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[Extract from the "Ceylon Government Gazette" No. 8,098 of December 23, 1940.]

L. D.—B 200/40

THE ANTIQUITIES ORDINANCE, No. 9 of 1940

REGULATIONS made by the Executive Committee of Education under section 47 of the Antiquities Ordinance, No. 9 of 1940, approved by the State Council and ratified by the Officer Administering the Government.

The Ministry of Education, C. W. W. KANNANGARA,
Colombo, December 19, 1940. Minister for Education.

Regulations

PART I.—DEFINITIONS.

1. In these regulations unless the context otherwise requires—
"Commissioner" means the Archaeological Commissioner;
"Department" means the Archaeological Department;
"guard" means a guard appointed by the Commissioner;
"Ordinance" means the Antiquities Ordinance, No. 9 of 1940;
"overseer" means an overseer appointed by the Commissioner.

PART II.—EXCAVATIONS AND DISCOVERY OF ANTIQUITIES.

2. Every application for a licence to excavate shall be in form A in the Schedule and shall contain full particulars relating to the matters specified in that form.
3. Where the land on which it is proposed to carry out the excavation is not Crown land, the person making an application referred to in regulation 2 shall send with such application the written consent of the owner of that land—
(a) to the proposed excavation, and
(b) to the entry into that land of the Commissioner or any person approved by the Commissioner for the purpose of supervising and inspecting the excavation.
4. Every licence to excavate shall be in form B in the Schedule and shall be subject to a fee of fifty rupees which shall be credited to general revenue. The period specified in the licence as the period during which the licence is to be in force may from time to time be extended for a further period subject to such conditions as the Commissioner may in his discretion deem necessary.
5. Every person to whom a licence to excavate is issued shall, when called upon by the Commissioner, furnish security in a sum not exceeding two hundred and fifty rupees either by the deposit of such sum in the name of the Commissioner in the General Treasury or any Kachecheri or Bank, or by the hypothecation of immovable property to the satisfaction of the Commissioner.
6. Where a person to whom a licence to excavate is issued fails to observe any of the provisions of the Ordinance or any regulation made thereunder or any term or condition subject to which the licence is issued, and thereby forfeits the security furnished by him, it shall be lawful for the Commissioner to enforce the forfeiture by appropriation of the security if furnished in cash. Where however the security is furnished by the hypothecation of immovable property the amount forfeited shall be recovered as though it were a debt due to the Crown.
7. Where, prior to commencing any work of excavation, a licensee surrenders the licence issued to him or where such licence is withdrawn by the Commissioner under section 11 of the Ordinance such portion of the licence fee as the Commissioner considers reasonable shall be refunded to the licensee.
8. It shall be a condition of every licence to excavate that the licensee shall not commence any work of excavation—
(a) unless he has given written notice to the Commissioner of his intention to commence such work, and
(b) until a period of three weeks has elapsed since the date on which such notice was given to the Commissioner.
9. It shall be a condition of every licence to excavate that the licensee shall, on demand by the Commissioner, transmit to him the number and the names of the persons employed by the licensee to carry out the excavation.
10. It shall be a condition of every licence to excavate that nothing in the licence shall be deemed to absolve the licensee or any person in his employment from liability for any loss or damage sustained by any person or the Crown in respect of which such licensee or person under his employment would be liable at law if a licence had not been issued.
11. It shall be a condition of every licence to excavate that the licensee shall take all reasonable means for the protection and preservation of any antiquities discovered by him, and shall not subject any such antiquities to any chemical or electrolytic process of cleaning unless he has previously obtained the permission of the Commissioner.
12. It shall be a condition of every licence to excavate that, if the Commissioner considers that the arrangements made by the

15. (1) A record of all antiquities discovered in the course of excavation by the licensee under the authority of a licence to excavate shall be kept in form C in the Schedule, and shall be produced for inspection whenever required by the Commissioner.

(2) The licensee shall affix or cause to be affixed to each antiquity discovered by him, a label bearing the number allotted to that antiquity in the record kept under paragraph (1).

16. Every licensee shall within ten days of the discovery of any antiquity report such discovery to the Commissioner and furnish the particulars entered in respect of that antiquity in the record kept under regulation 15.

Discovery of Antiquities otherwise than under a Licence to Excavate

17. Every person who discovers any antiquity otherwise than under the authority of a licence to excavate shall furnish to the Government Agent of the Province or the Assistant Government Agent of the district in which the discovery was made the following particulars relating to the antiquity:—

- (i) the circumstances in which the discovery was made;
- (ii) the name and exact location of the land in which the discovery was made;
- (iii) the name and address of the owner of the land;
- (iv) the position of the discovered antiquity in relation to any ancient structural remains to be seen at the place;
- (v) the depth from the surface at which the antiquity was lying;
- (vi) the state of preservation in which the antiquity was found;
- (vii) a full description of the antiquity with details as to its dimensions, material, shape and weight;
- (viii) any information which the finder is able to furnish, regarding the identity of the antiquity;
- (ix) if several antiquities were found at the same place their relative positions, illustrated by a sketch, if possible.

18. Any antiquity delivered to the Commissioner under section 16 of the Ordinance may be exhibited by the Commissioner in an Archaeological museum maintained by him or transferred by him to any national museum established by Government to be kept and displayed therein.

PART III.—PROTECTED MONUMENTS.

19. In this part—

"permit" means a permit issued under section 21 of the Ordinance.

20. Every permit to carry out any work of restoration, repair, alteration or addition in connexion with any protected monument shall be in form D in the Schedule. The period specified in any permit as the period during which the permit is to be in force may from time to time be extended for a further period subject to such conditions as the Commissioner may in his discretion deem necessary.

21. (1) It shall be a condition of every permit that no work of restoration, repair, alteration or addition in connexion with a protected monument authorized by the permit shall be commenced or carried out until plans and specifications in respect of such work have been forwarded to and approved by the Commissioner.

(2) The Commissioner may before approving any such plans or specifications consult an Advisory Committee consisting of such persons as may be appointed by the Minister for the purpose.

(3) The Commissioner may from time to time vary or alter any such plans or specifications already approved by him if he deems it expedient to do so.

22. It shall be a condition of every permit that if the permit holder neglects or is unable to submit suitable plans and specifications designed to preserve the historical, archaeological, and aesthetic aspects of the protected monument, the Commissioner may himself cause such plans and specifications to be prepared and the cost of preparing such plans and specifications as determined by the Commissioner shall be payable by the permit holder. If the plans and specifications are prepared by any person other than a public servant the cost shall be paid to such person. In every other case the cost shall be paid into general revenue.

23. It shall be a condition of every permit that the permit holder shall—

- (a) carry out all lawful directions issued by the Commissioner in regard to the material to be used for the work of restoration, repair, alteration or addition and the skilled workmen to be employed and all technical matters incidental to the work;
- (b) afford the Commissioner or any member of the Advisory Committee appointed under regulation 21 (2), or any officer of the Department all facilities for the periodical inspection of such work, and

PART IV.—BUILDINGS, &C., IN VICINITY OF MONUMENTS.

27. Whenever the Executive Committee is of opinion that the erection of buildings or the carrying on of mining, quarrying or blasting operations should be prohibited or restricted in the vicinity of any ancient monument situated on Crown land or protected monument, it may by order published in the *Gazette* under the hand of the Minister apply the regulations in this Part in respect of such ancient monument or protected monument; and accordingly the regulations in this Part shall, from the date specified in such order, apply to that ancient monument or protected monument.

28. In the succeeding regulations in this Part—

“ancient monument” and “protected monument” means respectively an ancient monument situated on Crown land and a protected monument in respect of which an order has been made under regulation 27.

29. No person shall erect any building or carry on any mining, quarrying, or blasting operations at any place which is 200 yards or less than 200 yards distant from an ancient monument or protected monument.

30. No person shall, without the written permission of the Commissioner, erect any building or carry on any mining, quarrying, or blasting operations at any place which is more than 200 yards or less than 400 yards distant from an ancient monument or protected monument.

31. Every person intending to erect a building at any place referred to in regulation 30 shall make a written application to the Commissioner for permission to do so and shall state the following particulars:—

- the name of the land and its boundaries and location;
- the distance from the place where the building is to be erected to the ancient monument or protected monument;
- the nature of the building proposed to be erected;
- the description of the antiquities (if any) visible on the surface of the land.

32. Every person intending to carry on mining, quarrying, or blasting operations at any place referred to in regulation 30 shall make a written application to the Commissioner for permission to do so and shall state the following particulars:—

- the name of the land, its boundaries and location;
- the distance from the place where the mining, quarrying, or blasting operations are to be carried on to the ancient monument or protected monument;
- the depth at which the mining, quarrying, or blasting operations are to be carried on;
- the description of the antiquities (if any) visible on the surface of the land.

33. The Commissioner may in his discretion grant the permission applied for under regulation 31 or regulation 32, and may in the case of an application under regulation 32, grant such permission subject to the following conditions:—

- that no operations are carried on below a depth to be determined by him,
- that at the completion of the operations all pits and trenches are filled up to his satisfaction.

34. Where permission has been granted to any person to erect a building under regulation 30, no work in connexion with the erection of the building shall be commenced by such person until a plan of the proposed building which shall be submitted by such person to the Commissioner, has been approved by the Commissioner.

35. Before approving any plan submitted under regulation 34 the Commissioner may amend or alter such plan so as to make the proposed building conform to such artistic and architectural standards as would be in keeping with those of the ancient monument or protected monument, as the case may be, situated in the neighbourhood.

36. Where a plan has been approved by the Commissioner any deviation from it shall be made without the Commissioner's previous sanction.

37. Where the regulations in this Part are applied to any ancient monument or protected monument by order made under regulation 27 every claim by an owner of land affected by any prohibition or restriction in any such regulation shall be forwarded to the Commissioner within three months from the date on which such order comes into force.

PART V.—EXPORT OF ANTIQUITIES.

38. Every application for a licence to export antiquities shall be in form E in the Schedule and shall contain full particulars relating to the matters specified in that form.

39. Every licence to export antiquities shall be in form F in the Schedule and shall be in force for the period stated therein.

PART VI.—APPEALS UNDER SECTIONS 12, 22 AND 38 OF THE ORDINANCE.

40. (1) Every appeal under section 12, section 22, or section 38 of the Ordinance shall be made by a written petition containing a concise statement of the grounds upon which the appeal is preferred.

(2) Every petition of appeal referred to in paragraph (1) shall be filed by the appellant and shall be sent to the Secretary to the Department by registered post or delivered at the office of the Secretary to be received before the expiry of a period of 14 days (exclusive

Provided that the Minister may in his discretion, on application made in that behalf by the appellant, entertain such petition of appeal if the Minister is satisfied that the delay in sending the petition was due to any accident, misfortune or other inevitable cause.

42. The appellant, the Commissioner and any other person who in the opinion of the Minister will be affected by the decision of any appeal, shall be entitled to appear at the hearing of the appeal in person or by representative authorized in writing for the purpose.

43. Every appeal shall be determined upon the material placed before the Minister at the hearing of the appeal.

44. The decision of the Minister on any appeal shall be forthwith communicated to the appellant by the Secretary to the Minister.

PART VII.—ACCESS TO ANCIENT OR PROTECTED MONUMENTS.

45. Subject to the regulations in this Part members of the public shall have access at all hours of the day or night to any ancient monument situated on Crown land.

46. Where a railing is erected round any monument referred to in regulation 45, no person shall damage such railing or enter the area within such railing.

47. No person shall make a drawing or take a photograph of any monument referred to in regulation 45 without the permission of the Commissioner or an overseer or a guard.

48. Every person shall comply with the requirements of any notice which may be exhibited by or by order of the Commissioner near any monument referred to in regulation 45.

Schedule.

FORM A.

The Antiquities Ordinance.

(Regulation 2.)

Application for a licence to excavate for antiquities.

To the Archaeological Commissioner, Colombo,
through the Government Agent/Assistant Government Agent of _____ of Province/District.

I, _____ of _____ do hereby apply, under section 7 of the Antiquities Ordinance, No. 9 of 1940, for a licence to excavate for antiquities on the land described below:—

Name of land: _____.

Situation: _____.

Boundaries: _____.

Plan No., if any: _____.

Extent: _____.

Approximate distance of the land from the nearest—

- road,
- railway,
- place of worship,
- cemetery,
- school,
- water source,
- irrigation work.

Description of Antiquities visible on the surface.

History or tradition attached to the land.

Nature and extent of the proposed excavation.

2. I hereby declare that (1) the land belongs to me/the Crown/_____ of _____ whose consent to the excavation is annexed; (2) the proposed excavation will not cause any damage or inconvenience to persons residing in the vicinity of such land, or to any place used for religious worship, or to any cemetery, school, water source, irrigation work or public road, and if any such damage is likely to be caused I have made adequate provision for the payment of compensation therefor;

(3) I am prepared to furnish security for the due observance of the provisions of the Ordinance or the regulations made thereunder and any conditions subject to which the licence is issued;

(4) The undermentioned persons or institutions will testify to my competence to carry out the excavation in a systematic manner:—

Date: _____.

Signature of Applicant.

Observations of the Government Agent/Assistant Government Agent.

FORM B.

The Antiquities Ordinance.

(Regulation 4.)

Licence to excavate for the purpose of discovering Antiquities.

_____ of _____ is hereby licensed, under section 6 of the Antiquities Ordinance, No. 9 of 1940, to excavate for antiquities on the land specified below, subject to the provisions of the said Ordinance and the regulations made thereunder and the conditions specified overleaf.

This licence is valid until the _____ day of _____.

Land referred to.
 Name : _____
 Situation : _____
 Boundaries : _____
 Plan No., if any : _____
 Extent : _____

Conditions subject to which Licence is issued.

1. This licence does not authorize the carrying out of excavation on any land other than the land described above.
2. This licence shall be produced for inspection on demand made by the Archaeological Commissioner, or any overseer, or any peace or police officer.
3. The excavation shall be carried out under the supervision of the Archaeological Commissioner or any person approved by him and the licensee shall permit the Archaeological Commissioner or such approved person to visit the site of excavation at all reasonable hours and to view the antiquities discovered in the course of the excavation.
4. If the excavation is carried out under the supervision of any person other than an officer of the Archaeological Department or a public servant such remuneration as the Archaeological Commissioner may fix in the circumstances of each case shall be payable by the licensee to such person.
5. All moneys due from the licensee under the above conditions may be recovered from the security furnished by him under the regulations.

FORM C.

The Antiquities Ordinance.

(Regulation 15 (1).)

List of antiquities discovered in the course of the excavation at _____.

No.	Date of Discovery.	Position.	Depth.	Description of Antiquity.*	Remarks.

FORM D.

The Antiquities Ordinance.

(Permit under Section 21.)

_____ of _____ is hereby authorized, under section 21 of the Antiquities Ordinance, No. 9 of 1940, to carry out the work of restoration, repair, alteration or addition specified below in connexion with the protected monument called _____ situated on the land _____ in the Headman's division of _____ in the district of _____.

* State whether the antiquity is a statue, sculptured or dressed stone, marble, engraving, carving, inscription, painting, writing, any specimen of ceramic, glyptic, metallurgic and textile art, coin, gem, seal, jewel, arms, tools, ornaments or any other object.

This permit is valid until the _____ day of _____ and is issued subject to the provisions of the said Ordinance and the regulations made thereunder and the additional conditions contained below.

 Archaeological Commissioner.

Department of Archaeological Survey,

Date : _____.

Specification of Work.

Form E.

The Antiquities Ordinance.

(Regulation 38.)

To the Archaeological Commissioner.

I, _____ of _____ hereby apply under section 37 of the Antiquities Ordinance, No. 9 of 1940, for a licence to export the under-mentioned antiquities.

I hereby declare that I am legally entitled to the ownership of these antiquities.

Date : _____.

 Signature of Applicant.

Antiquities referred to.

No.	Description.	From whom antiquity obtained.	To whom antiquity to be sent.	Market value.

FORM F.

The Antiquities Ordinance.

(Regulation 39.)

License to export antiquities.

_____ of _____ is hereby licensed under section 36 of the Antiquities Ordinance, No. 9 of 1940, to export the under-mentioned antiquities to _____ of _____.

This licence is valid until the _____ day of _____.

 Archaeological Commissioner.

Department of Archaeological Survey,

Date : _____.

No.	Description.	Probable market value.

 Archaeological Commissioner.