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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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No. 1774/27 - THURSDAY, SEPTEMBER 06, 2012

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D. B 9/93.

FAUNA AND FLORA PROTECTION ORDINANCE (CHAPTER 469)

REGULATIONS made by the Minister of Agrarian Services and Wildlife under Section 30 of the Fauna and Flora Protection Ordinance (Chapter 469) read with Section 71 of the said Act.

S. M. CHANDRASENA,
Minister of Agrarian Services and Wildlife.

29th August 2012,
Colombo.

Regulations

1. These regulations may be cited as the Sea Mammals (Observation, Regulation and Control) Regulations, No. 1 of 2012.

2. These regulations are intended to ensure to the greatest extent, possible, the peaceful and natural existence of all sea mammals whose natural habitat is within the territorial waters of Sri Lanka and assist to regulate and control vessels used by visitors for the purpose of observing such sea mammals.

3. (1) Every vessel being plied for the purpose of taking visitors to places which are the natural habitat of sea mammals, shall be so used only upon obtaining a licence specifically for such purpose from the Director - General, Wild Life Conservation (hereinafter referred to as the Director - General) or from an officer authorized by him in that behalf.

(2) Every person being an owner or operator of a vessel, who wishes to obtain a licence as specified in paragraph (1) authorizing him to ply a vessel for taking visitors to observe sea mammals, shall submit an application to the Director - General substantially in the Form as set out in Schedule I to these regulations along with the specified fee.

(3) Every vessel being plied for the purpose of taking visitors to observe sea mammals shall prior to obtaining a licence as specified in paragraph (1), be registered with the Department of Wildlife Conservation (hereinafter referred to as "the Department"). The registration fee payable shall be rupees five thousand per annum.

(4) The applicant shall also submit along with the application being made in terms of subsection (2) -

- (a) a Certificate of Fitness in respect of such vessel obtained from an institution approved by the Director - General for such purpose ;
- (b) a full insurance cover for the vessel obtained from an approved Insurance Company covering its crew members and the number of passengers such vessel is entitled to carry ;
- (c) proof that the vessel is equipped with life jackets and other essential life saving equipment for both crew and passengers.

4. The duly completed application shall be forwarded to the Director General who shall upon verification of the information and other details given, either issue in respect of such vessel a license in terms of these regulations or refuse to issue such a license if the information and other details given are not accurate. The Director - General shall also cause such vessel to be registered in a Register to be maintained by the Department for this purpose.

5. The licence issued to any registered vessel shall be substantially in the Form specified in Schedule II to these regulations and shall not be used for any purpose other than for the purpose of observing sea mammals. Such licence shall be carried on the vessel at all times and shall be safeguarded to the extent possible from damage by water or any other like manner.

6. A vessel in respect of which a license has been issued shall be authorised to ply such vessel only within the Zone or Zones specified by the Director - General either in the licence issued to such person, or generally by notification in that behalf issued from time to time.

7. The period of validity of the license issued to any vessel is one calender year. Applications for obtaining a license for any year should be made before the fifteenth day of December of the preceding year.

8. Any person who fails to apply for the annual license for a vessel used for the observation of sea mammals within the period specified shall be liable to a penalty of rupees one hundred per day for every day in respect of which the vessel is plied without a licence.

9. Where any passenger of a vessel being plied for the purpose of observing sea mammals, wishes to observe sea mammals by diving within the authorized Zone or Zones, the operator of the vessel shall obtain the prior approval of the Director - General for the same.

10. Prior to taking passengers out to sea to observe sea mammals in their natural habitat, the passengers should be apprised of the need for conservation measures for the protection of sea mammals and the restrictions subject to which they will be taken out to sea for observing sea mammals.

11. The Department shall prepare and make available to the licensed operators printed material containing the restrictions which will be applicable when a vessel is engaged in taking passengers for observing sea mammals.

12. Every vessel going out to sea taking passengers for observing sea mammals shall have on board an operator, an assistant operator and a guide. The guide shall be a guide trained by the Department. All Guides shall be registered with the Department.

13. Every person or group of persons, who wishes to go out to sea in a vessel to observe sea mammals, shall obtain a permit in that behalf from the Director - General or an officer authorised in that behalf by the Director - General who shall be present at the departure points for such purpose. The person seeking to obtain a permit shall be required to furnish information in respect of the matters set out in Schedule IV by filling a form which shall be made available to him at that point. The Permit so issued shall be in the form set out in Schedule V. The permit shall be issued on payment of the specified fee set out in Schedule V.

14. Where a licence issued in terms of these regulations for the purpose of observing sea mammals, is lost or damaged, the owner or operator of the vessel to which the licence relates shall forward a written application to the Director - General for the issue of a new licence. A fee of rupees five hundred shall be charged for the issue of the new licence.

SCHEDULE I

FAUNA AND FLORA PROTECTION ORDINANCE

APPLICATION FOR LICENCE TO PLY A VESSEL FOR OBSERVING SPECIES OF SEA - MAMMALS

1. Details of the applicant —

- (i) Full name of the applicant : -
- (ii) Address of the applicant : -
- (iii) N. I. C. No. : -
- (iv) Telephone Number : -
- (v) E - mail address : -
- (vi) Name of the boatyard : -
- (vii) Divisional Secretary's Division in which the Boatyard is situated : -

2. If the applicant is not the owner of the vessel, details of the owner :-

- (i) Full name of the owner : -
- (ii) Address of the vessel owner : -
- (iii) N. I. C. No. : -
- (iv) Telephone Number : -
- (v) E - mail address : -
- (vi) Divisional Secretary's Division : -

3. Details of vessel -

- (i) Registered number of the vessel :-
- (ii) The office where it is registered :-
- (iii) No. of insurance policy :-
- (iv) Name of the vessel :-
- (v) Whether sufficient life saving equipment for the passengers is available on the vessel :-
- (vi) Maximum number of passengers that can be carried on board, per trip :-
- (vii) Name of the institution which issued the fitness certificate :-
- (viii) Date of issue :-
- (ix) Divisional Secretary's division in which Boatyard is situated :-

4. Details of the Operator of the vessel -

- (i) Full name : -
- (ii) Address : -
- (iii) N. I. C. No. : -

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5. Details of Assistant Vessel Operator -

- (i) Full name : -
- (ii) Address : -
- (iii) N. I. C. No. : -

6. Period for which licence is applied for (maximum period - shall be one calendar year) :

From 200 , to

7. Declaration by applicant :

I hereby certify that the foregoing details are true and correct and that I will act in conformity with the Fauna and Flora Protection Ordinance and such regulations as are made for the purpose of observing Sea Mammals. I will also comply with the condition subject to which this licence is issued when operating the vessel for observing an mammals.

Date

Signature of Applicant.

SCHEDULE II

FAUNA AND FLORA PROTECTION ORDINANCE

LICENCE FOR PLYING A VESSEL FOR OBSERVING SPECIES OF SEA MAMMALS

Licence No. :

Name of vessl :

No. of vessel :

Mr./Mrs. of (herein referred to as the licensee),
is hereby authorized to ply the vessel bearing Registration No. owned by of
..... for the purpose of taking persons to observe Sea Mammals durign the hours of 5.30 a.m. to 7.00 p.m. on
any day, from to within the Zone/Zones of. The boat may be moored at the boatyard of
..... Mr. of shall be the operator
and Mr. of shall be the assistant operator.

[This license shall be kept with the licensee or the operator at the time the vessel being plied in the sea. The licence is not transferrable].

Director - General, Department of Wild Life Conservation/
Authorized officer.

Date :

SCHEDULE III

CONDITIONS SUBJECT TO WHICH A LICENCE MAY BE USED

1. The licence issued to the owner or operator of a vessel shall not be transferrable.
2. The vessel shall start its journey from any specified boat yard and should return to the same place.
3. Every vessel shall have its vessel number written on the vessel so that it can be observed from a distance of 50 meters.
4. Permission will be given for observing sea-mammals from 5.30 a.m. to 7.00 p.m. daily.
5. Once sea-mammals are observed, the speed of the vehicle should be gradually reduced till the vessel is at a distance of 400 meters ; with regard to whales the engine of the vessel shall be switched off from a distance of 100 meters from whales and at no stage should the vessel be closer than 100 meters from the whale ; in respect of other mammals, the vessel shall not move closer than 50 meters from such mammals.
6. The vessel shall not change its speed or direction abruptly. When mammals are observed, the vessel should not ply in front of or behind the mammals and should also take care that the vessel at no time blocks the migratory routes of such mammals.
7. No artificial food items, light and sound waves and any other method of attracting sea mammals should be utilized to attract and lure them closer to the vessel.
8. Vessels plying with passengers to observe sea-mammals, should always ply with a registered guide on board.
9. The persons operating the vessel or passengers of the vessel shall not carry liquor on board the vessel. Nor shall they board the vessel in a state of intoxication.
10. In addition to the above conditions, the licensee is liable to other conditions which the Director - General may from time to time specify.
11. The operators of vessels or guides or persons who take passengers to observe sea mammals shall not act in such a manner so as to violate the provisions of these regulations.
12. Persons engaged in observing sea mammals should not be allowed to get into the sea or do anything which is harmful to the sea mammals, other than for diving after obtaining the prior approval of the Director - General.
13. When going into sea for watching sea mammals, those engaged in the fishing industry should not be disturbed.
14. The vessel should carry on it communication equipment so that those who are in the vessel could communicate with the mainland and it should have G.P.S. equipment.
15. If there is any technical defect in the vessel or if the vessel faces any other contingency, it should be informed to the boat yard in the mainland or the Sri Lanka Navy/Sri Lanka Police through communication equipment.
16. During the time of inclement weather, the vessel should not go to sea for watching sea mammals. In times of bad weather conditions, the vessel should return to the main land immediately.
17. If a wild life officer or any authorized officer wants to inspect the vessel any time, he shall be allowed to do so without any objection.
18. If any one or several or all the conditions are breached it will result in cancelation of the license issued to the vessel.

SCHEDULE IV

FAUNA AND FLORA PROTECTION ORDINANCE

DETAILS REQUIRED TO BE NOTIFIED TO OBTAIN A PERMIT TO OBSERVE SPECIES OF SEA - MAMMALS

1. Details of the applicant —

- (i) Full name of the applicant : -
- (ii) Address of the applicant : -
- (iii) N. I. C. No. : -
- (iv) Telephone Number : -
- (v) E - mail : -

2. Sea-zone for which the permit is applied for :-

3. Boatyard / Harbour :-

4. Divisional Secretary's Division in which the Boatyard/Harbour is situated :-

5. Date of travel for observing species of sea mammals :-

6. No of passengers travelling with the applicant (Including the applicant) :-

7. Registration No. of the vessel which is to be used for watching sea mammals :-

8. Name of the vessel :-

I request that a permit be issued to me/to my group for the purpose of observing species of sea-mammals on the date specified above. I/my group agreed to abide by the condition imposed in the permit.

Date

Signature of Applicant.

SCHEDULE V

FAUNA AND FLORA PROTECTION ORDINANCE

PERMIT ISSUED FOR THE PURPOSE OF OBSERVING SEA - MAMMALS

Mr./Mrs, of and/or your group consisting of persons are hereby permitted to observe sea-mammals using the vessel bearing Licence No. : in the zone of between 5.30 a.m. to 7.00 p.m. on.

CONDITIONS

- (i) The permit holder/holders shall use only the permitted sea zone for the purpose of watching sea-mammals.
- (ii) No unauthorized person should be carried in the permitted vessel.
- (iii) Watching of mammals should be done only during the prescribed times of the date.
- (iv) While watching mammals, anything detrimental to the natural existence of sea mammals should not be done.
- (v) While watching mammals, food substances should not be thrown into the sea.
- (vi) This permit cannot be alienated.
- (vii) The permit holder or permit holders should be subject to rules, regulations and conditions imposed under Fauna and Flora Protection Ordinance.

FEES

	<i>Column I</i> <i>Description of Person</i>	<i>Column II</i> <i>Fees</i>
1.	Adult (Local)	Rs. 20.00
2.	Adult (foreign)	8 U.S. dollars or its equivalent in S.L. Rupees.
3.	Child (local) (Age between 6 - 12 years)	Rs. 10.00
4.	Child (foreign) (Age between 6 - 12 years)	4 U.S. dollars or its equivalent in S.L. Rupees.
5.	School children (for one person)	Rs. 5.00

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