

Forests (Amendment)

Act No 13 of 1982

AN ACT TO AMEND THE FOREST ORDINANCE.

Act Nos,
13 of 1982

[Act No. 13 of 1982 Commencement and Operation 25th March, 1982]

Short title. **1.** This Act may be cited as the Forest (Amendment) Act.

Amendment of section **2.** Section 7 of the Forest Ordinance (hereinafter referred to as the " principal enactment of Chapter 283.) is hereby amended as follows:
[§2,13 of 1982]

(a) by the substitution in subsection (1) of that section, for the words "to imprisonment for a term which may extend to five years," of the words " to imprisonment for a term not less than two years and not exceeding five years, ";

(b) by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:

"(2) Any person who abets the commission of any offence specified in subsection (1) or who causes any such offence to be committed, shall also be guilty of an offence and shall on conviction be liable

(a) in the case of abetting, or causing, the commission of an offence under paragraphs (a), (b), (c), (d) or (/) of that subsection, to imprisonment for a term not less than one year and not exceeding five years; and

(b) in the case of abetting, or causing, the commission of an offence under any other paragraph of that subsection, to the same punishment as is prescribed for such offence by that subsection. "; and

(c) by the addition at the end of that section, of the following new subsection:

"(3) No prosecution for an offence under this section shall be instituted except with the written sanction of the Conservator of Forests, ".

Amendment of section **3.** Section 20 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection;
20 of the principal enactment [§ 3, 13 of 1982]

"(2) Any person who abets the commission of any offence specified in this Chapter or causes any such offence to be committed shall also be guilty of an offence and shall on conviction be liable

(a) in the case of an offence referred to in section 21, other than an offence referred to in the proviso thereto, to a fine not

exceeding one thousand rupees or to imprisonment for a term not less than three months and not exceeding one year;

(b) in the case of an offence referred to in the proviso to section 21, to imprisonment for a term not less than six months and not exceeding two years."

Amendment of section 21 of the principal enactment. [§ 4, 13 of 1982]

4. Section 21 of the principal enactment is hereby amended as follows:

(a) by the substitution, for the words " by a fine not exceeding one thousand rupees, or by imprisonment which may extend to six months: ", of the words " by a fine not exceeding one thousand rupees or by imprisonment for a term not less than six months and not exceeding one year; "; and

(b) by the substitution, in the proviso to that section, for the words " by imprisonment for a term which may extend to two years. ", of the words " by imprisonment for a term not less than six months and not exceeding two years."

Amendment of section 25 of the principal enactment. [§5,13 of 1982]

5. Section 25 of the principal enactment is hereby amended as follows :

(1) in subsection (1) of that section

(a) by the substitution, for the words " by a fine not exceeding one thousand rupees or by imprisonment which may extend to six months ; ", of the words " by a fine not less than two hundred rupees and not exceeding one thousand rupees, or by imprisonment for a term not less than three months and not exceeding six months, or to both such fine and imprisonment: "; and

(b) by the substitution, in the second proviso to that section, for the words" by a fine not exceeding two thousand rupees or by imprisonment which may extend to one year", of the words " by a fine not less than two hundred rupees and not exceeding two thousand rupees, or by imprisonment for a term not less than three months and not exceeding one year "; and

(2) In subsection (2) of that section

(a) by the substitution, for the words " to imprisonment for a period which may extend to five years: ", of the words " to imprisonment for a term not less than three months and not exceeding five years;"; and

(b) by the substitution, in the proviso to that subsection, for the words " to a fine not exceeding one thousand rupees or to imprisonment which may extend to six months. ", of the words " to a fine not less than two hundred rupees and not exceeding one thousand rupees, or to imprisonment for a term not less than three months and not exceeding six months. "

Amendment of section 27 of the principal

6. Section 27 of the principal enactment is hereby amended by the substitution, in subsection (3) of that section, for the words " to imprisonment of either description

enactment [§6, 13 of 1982] for a term not exceeding six months or to a fine not exceeding five hundred rupees, or to both such imprisonment and fine. ", of the words " to a fine not less than five hundred rupees and not exceeding one thousand rupees or to imprisonment of either description for a term not less than three months and not exceeding six months, or to both such fine and imprisonment. ".

Replacement of section 40 of the principal enactment [§ 7, 13 of 1982] **7.** Section 40 of the principal enactment is hereby repealed and the following section Substituted therefor:

' Forfeiture 40.
of timber,
forest
produce, Ac.

(1) Upon the conviction of any person for a forest of fence

(a) all timber or forest produce which is not the property of the State in respect of which such offence has been committed; and

(b) all tools, boats, carts, cattle and motor vehicles used in committing such offence (whether such tools, boats, carts, cattle and motor vehicles are owned by such person or not),

shall, by reason of such conviction, be forfeited to the State.

(2) Any property forfeited to the State under subsection (1) shall

(a) if no appeal has been preferred to the Court of Appeal 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 the Court of Appeal against the relevant conviction, vest absolutely in the State with effect from the date on which such conviction is affirmed on appeal.

In this subsection, " relevant conviction" means the conviction in consequence of which any property is forfeited to the State under subsection (1).'

Amendment of section 41 of the principal enactment. [§8,13 of 182] **8.** Section 41 of the principal enactment is hereby amended by the substitution for the words and figures "is the property of the State or has been confiscated, ", of the words and figures " is the property of the State or has vested in the State under subsection (2) of section 40, ".

Amendment of section 43 of the principal enactment [§9, 13 of 1982] **9.** Section 43 of the principal enactment is hereby amended by the substitution for the words and figures " any order passed under section 40 or 41," of the words any order passed under section 41.

Repeal of section 44 of the principal enactment. [§ 10, 13 of 1982] **10.** Section 44 of the enactment is hereby repealed.

Amendment of section 58 of the principal enactment [§11, 13 of 1982] **11** Section 58 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection;

" (2) Notwithstanding the provisions of subsection (1), the Minister may

authorize

[Cap. 208] (a) any employee of the State Timber Corporation established under the State Industrial Corporations Act to perform the functions of a forest officer for the purposes of sections 24, 27, 37 or 48 of this Ordinance; or

[Cap. 264][Cap. 268] (b) any employee of the Sri Lanka State Plantations Corporation established under the Sri Lanka State Plantations Corporations Act or the Janatha Estate Development Board or the Agricultural Development Authority established under the State Agricultural Corporations Act to perform the functions of a forest officer for the purposes of sections 27, 37 or 48 of this Ordinance.

and any such employee shall, while engaged in the performance of these functions, be deemed to be a forest officer. "