

National Environmental (Amendment)

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:

[18th August , 2000]

Short title. **1.** This Act may be cited as the National Environmental (Amendment) Act, No. 53 of 2000.

Replacement of section 23A of Act No. 47 of 1980. **2.** Section 23A of the National Environmental Act, No. 47 of 1980 as amended by Act, No.56 of 1988, (hereinafter referred to as the "principal enactment") is hereby repealed and the following section is substituted therefor :-

'Minister to 23A.

determine activities in respect of which a licence is required under this Act.

(1) The Minister shall determine by Order published in the Gazette the activities in respect of which a licence is required to be obtained under this Act (hereinafter referred to as "prescribed activities") being activities which involve or result in discharging, depositing or emitting waste into the environment causing pollution.

(2) No person shall carry on any prescribed activity except-

(a) under the authority of a licence issued by the Authority ; and

(b) in accordance with such standards and other criteria as may be prescribed under this Act.

(3) Every person who carries on any prescribed activity in contravention of subsection (2) of this section, shall be guilty of an offence and on conviction be

(a) liable to a fine not less than ten thousand rupees or to a term of imprisonment not less than one year or to both such fine and imprisonment; and

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

(4) Where any person convicted under subsection (3), continues to carry on such activity without obtaining a licence within the time determined by court under that subsection, the court shall upon 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 factory or premises in which such prescribed activity is being carried on, until such person obtains a licence under subsection (2) and copy of the licence so obtained is produced before court.'

Amendment of section 23B of the principal enactment.

3. Section 23B of the principal enactment as amended by Act No. 56 of 1988 is hereby amended, in subsection (2) of that section, by the substitution in paragraph (c) of that subsection, for the words "period of twelve months", of the words "period of three years".

Amendment of section 23BB of the principal enactment.

4. Section 23BB of the principal enactment as amended by Act, No.56 of 1988 is hereby amended as follows-

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

"(2) A project approving agency shall on receipt of an environmental impact assessment report submitted to such project approving agency in compliance with the requirements imposed under subsection (1), by Notice published in one newspaper each in the Sinhala, Tamil and English language, notify the place and times at which such report shall be available for inspection by the public to make its comments, if any, thereon."

(2) by the addition immediately after subsection (4) of that section of the following new subsection :

"(5) An initial environmental examination report submitted in compliance with the requirements imposed under subsection (1) shall be deemed to be a public document for the purposes of sections 74 and 76 of the Evidence Ordinance (Chapter 21) and shall be open for inspection by the public".

Sinhala text to prevail in case of inconsistency.

5. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.