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## The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1481/22 - 2007 ජනවාරි 23 වැනි අඟහරුවාදා - 2007.01.23

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### PART I : SECTION (I) — GENERAL

#### Government Notifications

L.D. B 4/81(iv).

#### THE FAUNA AND FLORA PROTECTION ORDINANCE (CHAPTER 469)

REGULATIONS made by the Minister of Environment under section 71 of the Fauna and Flora Protection Ordinance (Chapter 469) read with subsection (2) of Section 6A of the aforesaid Ordinance.

MAITHREEPALA SIRISENA,  
Minister of Environment.

Colombo,  
18th January, 2007.

#### Regulations

1. These regulations may be cited as the removal of Sand Regulations, No. 1 of 2007.
2. No person shall mine and remove sand to be used for the construction industry, from any location specified in the Schedule I to these regulations, except under the authority of a license issued in terms of these regulations.
3. The Geological Surveys and Mines Bureau established under the Mines and Minerals Act, No. 33 of 1992, shall within two weeks of the coming into operation of these regulations, submit to the Director-General of the Department of Wild Life Conservation, proposals based on the National Sand Policy approved by the Cabinet of Ministers setting out clearly, the specifications, quantities and other details relating to any sand which is sought to be removed from any one of the specified locations:

Provided that in cases that the Geological Surveys and Mines Bureau considers it to be so necessary in terms of the provisions of the National Environmental Act, No. 47 of 1980 or any regulation made thereunder, they shall submit together with such proposal, an environmental impact assessment or an initial environmental examination report as the case may be.

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4. All applications for the mining of sand in terms of these regulations shall be made in the format specified in Schedule II to these regulations.

5. A Licence shall be issued by the Chairman, Geological Surveys and Mines Bureau to applicants substantially in the form specified in Schedule III and the license shall be subject to such conditions as are specified in Schedule IV to these regulations ; Provided that the Chairman may if it is so necessary for the preservation of the environment, specify any additional conditions and it shall be the duty of the licensee to comply with them.

6. The Department of Wild Life Conservation shall charge a royalty in respect of all sand mined and extracted from any authorized site, based on a percentage of the market value thereof. The royalty so charged shall be paid into the Wild Life Preservation Fund maintained and operated by the Director General of the Department of Wild Life Conservation.

7. The Director - General of the Department of Wild Life Conservation may with immediate effect cancel the Licence of any person who having obtained a Licence mines sand in contravention thereof, or who fails to comply with the conditions attached thereto. Such person shall be required to forthwith cease all operations and withdraw from the areas.

8. All mining operations in terms of a Licence issued under these regulations shall be carried out in conformity with the provisions of the Fauna and Flora Protection Ordinance (Chapter 469).

9. For the purposes of these regulations "sand" means small particles of earth having a diameter of approximately 0.02-2mm, comprising mainly of quartz and containing small quantities of minerals such as feldspar, mica, garnet, tourmaline, zircon, rutile, illeminite, topaz and pyroxenes.

SCHEDULE I

(Regulation 2)

AREAS FROM WHICH SAND MAY BE MINED

<i>Areas</i>	
1.	Flood Plains, National Park Manampitiya
2.	P. S. Colony, situated in the Amban Ganga Aluthwewa area.
3.	Elahara Anicut area
4.	Siththaru bridge area, Trincomalee
5.	The Kalawewa area of the Kahalla Pallekelle Sanctuary.

SCHEDULE II

(Regulation 4)

FORM OF APPLICATION FOR LICENCE

1.	Name of Applicant:	
2.	Address of Applicant:	
3.	Designation/Occupation of Applicant:	
4.	National Identity Card No. of Applicant:	
5.	Phone No:	
6.	Area in respect of which the Licence is required: (as specified in Schedule I)	
7.	Name of the point at which the sand is to be unloaded:	
8.	If other persons are connected with the mining operation, names/addresses and National Identity Card No's of all persons;	
9.	Any other relevant details/information:	
<p>I hereby certify that the particulars given by me above are true and correct to the best of my knowledge.</p> <p style="text-align: center;">_____ Signature of Applicant.</p> <p>Date :</p>		

**SCHEDULE III**

(Regulation 5)

**FORM OF LICENCE FOR THE MINING OF SAND FOR USE IN THE CONSTRUCTION INDUSTRY**

**GEOLOGICAL SURVEY AND MINES BUREAU LICENCE**

IN terms of the Mines and Minerals Act, No. 33 of 1992, Mr./Mrs. .... of  
..... is hereby authorised to mine sand at  
..... during the period commencing .....  
and ending on ..... You are required to strictly comply with the conditions stipulated  
overleaf at all times during which mining operations are being carried out. Failure to do so will result in the Licence  
being cancelled.

CHAIRMAN,  
Geological Surveys and Mines Bureau.

Date :

Place :

Seal :

**SCHEDULE IV**

**CONDITIONS APPLICABLE TO THE MINING OF SAND**

1. Other than on weekends and public holidays all mining activity shall on the specified dates be carried out only between 7 a.m. in the morning and 5 p.m. in the evening.
2. No machinery whatsoever shall be used in the mining of sand. All sand shall be mined by hand and shall be extracted using baskets.
3. Only roads specified by the Department of Wild Life Conservation may be used to get to the area where the sand is being mined and for the transport of the sand which has been mined from such area. The Licensee shall not use any road which lies on either side of the specified route.
4. All mining activities shall be carried out by the licensee subject to the supervision of a Committee comprising officials of the Department of Wild Life Conservation, the Geological Surveys and Mines Bureau and the relevant Divisional Secretariat.
5. The names of all persons who are employed by the Licensee for the mining operation shall be notified to the Geological Surveys and Mines Bureau, the Department of wild Life Conservation and the relevant Divisional Secretariat. The Department of Wild Life Conservation shall issue to all such persons permits to enter the area. No person shall enter the area where the sand is being mined or be employed in any mining operation if such person does not possess a permit for such purpose.
6. The Licensee shall comply with all procedures, which the Geological Survey and Mines Bureau will establish for the the protection and conservation of the river banks adjoining the area from which the Licensee is authorized to mine sand.
7. All sand which is mined will be stored at a place which is more than ten metres beyond the place at which the sand is being mined or at such other place which the Department of Wild Life Conservation specified for such purpose. Only sand which is mined on any given day should be so stored. All other sand should be stored at a place which is outside the area comprising the National Reserve, declared in terms of the Fauna and Flora Protection Ordinance.
8. The removal of sand from the authorised storage place shall be done only by the use of vehicles equipped to hold only a capacity of 1 1/2 cubes.
9. Under no circumstances shall the Licensee take a vehicle to the riverbank or allow any vehicle to be driven into the river.