptable proof of the incorporation of such corrective measures.”.

30 **32.** Section 24C of the principal enactment is hereby amended by the insertion immediately after subsection (2) of that section of the following subsection:-

Amendment
of section
24c of the
principal
enactment

5 “(3) Any person who carries on any activity in
 contravention of the orders made under section 24C
 and 24D, within any area which is declared by the
 Minister as an environment protection area under
 subsection (1), shall be guilty of an offence and on
 conviction after summary trial before a Magistrate
 having jurisdiction be liable to a fine not less than one
 million rupees and not exceeding ten million rupees
 or to an imprisonment for a term not exceeding two
 10 years or to both such fine and imprisonment.”.

33. The following new section is inserted immediately
 after section 24C of the principal enactment and shall have
 effect as section 24CA of the principal enactment:-

Insertion of
 new section
 24CA in the
 principal
 enactment

15 “Assessing
 the damages
 &c.to natural
 resources and
 recovery of the
 cost

24CA. (1) No person shall cause harm
 or damage to any natural resource of the
 environment.

20 (2) Where damage or harm has been
 caused by releasing extrinsic substances
 causing pollution or by any other activity or
 project, whether such activity or project has
 been prescribed under this Act or not, the
 Director-General or any officer authorized
 by the Director- General may, without delay
 assess the cost of such damage or harm caused
 and proceed to recover such cost from the
 25 parties responsible. The expenses incurred in
 assessing the damage or harm shall be borne
 by the responsible party.

30 (3) In assessing the cost of damage
 or harm as specified in subsection (2), the
 Director- General or any officer authorized by
 the Director- General may seek the assistance

of any local or foreign expert in the relevant field.

5 (4) The Director-General or any officer authorized by the Director- General shall have the authority to proceed to recover such sum from the persons responsible, by instituting action by way of summary procedure before the Magistrate having jurisdiction.

10 (5) On the basis of the assessment of damage or harm under subsection (2), the Director-General or any officer authorized by the Director-General, shall direct the person responsible to take such corrective measures to restore the environment to its original condition and to take all necessary precautions to prevent any further damage or harm. Where
15 the Director-General or any officer authorized by the Director- General is of the opinion that such damage cannot be restored to its original condition, the Director- General or any officer
20 authorized by the Director-General shall direct the parties responsible, to repair such damage or harm to an acceptable level to be determined by the Director-General or any
25 officer authorized by the Director- General. Where the person responsible fails to restore the environment to its original condition, a responsibility fee shall be charged, in the manner as may be prescribed by regulation.

30 (6) The sum specified in subsection (2) and the responsibility fee collected by the Authority shall be credited to the fund established under section 5 and shall be

maintained for the management of the affected ecosystems and affected parties.

5 (7) Any person who fails to pay the sum specified in subsection (2) and the responsibility fee specified in subsection (5) shall be guilty of an offence and on conviction after a summary trial before a Magistrate having jurisdiction be liable to a fine not less than one million rupees and not more than ten million rupees or to an imprisonment for a term not exceeding two years or to both such fine and imprisonment.

10 (8) For the purpose of this section “ecosystem” means a community of organism and their physical environment, interacting as an ecological unit.”

20 **34.** Section 24D of the principal enactment is hereby amended in subsection (4) thereof, by the substitution for the words and figures “Order under section 24” of the words and figures “Order under section 24C”. Amendment of section 24D of the principal enactment

35. Section 27 of the principal enactment is hereby repealed and the following substituted therefor:- Replacement of section 27 of the principal enactment.

25 “All members, officers and employees of the Authority deemed to be public servants **27.** All members, officers and employees of the Authority shall be deemed to be –
(a) public servants within the meaning of, and for the purposes of the Penal Code (Chapter 19); and
(b) public servants within the meaning of section 136 of the Code of

“Offences
by body of
persons

31A. Where an offence under this Act or any regulation made thereunder is committed by a body of persons, then, if that body of persons is –

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(a) a body corporate, every director, member or other principal officer of that body corporate; or

(b) a firm, every partner of that firm; or

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(c) an unincorporated body, every individual who is a controlling member of such body and every principal officer of that body responsible for its management and control,

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shall be deemed to be guilty of such offence:

Provided that, no such person shall be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.”.

20

40. Section 32 of the principal enactment is hereby amended in subsection (2) thereof as follows:-

Amendment
of section
32 of the
principal
enactment

(1) by the insertion immediately after paragraph (d) of that subsection, of the following new paragraph:-

25

“(da) restriction on the use of hazardous substances or the prohibition of certain hazardous substances and the registration and monitoring of the importation, manufacturing, formulation,

5 repacking, storage, transportation, sale and use of such substances or any chemical which is harmful to the environment and human health, with a view to protecting human health and environment from the hazardous effects of chemicals.”;

(2) by the substitution in paragraph (q) of that subsection, for the words “soil; and” of the words “soil;”;

10 (3) by the substitution in paragraph (r) of that subsection, for the words “purpose.” of the words “purpose; and”

(4) by the addition immediately after paragraph (r) of that subsection, of the following new paragraph:-

“(s) the procedure for application of site clearance report and the applicable fees.”.

15 **41.** Section 33 of the principal enactment is hereby amended as follows:-

Amendment
of section
33 of the
principal
enactment

(1) by the insertion, immediately before the definition of “air pollution”, of the following new definition:-

20 “activity” includes a development project, scheme, facility, industry, trade, business, transit facility being a commercial or non-commercial in nature or any other undertaking, temporarily or permanently causing an environmental hazard;

25 (2) by the insertion, immediately after the definition of “air pollution”, of the following new definitions:-

“Chairman” means the Chairman of the Authority established under section 3(2);

“chemical” includes hazardous chemicals;

“Constitution” means the Constitution of the Democratic Socialist Republic of Sri Lanka;

5 “Director-General” means the Director-General of the Authority referred to under section 13;

(3) by the insertion immediately after the definition of the expression “exclusive economic zone” of the following new definitions:-

10 “Government institution” means a Ministry, Government Department, Corporation, statutory board, statutory authority, Provincial Council, Provincial Department, or any other Provincial institution, local authority or public corporation or a company”;

15 “ground water” means, water that collects or flows beneath the earth’s surface, filling the porous spaces in soil, sediment or rocks, which originates from rain and is the source of water for aquifer, springs and wells, the upper surface of ground water is reckoned to be the water table;

20

“hazardous waste” or “hazardous substances” means any waste in the form of solid, semi-solid, liquid or gaseous that may pose a danger to public health, living organisms, material, structures or the environment;

25

“industrial accident” means an accident which causes pollution to the environment as provided in this Act;

“inland waters” includes inland surface water, ground water and territorial waters of Sri Lanka;”

- 5 (4) by the insertion immediately after the definition of the expression “local authority” of the following new definitions-

“Ministry” means the Ministry to which the subject of environment has been assigned under the Constitution.”;

- 10 “monitoring” means a process undertaken by the Authority may be in coordination with other entities or within its expertise and includes site inspection, investigation, testing, conducting meetings, compiling and maintaining records, the drawing and the execution of agreements or the
15 preparation of renewal procedures in consultation with the relevant authorities;”

- (5) by the insertion immediately after the definition of the expression “noise pollution” of the following new definition:-

- 20 “person responsible” means a person or a body of persons either incorporated or unincorporated locally or otherwise, who has undertaken any activity which has caused any discharge, emission or deposit of any pollutant, or a damage to the
25 environment within the territorial limits of Sri Lanka knowingly, owing to the willful disregard to the duty of care or does so by accident;

- (6) in the definition of the expression “pollutant”, by the
30 substitution for the words “any substance whether liquid, solid or gaseous which directly or indirectly”

of the words “any substance whether liquid, solid or gaseous or an energy, which directly or indirectly”;

5 (7) in the definition of the expression “pollution”, by the substitution for the words “the deposit of wastes so as to” of the words “the deposit of wastes or by the ground or air vibration so as to”;

(8) by the insertion, immediately after the definition of the expression “prescribed”, of the following new definitions:-

10 “site clearance report” means a document considering the environmental balance that a proposed site and its surrounding environment is suitable or not for the prescribed activity;

15 “strategic environmental assessment” means a systematic process for evaluating the potential environmental effects of a proposed policy, strategy, plan or programme considering the cumulative effects along with economic and social considerations aiming at sustainable development and appropriately address them at the earliest possible stage of decision making;

20 “strategic environmental assessment report” means a written analysis of the predicted significant environmental effects of the draft policy, strategy, plan or programme, together with an analysis of environmentally friendly alternatives or measures to eliminate or minimize such adverse impacts on the environment aiming at sustainable and resilient development;” and

(9) by the insertion immediately after the definition of the expression “toxic chemical” of the following new definitions:-

5 “vibration” means, a periodic oscillation or motion of particles of an elastic media, which generates seismic waves that pass through solid or liquid media or the air that generates shock waves;

10 “wetlands” means any area of marsh, fen, peat land or water whether natural or artificial, permanent or temporary with water that is static or flowing, fresh, brackish or salty including area of marine water the depth of which at low tide does not exceed six meters.”.

15 **42.** 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

