

**THE NATIONAL MUSEUMS AND HERITAGE ACT
(No. 6 of 2006)**

IN EXERCISE of the powers conferred by section 66(c), (c), (d) and (f) of the National Museums and Heritage Act, 2006, the Minister for National Heritage makes the following Rules:

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THE NATIONAL MUSEUMS AND HERITAGE (OPEN SPACES AND AREAS OF NATIONAL HERITAGE) (PROTECTION AND MANAGEMENT) RULES, 2009

1. Citation

These Rules may be cited as the National Museums (Open Spaces and Areas of National Heritage) (Protection and Management) Rules, 2009.

2. Application.

These Rules shall apply to all open spaces, protected areas, national monuments, protected buildings and areas of cultural, natural or national heritage declared as such by the Minister for the purposes of the Act.

3. Interpretation

In these Rules, unless the context otherwise requires –

“guardian” means a person appointed by the Minister under rules 4 to be the guardian of any protected area.

4. Appointment of guardian.

(1) The Minister may, by notice in writing, upon the recommendation of the National Museums, appoint –

(a) the National Museum;

(b) a person or body ordinarily responsible for the protected area;

(c) any other person who the Minister considers appropriate,

to be a guardian for the purposes of these Rules.

(2) A person appointed to be a guardian shall be responsible for the maintenance and conservation of the protected area.

5. Dealing with protected area.

A person shall not deal with a protected area except in the manner provided for under these Rules.

6. Access to the public.

Where a protected area is designed to be accessible to the public, the guardian of that area shall restrict access to the extent necessary to preserve its physical character and cultural value.

7. Prohibited activities in a protected area.

No person shall, unless with the prior written authority of a guardian of a protected area –

- (a) bring or allow any animal to enter or stray;
- (b) play games, climb any trees, shoot with gums or catapults or throw stones; or
- (c) light any fire in or bring any fire, in a protected area.

8. Public conduct.

A person shall not engage in disorderly conduct in a protected area.

9. Littering.

A person shall not deposit paper, bottles or other refuse of any sort in a protected area.

10. Picking leaves seeds, etc.

A person shall not pick any leaves, flowers, fruits or seeds, or break pull up or damage or deface any tree, shrub, flower grass, turf, fence, seat, notice board or name ticket of a tree or shrub in a protected area.

11. Entrance and exit.

A person shall enter or exit from a protected area through the designated points provided for entry or exit.

12. Preservation.

- (1) A guardian of a protected area shall ensure that the protected area is as far as possible preserved in its condition at the time of declaration as a protected area by the Minister.
- (2) Any existing trees, shrubs, plants and flowers shall be replaced with the species selected with regard to the preservation of the original character of the protected area.

13. Structure.

A person shall not remove any permanent or moveable structures of any kind which have natural or historical significance and form part of a protected area from that area, unless the removal is essential for their conservation or restoration, and the person has obtained written permission of the Minister.

14. Construction in protected area.

A person shall not undertake the construction of any infrastructure, including visitors' amenities, drainage works or car parks, in a protected area, in a manner that endangers the ecological equilibrium or alters the general appearance of the area.

15. Restoration work.

A person shall not undertake any restoration or reconstruction work in a protected area unless that person has undertaken a prior research to ensure its scientific excavation and he has obtained prior written approval of the project by the National Museums.

16. Responsibility of owner or guardian.

The owner or guardian of a monument shall, in consultation with the National Museums carry out regular maintenance and repairs of the monument.

17. Rules to apply.

The provisions of these Rules relating to the conservation and maintenance of protected areas shall apply mutatis mutandis to the conservation and maintenance of monuments.

18. Restoration work.

The owner or guardian of a monument shall when restoring or rehabilitating a monument, use the original or historically significant building materials and maintain the original architectural features.

19. Replacement of materials.

(1) Where it is necessary to replace the original building materials or historic decorative details, the owner or guardian shall ensure that the alternative materials match those that are to be replaced in composition, design, colour, texture and other visible qualities.

(2) A person who wishes to use alternative materials as described in paragraph (1) shall prior to the use seek and obtain the written permission of the National Museums.

20. Missing features.

Where missing architectural features are to be replaced on a monument, the replacements shall be made on the basis of evidence of the original features, supported by physical or pictorial information.

21. Changes to conform to original.

All changes made to a monument shall be appropriate to the original historic style.

22. Use of surrounding Area.

(1) The area surrounding a monument may with the prior approval of the Minister be used for the construction of public amenities.

(2) A person shall conserve and maintain the original landscape, materials and features, including outbuildings, fencing, railings walls, stairs and walkways, rather than replace them.

23. Public Participation.

(1) Whenever the approval of the National Museums is sought for the purposes of the rehabilitation of any protected area or monument, the National Museums shall ensure public participation by –

(a) posting the notice of rehabilitation on the monument concerned, or at a conspicuous place within the protected area; and

(b) inviting comments from stakeholders on the proposed restoration or rehabilitation within the period specified in the notice.

(2) The National Museums shall when granting or withholding approval take into account the comments received under paragraph (1) (b).

Made on the 23rd February, 2009.