

Act No. 25 of 1968

ARRANGEMENT OF SECTIONS

1. Short title.
 2. Interpretation.
 3. Duty and general powers of the Minister.
 4. Power of the Minister to make rules.
 5. Power of the Minister to appoint Committees.
 6. Application of fees.
 7. Penalty for contravening rules.
 8. Assault on, or obstruction of, guards and Gardens employees.
 9. Power of arrest.
 10. Guards to have powers and immunities, etc.
 11. Procedure on complaint.
 12. Provisions of certain Acts not to apply.
- Schedule Provisions not to Apply

CHAPTER 35 BOTANICAL GARDENS ACT

An Act to provide for the management and upkeep of the Botanical Gardens, and for connected matters.

[Act No. 25 of 1968.]

[29th June, 1968.]

1. Short title

This Act may be cited as the Botanical Gardens Act.

2. Interpretation

In this Act—

“Gardens” means the Botanic Gardens as delineated and set forth in a Plan drawn by J. Landreth Smith in February, 1891, numbered 31/31 and deposited in the Public Works Department;

“guard” means a person appointed by the Minister as a guard or keeper of the Gardens or any part thereof;

“Minister” means the person for the time being charged with responsibility for agriculture.

3. Duty and general powers of the Minister

It is the duty of the Minister to ensure the proper management, control and care of the Gardens and their maintenance at all times in good condition. He or she may enclose the same with proper railings and gates, and may ornament and otherwise improve the same, and may erect and maintain buildings, and may authorise or do all such other works and things and enter into such agreements as may be necessary for purposes relating to the use of the Gardens.

4. Power of the Minister to make rules

(1) The Minister may make rules relating to the Gardens for all or any of the purposes following, that is to say—

(a)

regulating the use of the Gardens and of any building thereon and the days and times of admission thereto or any part thereof, and providing for the preservation of order and the prevention of nuisances therein;

(b)

providing for the use of portions of the Gardens by clubs or other bodies and fixing the times and conditions of such use;

(c)

fixing the fees to be paid for admission to and use of the Gardens or any part thereof or any building thereon;

(d)

fixing the hours of opening and closing the Gardens or any part thereof, and the hours at or during which the public may be prohibited access thereto;

(e)

regulating the granting of permission to persons to sell refreshments in the Gardens and the terms and conditions on which such permission may be granted;

(f)

to control or prohibit traffic therein;

(g)

to declare what portion of the Gardens shall be required for any particular purpose, and not to be accessible to the public except by special permission;

(h)

for the management, control and upkeep of any zoological collection, or any aviary, library, museum, or other building that may be established or erected within the Gardens;

(i)

to prohibit interference with or damage to or the destruction of trees, plants, shrubs, fruit, animals, gates, fences and other things within or about the Gardens;

(j)

in respect of any matter or thing, whether similar or not to the foregoing, in respect of which it may be expedient to make rules for the purposes of carrying out the provisions of this Act.

(2) Copies of such rules or extracts therefrom shall be put up at the main entrance of the Gardens, and in such other conspicuous places about the Gardens as the Minister may deem necessary.

5. Power of the Minister to appoint Committees

(1) The Minister may appoint one or more Committees consisting each of a Chairperson and not more than seven other members which shall respectively act in any advisory capacity to the Minister for the purpose of carrying out his or her duty and exercising his or her powers under this Act.

(2) Three members of a Committee, including the person presiding, shall form a quorum.

(3) A Committee may, subject to its rules of procedure, act notwithstanding a vacancy in its membership or the absence of a member.

(4) The members of a Committee shall hold office during the pleasure of the Minister and shall be eligible for re-appointment.

(5) Subject to the provisions of subsection (4), the term of office of a member of a Committee shall be two years.

6. Application of fees

All fees collected under the provisions of this Act shall be paid into the Consolidated Fund.

7. Penalty for contravening rules

Any person who contravenes a rule made under section 4 shall be guilty of an offence and liable, on summary conviction, to a fine of five hundred dollars and, in default of payment, to imprisonment for a term not exceeding fourteen days.

8. Assault on, or obstruction of, guards and Gardens employees

Whoever shall assault, or obstruct, or aid or abet any person to assault or obstruct a guard, or any other person employed in or about the Gardens, in the execution of his or her duty, shall be guilty of an offence and liable, on summary conviction, to a fine of seven hundred and fifty dollars, and in default of payment to imprisonment for a term not exceeding one month.

9. Power of arrest

A guard in uniform, or a police officer, may arrest without warrant any person found committing an offence; but every person arrested under the authority of this section shall be taken with all reasonable speed and diligence before a magistrate to be dealt with according to law, and in no case shall any person so arrested be detained in custody for longer than twenty-four hours before being brought before a magistrate.

10. Guards to have powers and immunities, etc.

The guards, in addition to the powers conferred on them by this Act, shall have and exercise within the limits of the Gardens all the powers of a police constable and, for acts done in the exercise of any such powers, if done in the *bona fide* performance of their duty under this Act, shall enjoy the same rights, privileges and immunities as are possessed and enjoyed by a police constable under the provisions of the Police Act, Chapter 244.

11. Procedure on complaint

Any complaint charging an offence under this Act may be laid or brought—

(a)

in respect of any offence under section 8, by the party aggrieved or by the chairperson of a Committee for and on behalf of the party aggrieved; and

(b)

in respect of any other offence against this Act, by the chairperson of a Committee or by any person authorised by him or her in writing to lay or bring such complaint.

12. Provisions of certain Acts not to apply

The provisions of the Acts specified in the Schedule shall not apply to any person who, pursuant to the authority of the Minister so to do, takes or captures or has in his or her possession any animal or bird to which the said Acts relate.

Schedule
BOTANICAL GARDENS ACT

Provisions not to Apply

[Section 12.]

Birds and Other Wildlife (Protection) Act, Chapter 34.

Wild Animals and Birds Sanctuary Act, Chapter 339.