

ANTIGUA AND BARBUDA



THE BOTANICAL GARDENS REGULATIONS, 2010

STATUTORY INSTRUMENT

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ARRANGEMENT

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ANTIGUA AND BARBUDA**THE BOTANICAL GARDENS REGULATIONS, 2010****2010, No. 15**

THE BOTANICAL GARDENS REGULATIONS made by the Minister in exercise of the powers contained in section 3 (1) (a) of the Botanical Gardens Act, Cap. 56.

1. Short Title

These Regulations may be cited as the Botanical Gardens Regulations, 2010.

2. Interpretation

In these Regulations—

“Board” means the Botanical Gardens Board established under regulation 3 (1).

“Minister” means the Minister with responsibility for Agriculture.

3. Appointment and Composition of the Board

(1) There is hereby established a Board to be known as the Botanical Gardens Board.

(2) The Botanical Gardens shall be governed by a Board consisting of the following—

- (a) two persons appointed by the Minister;
- (b) a representative from the Ministry of Tourism;
- (c) a representative from the Ministry of Agriculture;
- (d) a representative from the Development Control Authority;
- (e) a representative from the Central Board of Health;
- (f) a representative from the Ministry of Works;
- (g) a representative from the Royal Police Force of Antigua and Barbuda; and
- (h) the Chief Environment Officer.

(3) A member of the Board shall be appointed by the Minister by instrument published in the *Gazette* and shall hold office for a period of two years and shall at the expiration of such term, be eligible for reappointment.

(4) There shall be a Chairman and a Deputy Chairman who shall be appointed by the Minister, from among the members of the Board.

4. Functions of the Board

(1) The general direction, management and control of the Botanical Gardens are vested in the Board and the Board shall exercise its powers directly or indirectly through its staff, employees and agents.

(2) The functions of the Board are as follows—

- (a) to develop, manage, maintain, conserve, protect and improve the Botanical Gardens and their collections of living plants;
- (b) to provide a park-like setting to increase public awareness and appreciation for plants and natural environment;
- (c) to collect and display a wide range of species suitable to the Botanical Garden's environment;
- (d) to provide an aesthetical setting for social interactions that do not interfere with other objectives;
- (e) to provide an atmosphere for group discussions and other services that encourage the exchange of environmental and botanical information among interest groups and individuals;
- (f) to provide for the use of the Botanical Gardens for education, public enjoyment and tourism.

5. Meetings of the Board

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

(2) The Chairman, or in the absence of the Chairman, the Deputy Chairman and any four members constitute a quorum.

(3) Decisions of the Board shall be taken by the votes of a simple majority of the members present and voting.

(4) Where there is a tie in the voting, the chairman shall have a casting vote.

(5) The Board shall regulate its own procedures.

(6) A substitute member may be appointed by the Minister after consultation with the appropriate body for any one meeting which a member is unable to attend.

(7) Minutes of each meeting shall be kept in proper form by a secretary who shall be designated by the Permanent Secretary of the Ministry of Agriculture, from among the staff of the Ministry of Agriculture.

(8) The Board shall submit at least one annual report to the Minister.

6. Allowances

Members of the Board may be paid such allowances and travelling expenses as the Ministry may in consultation with the Minister of Finance determine.

7. Appointment and duties of the Curator

(1) The Public Service Commission shall appoint a Curator, who shall be a public officer and who possesses the qualifications specified in section 4 of the Act.

(2) The Curator shall at the direction of the Board perform the functions specified in section 4 of the Act and carry out such other duties as the Board may direct.

8. Hours of opening

The gates of the Gardens shall be open to the public every day from 6 o'clock a.m. until sunset and on moonlight evenings until 10 o'clock.

9. Conduct in Gardens

(1) No person shall enter or remain or loiter in the Gardens during prohibited hours.

(2) No person shall be admitted to the Gardens unless such person is decently and properly dressed and shall remain so dressed during the period of the visit.

(3) Any person admitted to the Gardens shall conduct himself in an orderly manner.

10. Prohibitions

(1) No person shall—

- (a) without lawful authority handle, pick, gather, cut or collect any fruit, flower, plant, seed, branch or portion thereof, or carry away fallen fruit, or cut or in any way injure any tree, plant or shrub growing in any part of the Gardens;
- (b) climb or sit upon the fences or gates, or swing or climb upon the trees or branches, or write, cut or carve upon or otherwise deface or damage the branches or buildings in the Gardens, or remove or break or damage any Garden seats, fences or boundary mark, or remove, damage or deface the notice boards, labels or notices;
- (c) while in the Gardens carry any fire-arms or any weapon of destruction without lawful authority;
- (d) hunt any animal, kill or catch any bird or take away birds' eggs while in the Gardens;
- (e) play any games in the Gardens;
- (f) hold or address any public-meeting in the Gardens;
- (g) walk on any lawn or cross any part of the cultivated ground or turf;
- (h) bring or permit any animal except a dog on leash and in the charge of its owner into the Gardens;
- (i) without the written permission of the Curator sell or expose for sale any articles of merchandise, food or refreshment in the Gardens;
- (j) cause annoyance, inconvenience or obstruction to other visitors to the Gardens;
- (k) assault, obstruct or hinder, aid or abet any person to assault, obstruct or hinder the Curator or any person employed in or about the Gardens in the execution of his duty.

11. Penalties

Any person who contravenes any of the provisions in these Regulations commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for twelve months.

Made the 6th day of July, 2010

Hon. Hilson Baptiste,
Minister of Agriculture.