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PART I : SECTION (1) – GENERAL

Government Notifications

THE NATIONAL ENVIRONMENTAL ACT, NO. 47 OF 1980

REGULATION made by the Minister of Environment under subsection (2) of Section 32 of the National Environmental Act, No. 47 of 1980.

MAITHRIPALA SIRISENA
Minister of Environment

Colombo,
14th May, 2006.

Regulations

1. These regulations may be cited as the National Environmental (Prohibition of the use of equipment for exploration, mining and extraction of sand and gem) Regulations, No. 01 of 2006.
2. No person shall commence, engage in, continue or complete any exploration, excavation or mining for or extraction or removal of sand and gem by using any prohibited equipment within any water body or any island situated within that water body or the area lying between the river bank and the reservation limit.
3. The use of any equipment other than prohibited equipment, for any exploration, excavation or mining for or dredge or removal of sand and gem, shall be deemed to be prohibited subject to regulation 4, if such use causes pollution, harm or damage to the environment.
4. Provided however, such equipment may be used only to dredge or remove any sand or rubble which may obstruct the natural flow of the water, on any water body or other area lying between the river bank and, reservation limit due to natural phenomena.
5. In these regulations unless the context otherwise requires-

“Environment” shall have the same meaning assigned to such expression under National Environmental Act, No. 47 of 1980;

“Excavation” includes any digging, dredging, bulldozing, removing or displacing sand and gems;

“Exploration” means any activity that is carried out by means of geological, geophysical, geo-chemical examination for the purpose of determining the regional geographical condition and any indication of minerals and their quantity or quality;

“Extraction” includes any manual or mechanical process used for the purpose of selection, separation or sorting out from earth, soil and sand;

“Mining” means excavation on the surface of the earth or shallow or deep excavation below the surface of the earth;

“Prohibited equipment” means any tool or instrument used for excavation, extraction or removal of sand and gem within an inland water body or any island within that water body or on the area lying between the river bank and the reservation limit, using backhoes, bulldozers, sucking machines or any the equipment, the use of which may be prohibited by the Central Environmental Authority from time to time;

“Pollution” shall have the same meaning as assigned to that expression under the National Environmental Act, No. 47 of 1980;

“Person” shall include any Government Department, Corporation, Statutory Body, Provincial Council, Local Authority, Company, Firm or an individual.

“Reservation Limit” means-

- (i) if the water body is a public stream or a river, width of more than twenty five meters at any point of its course, the area lying within sixty meters from the bank of that stream or river;
- (ii) if the water body is a public stream having width of less than twenty five meters at any point of its course, the area lying within thirty meters from the bank of that stream;
- (iii) if the water body is a tank, reservoir or a pond, the area extending up to a distance of hundred meters from the full supply level;

“Water body” shall include a river, public stream, tank, reservoir and a pond.