



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

**PREVENTION OF MOSQUITO BREEDING
ACT, No. 11 OF 2007**

[Certified on 11th April, 2007]

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L. D.—O. 98/2002

AN ACT TO PROVIDE FOR THE PREVENTION OF MOSQUITO BREEDING ; FOR THE ERADICATION OF PLACES OF MOSQUITO BREEDING AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS dengue fever and dengue haemorrhagic fever has become a major public health problem in Sri Lanka, with the number of persons infected and dying of this disease increasing rapidly : Preamble.

AND WHEREAS there is at present no vaccine available to prevent this serious disease nor is there any specific treatment to cure the disease :

AND WHEREAS the only method of preventing and controlling the spread of the disease is by destroying breeding places of the mosquito which spread the disease :

AND WHEREAS it has become necessary to effectively deal with this health problem from a national perspective by the formulation of a National Policy and by the appointment of a Competent Authority and other officers to be responsible for the implementation of the National Policy :

NOW THEREFORE BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Prevention of Mosquito Breeding Act, No. 11 of 2007. Short title.

2. For the purpose of ensuring the prevention and eradication of all mosquito borne diseases, it shall be the duty of every owner or occupier of any premises to cause :— Prohibition against creating conditions favourable to the breeding of mosquitoes.

- (a) open tins, bottles, boxes, coconut shells, split coconuts, tyres or any other article or receptacle found in or within such premises , capable of holding water, to be removed, destroyed or otherwise effectively disposed of ;

2 *Prevention of Mosquito Breeding Act, No. 11 of 2007*

- (b) gutters, down-pipes and drains to be cleared of all obstructions, so as to allow a smooth flow of water;
- (c) cisterns, tanks, air conditioners and other receptacles for water to be maintained in good repair, closed and covered so as to prevent the breeding of mosquitoes;
- (d) any well found in the premises and its surroundings to be maintained and kept in good repair so as to make it mosquito-proof and thereby prevent the breeding of mosquitoes;
- (e) any artificial pond or pool found in such premises to be emptied at least once in every week;
- (f) any casual collection of water within the premises which is conducive to mosquito breeding, to be regularly drained;
- (g) shrubs, undergrowth and all other types of vegetation, other than those grown for the purpose of food or those which are ornamental, found within or outside any building or structure within the premises used as a dwelling place which has become a breeding place for mosquitoes, to be removed;
- (h) the removal and destruction of the water plants having the botanical name “*Pistia Stratiotes*” and commonly known as “*Diya Parandal*”, “*Kondepasei*”, “*Telpassy*”, “*Barawa-Pasi*”, “*Nanayaviraddi*” and of any other water plant, or plants, found within the premises, which may facilitate the breeding of mosquitoes;
- (i) the prevention of the spread of any water plant referred to in paragraph (h) by the erection of suitable barriers where necessary, having obtained the approval of any relevant authority, which will stop such plant from floating along any water-course; and

- (j) the elimination or the prevention of any other condition favourable to the breeding of mosquitoes, in or within the premises.

3. (1) Where it appears to the Competent Authority that any premises or anything kept or maintained therein has become favourable to the breeding of mosquitoes, the Competent Authority may by written Notice require the owner or occupier of such premises, to adopt or take any one or more of the following measures within the time specified in such Notice :—

Owner or occupier to be directed to take certain measures.

- (a) the repair of all gutters, down-pipes and drains of any building found in that premises;
- (b) the construction or reconstruction of any cistern, tank or artificial pond found in the premises in such manner so as to make it capable of being emptied periodically;
- (c) to temporarily drain and clear any cistern, tank or pond found in the premises and the closing thereof when it is no longer being used by the owner or occupier of the premises;
- (d) to maintain any well found in the premises in such condition so as to prevent the breeding of mosquitoes;
- (e) to fill-up, drain or treat with larvicide, any excavation, disused well, cesspit, pond or any other place where water is capable of being collected and stagnated;
- (f) to fill up pits and low lying areas found within the premises;
- (g) to fill-up or drain or treat once a week with larvicide, swamps and water courses and water logged area as found in the premises;

4 *Prevention of Mosquito Breeding Act, No. 11 of 2007*

- (h) remove, uproot and destroy water plants having the botanical name “*Pistia Stratiotes*” and commonly known as “*DiyaParandal*”, “*Kondepasei*”, “*Barawa Pasei*”, or “*Nanayaviraddi*” “*Telpassy*”, or of any other water plant or plants which may be found to afford breeding conditions to mosquitoes;
- (i) prevent the spread of any water plant referred to in paragraph (h), by the erection of suitable barriers which will stop such plant from floating along any water-course; and
- (j) any other measures, which the Competent Authority or any Public Health Inspector authorised in that behalf, may deem necessary.

(2) The written Notice referred to in subsection (1), shall further inform that in the event the owner or occupier neglects or fails to comply with such Notice within the time specified therein, the Competent Authority shall be forced to carry out the measures specified in the Notice, and any expenses incurred in carrying out the same shall be recovered from such owner or occupier.

Failure to comply with requirements imposed by sections 2 or 3 to be an offence.

4. (1) Every owner or occupier who contravenes or fails to comply with any duty or requirements imposed by sections 2 or 3 of this Act, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate, be liable to a fine not less than one thousand rupees and not exceeding twenty five thousand rupees and in the case of a continuing offence, to a fine of one hundred rupees for each day on which such offence is continued to be committed after conviction:

Provided that no such owner or occupier shall be deemed to be guilty of that offence, if such owner or occupier proves to the satisfaction of the Magistrate, that such offence was committed without his knowledge or that he exercised all due care and diligence to prevent the commission of such offence.

(2) The Magistrate may, where the person is found guilty of having failed to comply with a duty imposed by section 2 of this Act, in addition to the imposition of the fine referred to in subsection (1), require such owner or occupier to take such preventive or corrective measures as the Magistrate may deem appropriate in order to prevent the breeding of mosquitoes, in compliance with the duties imposed on such owner or occupier by that section.

5. (1) Where the owner or occupier of any premises on whom any written Notice has been issued under section 3 of this Act, neglects or fails to comply with the requirements of such written Notice within the time specified therein, the Competent Authority may authorize in writing any officer or officers, as the case may be, to enter such premises at any reasonable hour during the day and carry out the work or measures specified in the Notice which the owner or occupier has neglected or failed to do. Prior to commencing any work or measure under this subsection, such officer or officers shall be required to show the owner or occupier, a copy of the document issued by the Competent Authority by which such officer or officers were authorized to carry out such work or measure.

Competent Authority to carry out work or measures.

(2) Nothing contained in subsection (1) shall preclude an owner or occupier who failed to comply with a Notice so issued, from being prosecuted for an offence under section 4 of this Act.

(3) Where any works or measures are adopted or executed under subsection (1), the amount of expenses incurred as cost shall be payable by the owner or occupier to the Competent Authority, within two weeks of the date on which the demand for payment of the same is communicated to such owner or occupier.

(4) Where the owner of any premises in respect of which a sum of money is due and owing under subsection (3) of this section, sells or transfers such premises before payment of the money due, such owner shall, notwithstanding the sale or transfer of such premises, continue to be liable to pay the amount due.

6 *Prevention of Mosquito Breeding Act, No. 11 of 2007*

Recovery of expenses incurred as cost under section 5.

6. (1) Where an owner or occupier fails to make the payment within two weeks of the demand for payment being communicated to him under subsection (3) of section 5, the Competent Authority shall issue a Certificate containing particulars of the amount due as expenses incurred in carrying out such work or measures, to the Magistrate having jurisdiction over the area in which such premises is situated.

(2) The Magistrate shall thereupon summon such owner or occupier, as the case may be, to appear before him and show cause as to why further proceedings for the recovery of the amount due should not be taken against him and in default of sufficient cause being shown, the amount shall be deemed to be a fine imposed by a sentence of the Magistrate on such owner or occupier, for an offence punishable with a fine only or not punishable with imprisonment .

(3) Where the Competent Authority issues a Certificate under subsection (1), he shall also cause a notification thereof to be issued to the relevant owner or occupier. Non-receipt of a notification issued to an owner or occupier, shall not invalidate any proceedings under this section.

(4) Nothing in this section shall authorize or require a Magistrate in any proceedings thereunder, to consider, examine or decide the correctness of any statement contained in the Certificate issued by the Competent Authority.

(5) Any sum levied as a fine under subsection (2), shall be transmitted by the Magistrate to the Competent Authority.

Spraying of pesticides.

7. (1) The Competent Authority may by notice in writing served on any owner or occupier of a premises, require such owner or occupier to spray any pond, cistern, fountain or any other place where water collects and where mosquitoes are found to be breeding, with such type of pesticide as specified in such notice and within the time specified therein.

(2) The failure to comply with a notice issued under subsection (1) within the time specified shall be an offence under this Act, and on conviction after summary trial before a Magistrate, such owner or occupier shall be liable to a fine not exceeding one thousand rupees.

8. (1) No owner, occupier or any other person shall knowingly or wilfully, resist or obstruct the Competent Authority or any person to whom he has delegated the performance or discharge of any of his duties or functions under this Act, in the lawful performance or discharge of those duties or functions.

Resisting or obstructing Competent Authority &c;.

(2) Any owner, occupier or any other person who acts in contravention of the provisions of subsection (1) of this section shall be guilty of an offence under this Act, and on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty thousand rupees or to a term of imprisonment not exceeding six months, or to both such fine and imprisonment.

9. (1) An owner or occupier or any other person shall not knowingly or willfully, commit any act which is likely to —

Lessening the efficiency of any measures adopted.

(a) cause the deterioration of any anti-mosquito measures carried out or adopted in any premises ; or

(b) lessen the efficacy of any anti-mosquito measures carried out or adopted in any premises,

whether such measures were carried out or adopted by the owner or occupier of the premises or by the Competent Authority as the case may be.

(2) Any owner, occupier or any other person who acts in contravention of the provisions of subsection (1), shall be guilty of an offence under this Act, and on conviction after summary trial before a Magistrate, be liable to a fine not

exceeding ten thousand rupees or to a term of imprisonment not exceeding three months or to both such fine and imprisonment.

Co-owners and co-occupiers to be liable severally.

10. Where any premises are in the occupation of more than one person or where any property is co-owned by more than one person, for the purpose of the enforcement of the provisions of this Act, each of the occupiers and each of the co-owners shall be severally liable for any neglect or failure to comply with any requirements imposed by or under this Act.

Protection for an act or omission done or purported to be done in good faith.

11. No suit or prosecution shall lie against an owner or occupier of a premises, for any act or omission which is done or purported to be done in good faith.

Directions to be issued to local authorities who fail to maintain drains, canals &c., which they are required to maintain.

12. (1) Where any drain, canal, water course or swamp found within the administrative limits of a local authority which such authority is required to maintain in proper condition, is found to have become conducive to the breeding of mosquitoes due to the failure or negligence on the part of such local authority to maintain the same in such proper condition, the Competent Authority shall have the power to issue such directions as he may consider necessary or appropriate, to rectify such situation and prevent the breeding of mosquitoes.

(2) A local authority which fails to comply with any directions issued under subsection (1) shall be guilty of an offence under this Act, and any prosecution for such an offence instituted by the Competent Authority, shall be filed against the Chairman of such local authority or any other Competent Authority appointed under any law relating to local authorities to act on behalf of that local authority.

13. (1) Subject to the provisions of subsection (2), the Competent Authority shall have the power to enter any premises at any reasonable time—

Power of entry and inspection.

- (a) to carry out any survey, inspection or search for the purpose of determining whether—
 - (i) any duties imposed by section 2 of this Act are being complied with by the occupier or owner of such premises; or
 - (ii) any measures are necessary, and if so the extent to which they are necessary, for the elimination or the prevention of the breeding of mosquitoes;
- (b) to execute any work or measure required to be carried out under section 5 of this Act.

(2) For the purpose of carrying out any survey, inspection or search under subsection (1), written consent to enter the premises shall be obtained —

- (i) where the premises concerned is a place of religious worship or is a place not open to the public, from the person in charge of such premises or any other competent person; or
- (ii) where the premises concerned is used as a place of private residence, from the owner or occupier of such residence.

(3) Where a consent that is required to be obtained under subsection (2) is unfairly refused and the Competent Authority is satisfied that there is reason to suspect that any requirement imposed under this Act is not being complied with, the Competent Authority may obtain from a Magistrate's Court a search warrant for the purpose of entering such premises or private residence, as the case may be, and exercise all or any of the powers conferred upon him by such search warrant.

10 *Prevention of Mosquito Breeding Act, No. 11 of 2007*

Competent Authority and delegation by the Competent Authority.

14. (1) The Director-General of Health Services shall be the Competent Authority for the purposes of this Act and shall be charged with the effective implementation of the provisions of this Act.

(2) The Director-General of Health Services may, whenever he considers it necessary and expedient, delegate the performance or discharge of any duty or function imposed upon him by this Act in his capacity as the Competent Authority, to a Medical Officer of Health or to a Public Health Inspector in any area, and the officer to whom the duty or function was so delegated, shall perform or discharge the same subject to the control and supervision of the Competent Authority.

(3) An officer to whom a delegation is made under subsection (2) of this section shall, in the performance and discharge of the duties and functions so delegated, exercise the same power of entry and inspection as given to the Competent Authority under section 13 of this Act, and any obstruction caused to such officer shall be an offence under section 8 of this Act.

(4) The Competent Authority may give such directions as he may deem necessary, to any Public Health Inspector or Medical Officer of Health with regard to the effective implementation of the provisions of this Act and any regulations made thereunder and every such officer to whom any such directions are given, shall be required to comply with the same.

Offences to be cognizable offences.

15. Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No. 15 of 1979, every offence under the Act shall be deemed to be a cognizable offence within the meaning and for the purposes, of that Act.

Prosecutions under this Act to require sanction.

16. A prosecution for any offence under this Act shall not be instituted except with the sanction of the Competent Authority or the Medical Officer of Health of the area where the offence is alleged to have been committed.

17. (1) Where an offence is found to have been committed under this Act by an owner or occupier, prior to a prosecution being instituted, a Public Health Inspector shall be required to serve a written notice upon the alleged offender requiring such person to adopt or take such corrective measures as shall be specified in such notice, within two weeks of the receipt of the same. A person upon whom a notice is served under this subsection may request for an extension of time within which to adopt or take the corrective measures required, and the Public Health Inspector may in consultation with the Medical Officer of Health of the area, grant or refuse to grant such extension. No extension shall be granted beyond a period of a further two weeks.

Prosecution
procedure.

(2) On the expiry of the time granted for adopting or taking the required corrective measures under subsection (1), the Public Health Inspector who served the notice shall inspect the measures adopted or taken and within one week of carrying out the inspection, submit a report on the same to the Medical Officer of Health of the area. In the report submitted, the Public Health Inspector may, where he considers it necessary, recommend the institution of proceedings against the alleged offender.

(3) Where the Public Health Inspector recommends being institution of proceedings, the Medical Officer of Health shall, subject to the provisions of subsection (4) of this section, grant sanction for the same within one week of the receipt of such recommendation.

(4) A Medical Officer of Health to whom a recommendation for the institution of proceedings has been made under subsection (2) may, where on the information contained in the report submitted along with such recommendation, he considers that the institution of proceedings is not warranted, shall be required himself to inspect the measures adopted or taken by the alleged offender and submit his own recommendations on the same, to the Competent Authority. The Competent Authority shall within

12 *Prevention of Mosquito Breeding Act, No. 11 of 2007*

two weeks of receiving the recommendation, arrive at a final decision as to whether prosecution should or should not be instituted against the alleged offender.

Competent Authority etc. to be peace officers.

18. The Competent Authority and any person to whom any of his functions and duties has been delegated shall, in the discharge and performance of such function or duty, be deemed to be peace officers within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979, for the purpose of exercising any of the powers conferred upon peace officers by that Act.

Service of notices.

19. Any notice required to be served on an owner or occupier of a premises under sections 3, 7 or 17 of this Act, may be effected either personally by handing over such notice to the owner or occupier of the premises or by affixing such notice in a conspicuous place within the premises.

Act to bind the Republic etc.

20. The provisions of this Act shall apply to and shall bind the Republic and any Ministry or Department of the Government of Sri Lanka.

Protection for action taken under this Act.

21. No civil or criminal proceedings shall be instituted against the Competent Authority or against any Medical Officer of Health or Public Health Inspector to whom the performance or discharge of any function or duty imposed upon the Competent Authority by this Act has been delegated under subsection (2) of section 14 of this Act, for any act which in good faith is done or purported to be done by such Medical Officer of Health or Public Health Inspector, as the case may be.

Offences committed by a body of persons.

22. Where an offence under this Act is committed by a body of persons, then —

- (a) if that body of persons is a body corporate, every director, manager or secretary of that body corporate;

- (b) if that body of persons is a partnership, every partner of that partnership;
- (c) if that body of persons is an unincorporated body, every individual who is a member of that body; and
- (d) if that body of persons is a local authority, the Chairman of such local authority or any other Competent Authority appointed under any law relating to local authorities to act on behalf of that local authority shall be guilty of that offence :

Provided that any person referred to in paragraphs (a), (b), (c) and (d) above shall not be deemed to be guilty of such offence, if such person proves to the satisfaction of the court that such offence was committed without his knowledge or that he exercised all due care and diligence to prevent the commission of such offence.

23. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act. Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters :—

- (a) issuing guidelines as to the form of any notice required to be sent by the Competent Authority to any owner or occupier under this Act;
- (b) recommending the measures to be taken and the type of pesticides to be used by an owner or occupier of any premises to eradicate the breeding of mosquitos; and
- (c) issuing guidelines on Anti-Mosquito measures to the Anti-Malaria Campaign and any other similar Agency functioning under the Ministry, for the prevention and eradication of the breeding of mosquitos.

14 *Prevention of Mosquito Breeding Act, No. 11 of 2007*

(3) Every regulation made by the Minister shall be published in the *Gazette*, and shall come into operation on the date of such publication or on such later date as shall be specified in the regulation.

(4) Every regulation made by the Minister shall as soon as convenient after its publication in the *Gazette*, be brought before Parliament for its approval.

(5) Any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

(6) The date on which any regulation shall be deemed to be rescinded, shall be published in the *Gazette*.

Sinhala text to prevail in case of inconsistency.

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

Interpretation.

25. In this Act, unless the context otherwise requires—

“Director-General of Health Services” means the Director of Health Services appointed under section 3 of the Health Services Act (Chapter 219);

“Medical Officer of Health” means any officer appointed to the designated post of Medical Officer of Health in the Department of Health Services or any officer acting in that post, and includes a Chief Medical Officer of Health, a Deputy Chief Medical Officer of Health and a Medical Officer of Health in the service of a Municipal Council who is serving within the administrative limits of such Council;

“occupier” means a person in occupation of any premises or having the charge, management or

control thereof, whether on his own account or as an agent of any other, but does not include a lodger;

“owner” includes a co-owner, a lessee, any person who by whatever right is entitled to the rent or produce of any premises and any individual, institution, body corporate or official who is responsible for the proper maintenance of the premises;

“premises” means any land together with any building or part of a building standing thereon; and

“Public Health Inspector” means any officer appointed to such post in the Department of Health Services and includes any Public Health Inspector of a local authority, who is authorized by the Competent Authority to perform any function as a Public Health Inspector under this Act.

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