

CHAPTER 395

TREASURE TROVE

Ordinances AN ORDINANCE TO PROVIDE AGAINST THE CONCEALMENT OF TREASURE TROVE.
 Nos.17 of 1887,
 3 of 1891,
 9 of 1940.

[17th February, 1888.]

Short title. **1.** This Ordinance may be cited as the Treasure Trove Ordinance.

All treasure trove to be the absolute property of the Republic of Sri Lanka. **2.** All treasure trove shall be the absolute property of the Republic of Sri Lanka, and the person finding the same shall not, as of right, be entitled to any portion thereof, any law or custom to the contrary notwithstanding.

Duty of finder and of person who acquires possession of treasure trove. **3.** (1) It shall be the duty of every person finding treasure trove, and every person to whose knowledge the finding of treasure trove shall in any way come, and of every person to whose possession treasure trove shall in any way come, forthwith to report the fact of such finding and to surrender the treasure trove in his possession to the nearest Magistrate, if any such Magistrate resides within a distance of ten miles from the place in which such finding shall have occurred, or in which such person shall be at the time he acquires possession of such treasure trove. But if no such Magistrate resides within the distance aforesaid, such report and surrender shall be made to the nearest divisional Assistant Government Agent or grama seva niladhari or to the nearest police officer not under the rank of Sergeant, and it shall be the duty of such divisional Assistant Government Agent, grama seva niladhari or police officer forthwith to give information of such report, and to deliver possession of any treasure trove which may have been surrendered to him to the nearest Magistrate.

(2) On the receipt of the report mentioned in the preceding subsection, or

on complaint being made by any person to a Magistrate's Court that an offence has been committed under this Ordinance, the Magistrate shall proceed to inquire into the matter of such report or complaint in order to ascertain—

(a) what was the treasure trove actually found;

who were the finders,

(c) whether any offence has been committed under the Ordinance, and, if so, by whom.

(3) If, however, such Magistrate has no jurisdiction over the division in which the treasure trove has been found or may be reported to have been found, he shall forthwith transmit such information as he may have received, and any treasure trove which may have been delivered to him, to the Magistrate having such jurisdiction, and such Magistrate shall thereupon proceed to hold the inquiry as above provided.

4. The Magistrate when holding such inquiry as aforesaid shall have the same power of issuing any summons, warrant, or search warrant, and of examining witnesses on oath or affirmation, and of enforcing the production of any documents, goods, articles, or things, as he has when dealing with cases in his ordinary criminal jurisdiction; and any person wilfully giving false evidence at any such inquiry shall be liable to the pains and penalties prescribed in section 179 of the Penal Code.

Powers of Magistrate in respect of inquiries under this Ordinance.

TREASURE TROVE

[Cap.395

Record of inquiry to be forwarded to the Attorney-General.

5. The record and detailed report of such inquiry when made shall be forwarded by such Magistrate, together with his finding on the evidence adduced before him, to the Attorney-General, who may in respect thereof exercise any of the powers conferred on him by the Code of Criminal Procedure Act.

Reward to finder or possessor.

6. The finder or other person to whose possession treasure trove shall have come shall, on complying with the provisions of section 3, and on voluntarily surrendering such treasure trove to any divisional Assistant Government Agent, grama seva niladhari, police officer, or Magistrate, as hereinbefore provided, and on such treasure trove being retained by the Sri Lanka Government, become entitled to receive from the said Government payment of a sum of money equivalent to the value of the material of such treasure trove, together with an additional one-fifth of such value. The value in each case shall be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Reward to informer.

7. When the finder or possessor of treasure trove does not voluntarily surrender the same in manner hereinbefore provided, and any other person shall give information which shall lead to the recovery thereof, such person shall, instead of such finder or possessor, become entitled to receive the afore-mentioned reward :

Provided that if at any time a conflict of claim should arise in respect of such reward, as between the finder and possessor or

either of them and an informer, or as between two or more of any finders, possessors, and informers, the decision of the Minister thereon shall be final and conclusive.

8. Every finder of treasure trove, and every person to whose knowledge the finding of treasure trove shall in any way come and every person to whose possession treasure trove shall have come, who shall wilfully omit or neglect to report such finding, or to deliver possession of such treasure trove in manner in section 3 provided, and any person who conceals or does any act towards concealing treasure trove, or in any way alters or attempts to alter such treasure trove, so as to conceal its identity, and any divisional Assistant Government Agent, grama seva niladhari or police officer who wilfully neglects to perform the duty imposed on him by section 3, shall be guilty of an offence, and shall be liable on conviction to simple or rigorous imprisonment for a term not exceeding two years, or to a fine not exceeding one thousand rupees, or both.

Penalty for concealment.

9. Nothing contained in the Lost Property Regulation shall in any manner apply to treasure trove.

Lost Property Regulation not to apply to treasure trove.

10. For the purposes of this Ordinance "treasure trove" shall mean any money, coin, gold, silver, plate, bullion, precious stones, or anything of any value found hidden in, or in anything affixed to, the earth, and the owner of which is unknown or cannot be found, but shall not include any "antiquity" as defined in the Antiquities Ordinance.

Interpretation.