



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

**NATIONAL AQUACULTURE DEVELOPMENT
AUTHORITY OF SRI LANKA
ACT, No. 53 OF 1998**

[Certified on 25 th November, 1998]

Printed on the Order of Government

Published as a Supplement to Part II of the Gazette of the Democratic Socialist
Republic of Sri Lanka of November 27, 1998

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO I

Price : Rs. 14.75

Postage : Rs. 5.25

*National Aquaculture Development Authority
of Sri Lanka Act, No. 53 of 1998*

[Certified on 25th November, 1998]

L. D.—O.29/97.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL AQUACULTURE DEVELOPMENT AUTHORITY OF SRI LANKA, TO DEVELOP AQUATIC RESOURCES AND THE AQUACULTURE INDUSTRY ; AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the National Aquaculture Development Authority of Sri Lanka Act, No. 53 of 1998 and shall come into operation on such date as the Minister may appoint by Order published in the Gazette (hereinafter referred to as the “appointed date”).

Short title and
date of operation.

PART I

ESTABLISHMENT AND CONSTITUTION OF THE NATIONAL
AQUACULTURE DEVELOPMENT AUTHORITY OF SRI LANKA

2. (1) There shall be established an authority which shall be called the National Aquaculture Development Authority of Sri Lanka (hereinafter referred to as the “Authority”).

Establishment of
the National
Aquaculture
Development
Authority of Sri
Lanka.

(2) The Authority shall, by the name assigned to it by subsection (1), be a body corporate with perpetual succession and a common seal, and may sue and be sued in all courts.

3. The administration, management and control of the affairs of the Authority shall be vested in a Board of Directors (hereinafter referred to as “the Board”) consisting of :—

Board of
Directors.

(a) eight Directors who shall be appointed by the Minister from among persons who have had wide experience and shown capacity, in fisheries and aquaculture, science and technology, industry, commerce, finance or administration or law (a Director appointed under this paragraph is hereinafter referred to as an “appointed Director”) ; and

-D 049759— 8,550 (07/98)

2 **National Aquaculture Development Authority
of Sri Lanka Act, No. 53 of 1998**

(b) the following *ex-officio* Directors :—

- (i) an officer of the Department of Fisheries and Aquatic Resources Development, nominated by the Minister in charge of the subject of Fisheries and Aquatic Resources Development ;
- (ii) an officer of the Ministry of the Minister in charge of the subject of Irrigation, nominated by that Minister ;
- (iii) an officer of the Ministry of the Minister in charge of the subject of Mahaweli Development, nominated by that Minister ;
- (iv) an officer of the Ministry of the Minister in charge of the subject of Agriculture, nominated by that Minister ;
- (v) an officer of the Ministry of the Minister in charge of the subject of Wild Life Conservation, nominated by that Minister ;
- (vi) an officer of the Ministry of the Minister in charge of the subject of Environment, nominated by that Minister ; and
- (vii) an officer of the Ministry of the Minister in charge of the subject of Finance, nominated by that Minister.

Qualification for
membership of the
Board.

4. A person shall be disqualified from being appointed or continuing as a Director of the Board, if he—

- (a) is or becomes a member of Parliament or member of a Provincial Council or a member of any local authority ; or
- (b) is under any law in force in Sri Lanka or any other country, found or declared to be of unsound mind ;
- (c) is a person who having being declared an insolvent or bankrupt under any law in force in Sri Lanka or any other country, is a undischarged insolvent or bankrupt ; or

- (d) is serving or has served, a sentence of imprisonment imposed by any court in Sri Lanka or any other country.

5. (1) An appointed Director may resign from office by a letter in that behalf addressed to the Minister and such resignation shall take effect upon it being accepted by the Minister in writing.

Provision relating
to appointed
Directors and the
Chairman.

(2) The Minister may remove any appointed Director from office without assigning any reason therefor.

(3) Where an appointed Director is temporarily unable to perform the duties of his office due to ill health, absence from Sri Lanka or other cause, the Minister may, having regard to the provisions of section 3, appoint another person to act in his place.

(4) Subject to the provisions of subsections (1) and (2), the term of office of an appointed Director shall be three years.

(5) An appointed Director who vacates office by effluxion of time, shall be eligible for reappointment.

(6) Where an appointed Director vacates office by death, resignation or removal, the Minister may, having regard to the provisions of section 3, appoint another Director in his place and the Director so appointed shall hold office for the unexpired period of the term of office of the Director whom he succeeds.

(7) The Minister shall appoint the Chairman of the Board from among the Directors of the Board.

(8) The Chairman of the Board may resign from the office of Chairman by letter in that behalf addressed to the Minister and such resignation shall take effect upon it being accepted by the Minister in writing.

(9) The Minister may at any time remove the Chairman of the Board from the office of Chairman, without assigning any reason therefor.

4 *National Aquaculture Development Authority
of Sri Lanka Act, No. 53 of 1998*

(10) Where the Chairman of the Board is temporarily unable to perform the duties of his office due to illhealth, absence from Sri Lanka or other cause, the Minister may appoint any other Director to act in his place.

(11) Subject to the provisions of subsections (8) and (9), the term of office of the Chairman of the Board shall be his period of membership of the Board.

Meetings of the
Board.

6. (1) The Board shall meet at least once every month.

(2) The quorum for any meeting of the Board shall be five members.

(3) Subject to the provisions of subsections (1) and (2), the Board may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

Disclosure of
interest.

7. A Director who is directly or indirectly interested, financially or otherwise, in any project, undertaking or contract undertaken or made, or proposed to be undertaken or made, by the Board shall disclose his interest at a meeting of the Board, at the earliest possible opportunity, and such disclosure shall be recorded in the minutes of the Board ; and such Director shall not thereafter take part in any deliberation or decision of the Board with regard to such project, undertaking or contract, unless the Board otherwise directs.

Remuneration
of Directors.

8. The Directors of the Board may be remunerated at such rates as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Vacancies not
to invalidate
proceedings.

9. No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy among its Directors or any defect in the appointment of a Director.

Seal of the
Authority.

10. (1) The Authority shall have a common seal which shall be in the custody of such person as the Board may decide from time to time.

(2) The seal of the Authority may be altered in such manner as may be determined by the Board.

(3) The seal of the Authority shall not be affixed to any instrument or document except in the presence of two Directors of the Board, both of whom shall sign the instrument or document in token of their presence.

(4) The Board shall maintain a register of the instruments and documents to which the seal of the Authority has been affixed

11. The functions of the Authority shall be—

The functions of
the Authority.

- (a) to develop aquatic resources and the aquaculture industry, with a view to increasing fish production in the country ;
- (b) to promote the creation of employment opportunities through the development of freshwater aquaculture, coastal aquaculture and sea farming ;
- (c) to promote the farming of high valued fish species including ornamental fish, for export ;
- (d) to promote the optimum utilization of aquatic resources through environmental friendly aquaculture programmes ;
- (e) to promote and develop small, medium and large scale private sector investment in aquaculture ;
- (f) to manage, conserve, and develop, aquatic resources, and the aquaculture industry ;
- (g) to carry on business as an importer, exporter, seller, supplier and distributor, of aquatic resources ;
- (h) to prepare and implement plans and programmes for the management and development of aquaculture and aquatic resources ;
- (i) to conserve bio-diversity.

6 *National Aquaculture Development Authority
of Sri Lanka Act, No. 53 of 1998*

The powers of the
Authority.

12. For the purposes of discharging its functions, the Authority may exercise all or any of the following powers—

- (a) initiate and conduct researches, and resource surveys to ascertain the development potential in water and land resources, for aquaculture ;
- (b) undertake the collection and dissemination of information on aquatic resources and aquaculture ;
- (c) establish and manage aquaculture centres ;
- (d) assist entrepreneurs, technically, financially or otherwise, engaged in aquaculture and aquatic resource development and provide financial or technical or managerial assistance to inland fishermen and fish farmers ;
- (e) acquire and hold, take or give on lease, mortgage or hire, or sell or otherwise dispose of, any movable or immovable property :

Provided that no immovable property of the Authority shall be sold without the prior approval in writing of the Minister ;

- (f) levy and charge fees or any other charges for services rendered, or for facilities and equipment provided, by the Authority ;
- (g) enter into, perform and carry out, whether directly or through any officer or agent authorized in that behalf, or by way of joint venture with any person in or outside Sri Lanka, all such contracts or agreements as may be necessary for the discharge of the functions of the Authority ;
- (h) formulate rules, procedures and schemes, in respect of :—
 - (i) the administration of the affairs of the Authority ;

National Aquaculture Development Authority 7
of Sri Lanka Act, No. 53 of 1998

- (ii) appointments, promotions, terms and conditions of service, and disciplinary control, of officers and servants of the Authority ;
- (iii) withdrawal or disbursement of moneys out of the Fund by the Authority ;
- (i) establish and regulate provident funds, or schemes, or pension schemes, for the benefit of the officers and servants of the Authority and make contributions to any such funds or schemes ;
- (j) establish such departments, divisions and regional offices as may be necessary for the proper discharge of its functions ;
- (k) delegate to the Chairman or to any Director or to any officer of the Authority, such of the powers of the Authority as the Board may consider necessary to delegate for the efficient discharge of the functions of the Authority ;
- (l) accept gifts, grants, donations or subsidies, whether in cash or otherwise, and to apply them for discharging the functions of the Authority ;
- (m) invest the monies of the Authority in such manner as may from time to time be determined by the Board ;
- (n) accept stocks or shares or debentures, or other securities of any company, society or undertaking, in payment or part payment for any service rendered by the Authority to such company, society or undertaking or for any sale made to, or debt owing from, any such company, society or undertaking, by or to the Authority, and which is likely to promote or advance the objects of the Authority ; and
- (o) to do all such other things which, in the opinion of the Board, are necessary for the efficient discharge of the functions of the Authority ;

PART II

STAFF OF THE AUTHORITY

Director-General
of the Authority.

13. (1) The Board shall appoint a Director-General of the Authority.

(2) The Director-General shall be responsible for the implementation of the decisions of the Board and shall, perform such other duties as may be assigned or delegated to him by the Board.

Other Staff of the
Authority.

14. (1) The Board may subject to the other provisions of this Act appoint to the Staff of the Authority such officers and servants as the Board may deem necessary for the efficient discharge of the functions of the Authority.

(2) The Director-General of the Authority and the officers and servants appointed under subsection (1) shall be subject to such conditions of service and shall be paid remuneration at such rates as may be determined by the Board.

Appointment of
public officers to
the staff of the
Authority.

15. (1) At the request of the Board, any officer in the public service may with the consent of that officer, the Secretary to the Ministry under which that officer is employed and the Secretary to the Ministry of the Minister incharge of the subject of Public Administration, be temporarily appointed to the Staff of the Authority for such period as may be determined by the Board with like consent, or with like consent be permanently appointed to such staff.

(2) Where any officer in the public service is temporarily appointed to the staff of the Authority, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis*, apply to, and in relation, to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Authority, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis*, apply to, and in relation, to him.

(4) Where the Authority employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service with the Authority by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

16. (a) Every public officer of the Aquaculture Development Division of the Ministry of Fisheries and Aquatic Resources (in this Part of this Act referred to as "the Division") not being any such officer in a transferable service of the Government shall, after the date on which this Act is passed by Parliament but before the appointed date, give notice in writing to the Secretary to the Ministry of the Minister in charge of the subject of Fisheries and Aquatic Resources Development that such officer intends, on the appointed date—

Notice required to be given by public officers of the Aquaculture Development Division of the Ministry of Fisheries and Aquatic Resources.

- (i) to retire from the public service and become an employee of the Authority if, being a pensionable officer of the Division, he would on that date have had not less than ten years pensionable service ; or
- (ii) to leave the public service and become an employee of the Authority if, being a pensionable officer of the Division, he would on that date have less than ten years pensionable service ;
- (iii) to leave the public service and become an employee of the Authority if he is a contributor to the Public Service Provident Fund established under the Public Service Provident Fund Ordinance ; or
- (iv) to both retire or leave the public service and not become an employee of the Authority.

(b) A notice given to the Secretary to the Ministry of the Minister in charge of the subject of the Fisheries and Aquatic Resources Development before the appointed date by a public officer of the Division under paragraph (a), shall be final.

10 *National Aquaculture Development Authority
of Sri Lanka Act, No. 53 of 1998*

Effect of not
giving notice
under
section 16.

17. Any public officer of the Division who does not give the notice required under sub-paragraphs (i), (ii), (iii) or (iv), of paragraph (a) of section 16 before the appointed date, shall cease to continue in office as a public officer of the Division on or after that date.

Effect of a notice
given under
section 16.

18. (1) Any public officer of the Division who gives notice under sub-paragraph (i) or (ii) or (iii) or (iv) of paragraph (a) of section 16 before the appointed date shall—

- (a) where such notice is given by him under sub-paragraph (i) of that paragraph, become an employee of the Authority from and after the appointed date and shall, subject to the provisions of section 19, be eligible for such a pension under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date ; or
- (b) where such notice is give by him under sub-paragraph (ii) of that paragraph, become an employee of the Authority from and after the appointed date and shall, subject to the provisions of section 19, be deemed to have left the public service on that date and shall be eligible for such an award under the Minutes on Pensions as would have been awarded to him if he had left the public service on the ground of abolition of office on that date ; or
- (c) where such notice is given by him under sub-paragraph (iii) of that paragraph, become an employee of the Authority from and after the appointed date and shall be deemed for the purposes of the Public Service Provident Fund to have left the service of the Government upon the determination of a contract with the consent of the Government otherwise than by dismissal on that date ; or

(d) where such notice is given by him under sub-paragraph (iv) of that paragraph, and—

- (i) if he is a public officer of the class or description referred to in sub-paragraph (i) of that paragraph, be deemed to have retired from the public service on the appointed date and shall be eligible for such pension under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date ;
- (ii) if he is a public officer of the class of description referred to in sub-paragraph (ii) of that paragraph, be deemed to have left the public service on the appointed date and shall be eligible for such an award under the Minutes on Pensions as would have been awarded to him if he had left the public service on the ground of abolition of office on that date ; or
- (iii) if he is a public officer of the class or description referred to in sub-paragraph (iii) of that paragraph, be deemed for the purposes of the Public Service Provident Fund Ordinance to have left the service of the Government otherwise than by dismissal on that date.

(2) In the event of any conflict or inconsistency between the provisions of subsection (1) of this section and any other provisions of this Act, the provisions of that subsection shall to the extent of such conflict or inconsistency prevail over such other provisions.

19. The following provisions shall apply to and in relation to any employee of the Authority who became such an employee on the appointed date by virtue of the operation of the provisions of section 18—

Special provisions
applicable to
certain employees
of the Authority.

- (a) such employee shall be employed by the Authority on such terms and conditions as may be agreed upon by such employee and the Board :

12 *National Aquaculture Development Authority
 of Sri Lanka Act, No. 53 of 1998*

Provided however, that such terms and conditions shall not be less favourable than the terms and conditions on which such employee was previously employed in the Division;

- (b) if on the appointed date, such employee was a public officer of the Division holding a post declared to be pensionable and who had less than ten and not less than eight years pensionable service, then—
- (i) he shall be deemed, for the purposes only of the Minutes on Pensions, to be holding the post in the Division that he held on the appointed date until such period of time as, when added to his pensionable service under the Government, makes an aggregate of ten years pensionable service (service under the Authority being counted as pensionable service under the Government for the computation of such aggregate) ;
 - (ii) in respect of him the Authority shall pay out of the funds of the Authority to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund for every complete month of the period of service during which he is deemed for the purposes of the Minutes on Pensions to be holding the post in the Division that he held on the appointed date, such sum as may be determined by the Minister in charge of the subject of Finance ; and
 - (iii) at the end of the period referred to in subparagraph (i) he shall be deemed to have retired from the public service and shall be eligible for such pension under the Minutes on Pensions as would have been awarded to him had he retired from the Public service on the ground of abolition of office on the termination of such period

PART III

FINANCE

20. (1) The Authority shall have its own Fund. There shall be paid into the Fund of the Authority— Fund of the Authority.

- (a) all such sums of money as may be voted from time to time by Parliament for the use of the Authority ;
- (b) all such sums as were lying to the credit of the Aquaculture Development Division of the Ministry of Fisheries and Aquatic Resources on the day preceding the appointed date ;
- (c) all such sums of money as may be received by the Authority in the exercise and discharge of its powers, and functions under this Act ;
- (d) all such sums of money as may be received by the Authority by way of fees and charges ;
- (e) all such sums of money as may be received by the Authority by way of loans, donations, subsidies, gifts or grants from any source whatsoever ;

(2) There shall be paid out of the Fund of the Authority all such sums as are required to defray any expenditure incurred by the Authority in the exercise, and discharge of its powers, and functions under this Act.

21. The initial capital of the Authority shall be fifty million rupees. The amount of the initial capital shall be paid to the Authority out of the Consolidated Fund in such instalments as the Minister in charge of the subject of Finance may in consultation with the Minister determine. Initial capital.

14 *National Aquaculture Development Authority
of Sri Lanka Act, No. 53 of 1998*

Authority to
exempt from
payment of taxes
& c.

22. (1) Notwithstanding anything to the contrary in any other law, the Authority shall be exempt from the payment of—

- (a) any tax on the income or profits or other receipts of the Authority ; and
- (b) any stamp duty on any instrument executed by or on behalf, or in favour, of the Authority where, but for this exemption, the Authority would be liable to pay the stamp duty chargeable in respect of such instrument.

(2) The Minister with the concurrence of the Minister in Charge of the subject of Finance may exempt the Authority from the payment of any customs duty on any goods purchased or imported out of its funds by the Authority, if the import of such goods is considered to be conducive for the advancement of the objects of the Authority.

(3) In the case of any instrument containing any agreement between the Authority and any other person providing for payment to the Authority for services rendered or to be rendered by the Authority, or otherwise in support of the Authority's work, both the Authority and such other person shall be exempt from the payment of any stamp duty on such instrument.

(4) Any person making a payment to the Authority for services rendered by the Authority or as a contribution to the Fund of the Authority may claim the amount of such payment as a deduction from income in the year in which such payment is actually made for the purpose of computing liability for income tax of such person.

(5) The provisions of this section shall have effect notwithstanding anything to the contrary in the Inland Revenue Act, No. 28 of 1979.

National Aquaculture Development Authority 15
of Sri Lanka Act, No. 53 of 1998

23. The Board may, with the consent of the Minister or in accordance with the terms of any general authority given by him, borrow temporarily by way of overdraft or otherwise, such sums as the Board may require for meeting the obligations of the Authority in discharging the powers, functions and duties of the Authority under this Act :

Borrowing power of the Authority.

Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Board under this section shall not at any time exceed such sum as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

24. The financial year of the Authority shall be the calendar year.

Financial year of the Authority.

25. (1) The Board shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Authority.

Audit of accounts of the Authority.

(2) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Authority.

26. For the avoidance of doubts, it is hereby declared that the provisions of the Finance Act, No. 38 of 1971 shall apply to the Authority.

Application of the Finance Act, No. 38 of 1971.

PART IV

GENERAL

27. The Board shall furnish to the Minister such information as he may call for, from time to time, in respect of all or any of the activities and the financial position, of the Authority .

Furnishing of information to the Minister.

16 *National Aquaculture Development Authority
of Sri Lanka Act, No. 53 of 1998*

Directions of the
Minister.

28. The Minister may give the Board general directions, and after consultation with the Board, give the Board special directions, as to the exercise of the powers and the discharge of the functions of the Authority, and such directions shall be carried out by such Board.

Power of Minister
to order
investigation into
activities of the
Authority.

29. The Minister may from time to time, order all or any of the activities of the Authority to be investigated and reported upon by such person or persons as he may specify, and upon such order being made, the Board shall afford all such facilities and furnish all such information, as may be necessary to give effect to such order.

Transfer of
property and
contracts of State
to the Authority.

30. (1) The Minister may, by Order published in the Gazette, transfer to the Authority—

- (a) any movable or immovable property of the State required by the Authority for the discharge of its functions under this Act ; and
- (b) any contract or liability of the State connected with any of the functions of the Authority.

(2) No movable property, contract or liability of the State shall be transferred to the Authority under subsection (1) without the concurrence of the Minister in charge of the subject of Finance.

(3) No immovable property of the State shall be transferred to the Authority under subsection (1) without the concurrence of the Minister to whom the subject of State Lands has been assigned.

(4) Upon the publication of an Order under subsection (1) in the Gazette—

- (a) the properties specified in such Order shall vest in, and be the properties of, the Authority ;
- (b) the contracts specified in that Order shall be deemed to be the contracts of the Authority and all subsisting rights and obligations of the State under such contracts shall be deemed to be the rights and obligations of the Authority ;

- (c) the liabilities specified in that Order shall be deemed to be the liabilities of the Authority,

with effect from the date of such Order.

31. (1) The Board may, subject to such conditions as may be specified in writing, delegate to the Chairman or a Director of the Board or to any officer of the Authority, any power, or function conferred on or assigned to the Authority.

Delegation of powers of Authority.

(2) Notwithstanding any such delegation, the Board may exercise, or discharge any such power, or function.

32. (1) The Board or any officer of the Authority, duly authorized in writing in that behalf by the Board may by notice in writing, require any person to furnish to the Board or to that officer within such time as may be specified in that notice, all such information within the knowledge of that person and relating to any matters specified in that notice as may be necessary to enable the Board to exercise and discharge the powers and functions of the Authority under this Act.

Power of the Authority to call for information.

(2) Any person who—

- (a) willfully fails to comply with the requirements of a notice given under subsection (1) ; or
- (b) furnishes any information, which to his knowledge is false, when required to furnish any information by a notice given under subsection (1) ; or
- (c) willfully omits any matter from any information furnished by him in compliance with the requirements of a notice given under subsection (1),

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 exceeding ten thousand rupees.

18 *National Aquaculture Development Authority
of Sri Lanka Act, No. 53 of 1998*

Acquisitions of
immovable
property under the
Land Acquisitions
Act, for the
Authority.

33. (1) Where any immovable property is required to be acquired for any purpose of the Authority and the Minister by Order published in the Gazette, approves of the proposed acquisition, that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act, and be transferred to the Authority.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act, for the Authority shall be paid by the Authority.

Authority deemed
to be a scheduled
institution within
the meaning of the
Bribery Act.

34. The Authority shall be deemed to be a Scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

Directors, officers
and servants of the
Authority deemed
to be public
servants.

35. All Directors of the Board, officers and servants of the Authority shall be deemed to be public servants with in the meaning, and for the purposes, of the Penal Code.

Protection of
action taken under
this Act or on the
direction of the
Board.

36. (1) No suit or prosecution shall lie—

- (a) against the Authority for any act which in good faith is done or purported to be done by the Authority under this Act ; or
- (b) against any Director of the Board, or any officer, servant, or agent of the Authority for any act which in good faith is done or purported to be done by him under this Act, or on the direction of the Board.

(2) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court shall be paid out of the Fund of the Authority and any

costs paid to, or recovered by, the Authority in any such suit or prosecution shall be credited to the Fund of the Authority.

(3) Any expense incurred by any such person as is referred to in paragraph (b) of subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or is purported to be done by him under this Act or on the direction of the Board shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Authority, unless such expense is recovered by him in such suit or prosecution.

37. (1) The Minister may make regulation in respect of— Regulations.

- (a) the management aquaculture ;
- (b) the management of aquatic resources ;
- (c) all matters in respect of which regulations are authorized or required to be made by this Act.

(2) Every regulation, made under subsection (1) shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in such regulation.

(3) Every such regulation shall as soon as it is convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any such regulation is deemed to be rescinded shall be published in the Gazette.

20 *National Aquaculture Development Authority
of Sri Lanka Act, No. 53 of 1998*

Amendment of
section 18 of the
State Lands
(Recovery of
Possession) Act,
No. 7 of 1979.

38. Section 18 of the State Lands (Recovery of Possession) Act, No. 7 of 1979 is hereby amended as follows :—

- (a) in the definition of “Competent Authority” by the insertion immediately after item (f) thereof, of the following item :—

“(ff) the Chairman of the National Aquaculture Development Authority of Sri Lanka, where such land is under the control of the National Aquaculture Development Authority of Sri Lanka ;

- (b) in the definition of “State Land” by the substitution, for the words and figures “Ceylon Petroleum Corporation Act, No. 28 of 1961, as the case may be”, of the words and figures “Ceylon Petroleum Corporation Act, No. 28 of 1961 or the National Aquaculture Development Authority of Sri Lanka, established by the National Aquaculture Development Authority of Sri Lanka Act, No. 53 of 1998, as the case may be ;”.

Transitional
Provision.

39. (1) All movable and immovable property used, on the day preceding the appointed date, for the purposes of the Aquaculture Development Division of the Ministry of Fisheries and Aquatic Resources (in this section referred to as “the Division”) shall vest, with effect from the appointed date, in the Authority, free from all encumbrances.

(2) All contracts entered into by or with the State, for or on behalf of the Division and all lease agreements entered into by the Secretary, to the Ministry of the Minister in charge of the subject of Fisheries and Aquatic Resources Development relating to any property movable or immovable used by the Inland Fisheries Development Division of the Ministry and subsisting on the day preceding the appointed date, shall be deemed, with effect from the appointed date, to be contracts and lease agreements entered into by or with the Authority.

(3) All actions and proceeding instituted by or against the Attorney-General, as representing the Division and pending, on the day preceding the appointed date, shall be deemed, with effect from the appointed date to be actions and proceedings instituted by or against the Authority, as the case may be, and may be continued and completed accordingly.

(4) All judgements and orders made in favour of or against, the Attorney-General as representing the Division and remaining unsatisfied on the day preceding the appointed date, shall be deemed, with effect from the appointed date, to be judgements and orders made in favour of or against the Authority, as the case may be, and may be enforced accordingly.

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

Sinhala text to prevail in case of inconsistency.

41. In this Act unless the context otherwise requires—

Interpretation.

“aquaculture”, “aquaculture enterprises”, “aquatic resources”. “fish”, “fishing boat”, shall have the respective meanings assigned to them by the Fisheries and Aquatic Resources Act, No. 2 of 1996 ;

“Provincial Council” means a Provincial Council established by Chapter XVII A of the Constitution.