

Forest
Act No 84 of 1988

AN ACT TO AMEND THE FOREST ORDINANCE

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

Short title. **1.** This Act may be cited as the Forest (Amendment) Act, No. 84 of 1988.

Insertion of a new section 40A in the principal enactments. **2.** Section 7 of the forest Ordinance (hereinafter referred to as the "principal enactments") is hereby amended by the repeal of substitution (3) of that section and the substitution therefor of the following subsection:-

"(3) No prosecution for an offence under this section shall be instituted except with the written sanction of the conservator of forests the deputy conservator of forests an Assistants conservator of forests, or a Divisional forest officer."

Insertion of a new section 40A in the principal enactment. **3.** The following new section is hereby inserted immediately after section 40, and shall have effect as section 40A of the principal enactment: "

"Section 306
of the Code
of Criminal
Procedure
Act, No. 15

of 1979, not 40A. The provisions of section 306 of the Code of Criminal Procedure Act, to apply to, No. 15 of 1979, Shall not apply to, or in relation to, any person who pleads person who guilty to, or is found guilty of, a forest offence. ".
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offence.

Replacement of Section 49A of the principal enactment. **4.** Section 49A of the principal enactment is hereby repealed and the following section substituted therefor:"

"Penalty for 49A. Any person who threatens, intimidates, assaults or obstructs or in any Obstructing way or interferes with a forest officer, police officer or any other officer or assaulting authorized to act in that Behalf in the exercise, performance and discharge forest of his powers, duties and functions under this Ordinance shall be guilty of officers &c. an offence and shall on conviction be liable to imprisonment of either description for a term not less than three years and not exceeding seven years or to a fine not less than two thousand rupees and not exceeding five thousand rupees, or to both such fine and imprisonment: Provided that a prosecution shall not be instituted under this section, except with the sanction of an officer not below the rank Divisional Forest Office Govern Superintendent of Police."

Amendment of section 48 of the principal enactment. **5.** Section 48 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) Every officer making an arrest under this section shall without unnecessary delay take or send the person arrested to the nearest police station in the division before the divisional together with the statement showing in the offence with which the accused is charged. The officer-in charge of the police station of the divisional revenue officer shall without unnecessary delay take or send the person arrested to the nearest magistrate: Provided however that where the arrest of any person under this section is made by a forester or a range forest officer such person may be produced before the nearest magistrate by such forester or the range forest officer if he is of opinion that undue delay is likely to be caused if such person is to be produced before the magistrate through the officer in charge of the police station or the divisional revenue officer."

Amendment of section 58 of the principal enactment.

6 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

(a) any employee of the State Timber Corporation established under the State Industrial Corporations Act, No. 49 of 1957 to perform the functions of a forest officer for the purposes of sections 24, 27, 37 or 48 of this Ordinance; or

(b) any employee of the Sri Lanka State Plantations Corporation established under the Sri Lanka State Plantations Corporation Act, No. 4 of 1958, or the Janatha Estate Development Board or the Agricultural Development Authority established under the State Agricultural Corporations Act, No. 11 of 1972, to perform the functions of a forest officer for the purposes of sections 27, 37 or 48 of this Ordinance, and any such employee or officer shall while engaged in the performance of these functions be deemed to be a forest officer. "

Amendment of section 64 of the principal enactment.

7. Section 64 of the principal enactments hereby amended by the repeal of paragraph (c) of that and the substitution therefor of the following paragraph:-

"(c) to provide for the payment into such fund of the whole part of sums received in composition of offences under this ordinance and awards made under the informers Reward ordinance to informers in case of such offences, and such other contributions as may be specified in the regulation of rewards to informers and the forest officers, of compensation for bodily injury caused to forests officers police officers in the exercise performance and discharge of their powers, duties and ordinance."

Amendment of section 78 of the principal enactment.

8. Section 78 of the principal enactment is hereby amended in the definition of "forest officer" by the addition of the words "Additional Conservators" immediately after the word " Conservators " thereof.