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THE GAZETTE OF THE REPUBLIC OF SRI LANKA (CEYLON)

EXTRAORDINARY

අංක 243/43 — 1976 දෙසැම්බර් 17 වැනි සිකුරාදා — 1976.12.17

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(Published by Authority)

PART I: SECTION (I) — GENERAL

Government Notifications

P. O. No. W. 68 (70)/76.

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under section 5 of the Public Security Ordinance upon the recommendation of the Prime Minister.

W. GOPALLAWA,  
President.

Colombo, December 17, 1976.

Regulations

1. These regulations may be cited as the Emergency (Animal Trespass) Regulations.
2. These regulations shall have effect notwithstanding the provisions of the Animals Act, No. 29 of 1958, and the regulations made under section 35 thereof and published in *Gazette Extraordinary* No. 13,268 of August 20, 1962.

PART I

3. It shall be lawful for the owner or occupier of any cultivated private land or any person duly authorized by such owner or occupier to seize any animal trespassing on that land and to tie up and detain such animal until—

- (a) the full amount of the damages, if any, occasioned by the trespass and assessed by the Competent Authority ; and
- (b) the fair expenses of maintenance of that animal during detention after seizure as assessed by the Competent Authority are paid to him by the owner of that animal or are recovered and paid to him by the Competent Authority in the manner hereinafter provided.

4. The Competent Authority shall order the owner of the animal to pay, within forty-eight hours of such order, to the owner or occupier of the land such sum of money as may be assessed under regulation 3. On the payment of such sum of money the animal shall be returned to the owner of such animal.

5. Where the owner of the animal fails to make payment of the sum of money referred to in regulation 3, within the time specified for such payment in regulation 4, or where the owner of the animal cannot be ascertained, the Competent Authority shall sell or cause such animal to be sold by public auction. The proceeds of such sale shall be paid according to the following priorities :—

- (a) such sum of money as assessed in accordance with regulation 3, to the owner or occupier of the land on which the animal trespassed ;
- (b) the balance, if any, to the owner of the animal or where such owner of the animal cannot be ascertained, to the Consolidated Fund.

PART II

6. Notwithstanding the provisions of Part I of these regulations, it shall be lawful for the owner or occupier of any cultivated private land or any person duly authorised by such owner or occupier to shoot or otherwise destroy any animal trespassing on such land, if a notice warning owners of animals not to allow such animals to stray on such land is exhibited in a conspicuous place on such land.

7. The owner of every animal shot or otherwise destroyed under regulation 6 shall be entitled to remove the carcass of the animal, and if no claim to the carcass is made by any person entitled to remove it, the carcass shall be sold by public auction by the Competent Authority. The proceeds from such sale shall be credited to the Consolidated Fund after deducting the amount assessed by the Competent Authority as being the amount payable to the owner or occupier of the land referred to in regulation 6.

8. In these regulations—

“ Administrative District ” means the Administrative District within the meaning of the Administrative District Act (Chapter 392) ;

“ Animal ” means an ox or a buffalo and includes a sheep, goat, pig or poultry but does not include any animal protected under the Fauna and Flora Protection Ordinance ;

“ Competent Authority ” means the Government Agent of the Administrative District or any person authorised by him ;

“ owner ” in relation to any animal includes the person for the time being in charge of such animal ;

“ owner or occupier ” in relation to any private land, includes any person in possession or occupation of that land by or under the authority of a permit, grant or any other instrument by whatsoever name or designation called, issued or made by or on behalf of the State under any written law, or any other person acting by or under the direction of such owner or occupier ;

“ poultry ” means domestic fowl, turkeys, geese or ducks ; and

“ private land ” includes any State land which is in the possession or occupation of any person by or under the authority of a permit, grant or any other instrument by whatsoever name or designation called, issued or made by or on behalf of the State under any written law.