

## CHAPTER 35 BOTANICAL GARDENS ACT

---

• Act • Subsidiary Legislation •

---

### ACT

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.

---

**CHAPTER 35**  
**BOTANICAL GARDENS ACT**

**SUBSIDIARY LEGISLATION**

---

*List of Subsidiary Legislation*

1. National Botanic and Zoological Gardens Rules
- 

**NATIONAL BOTANIC AND ZOOLOGICAL GARDENS RULES**

SRO 55 of 1968

**ARRANGEMENT OF RULES**

1. Citation.
2. Hours of opening and closing.
3. Entering and leaving Gardens.
4. Control of traffic within Gardens.
5. Protection of plants and flowers.
6. Sale of flowers, plants, etc.
7. Protection of animals, etc.
8. Power to inspect parcels, etc.
9. Restriction of public meetings, etc.
10. Restriction of playing games.
11. Restriction on musical instruments, etc.
12. Restrictions relating to certain animals.
13. Causing annoyance to visitors.
14. Soliciting alms, etc.
15. Throwing missiles and littering Gardens.
16. Injury to property.
17. Disorderly conduct.
18. Restricted areas.
19. Admission fees.

NATIONAL BOTANIC AND ZOOLOGICAL GARDENS RULES

[Section 4. SRO 55 of 1968.]

[2nd November, 1968.]

**1. Citation**

These Rules may be cited as the National Botanic and Zoological Gardens Rules.

**2. Hours of opening and closing**

(1) Subject to paragraph (2) of this Rule, the Gardens shall be open to the public daily from 6.00 o'clock in the morning until 6.30 in the evening.

(2) The whole or any part of the Gardens may be closed to the public at such times and for such periods as the Minister may direct.

**3. Entering and leaving Gardens**

(1) No person shall enter or leave the Gardens otherwise than through the gates provided for such purpose and, if so required by a guard, keeper or police officer, a person shall leave the Gardens only by the gate or gates specified by such guard, keeper or police officer.

(2) No person shall enter or remain in the Gardens after the time appointed for the closing thereof, or at any time during any period that the Minister, pursuant to rule 2(2), has directed that the Gardens shall be closed to the public.

(3) Notwithstanding the provisions of paragraph (2) of this Rule—

- (a) any police officer;
- (b) any officer of the Ministry of Agriculture, Forestry and Lands duly authorised in that behalf;
- (c) any person who is employed in, or who by virtue of his employment resides within the Gardens; or
- (d) during such period as the Ministry of Social Affairs, Culture and Community Development occupies premises within the Gardens, any officer of the said Ministry duly authorised in that behalf,

may enter or remain therein although the Gardens are closed to the public.

**4. Control of traffic within Gardens**

(1) No cart or waggon shall enter the Gardens except on business connected with the Gardens, nor shall any vehicle exceed the speed of twenty miles per hour within the limits of the Gardens.

(2) The driver of any vehicle entering the Gardens shall cause such vehicle to be parked in the appropriate place designated for such purpose.

(3) No person shall ride a bicycle within the limits of the Gardens, except along the public roadways.

**5. Protection of plants and flowers**

No person, other than a person employed in the Gardens, shall—

- (a) climb any tree, or walk on any grass border or flower bed in the Gardens;
- (b) touch, cut or pick any flower, leaf, seed, fruit twig or branch, or in any way injure any plant in the Gardens; or
- (c) use the ornamental waters in the Gardens for any purpose whatsoever.

**6. Sale of flowers, plants, etc.**

No person shall sell or offer or expose for sale in the Gardens any flowers, fruits, plants, confectionery, food, beverages or any article whatsoever unless such person is authorised by the Director of the Gardens in that behalf.

**7. Protection of animals, etc.**

No person shall remove from the Gardens or shall, in the Gardens, wilfully disturb, ill-treat, injure or kill any animal, bird, reptile or fish, or disturb, damage or destroy any egg.

**8. Power to inspect parcels, etc.**

Every person having in his possession any bag, basket, parcel or receptacle shall, if so required, show the contents thereof to any guard, or police officer who has reasonable cause to suspect that such person has in his possession any flower, leaf, seed, fruit or twig cut or picked in contravention of rule 5.

**9. Restriction of public meetings, etc.**

No person shall hold any public meeting, deliver any address or give any public performance, display or exhibition in the Gardens, unless such person is authorised in that behalf by the Minister.

**10. Restriction of playing games**

No person shall play cricket, football, baseball, softball, hockey, volleyball, netball, basketball or any similar games in the Gardens, or bring into or use in the Gardens any equipment or apparatus therefor, unless authorised in that behalf by the Minister and otherwise than in the portion or portions of the Gardens designated for such purposes.

**11. Restriction on musical instruments, etc.**

(1) Subject to the provisions of rule 9, no person shall bring, carry or use any musical instruments, public address system, radio receiver or television receiver within the limits of the Gardens.

(2) This Rule shall not apply to radio receivers to which earphones are fitted, nor to receivers installed in motor cars.

**12. Restrictions relating to certain animals**

No person shall bring any animals whatsoever within the limits of the Gardens or cause such animal to enter the Gardens unless such animal is intended to form part of the zoological collection established and maintained at the Gardens.

**13. Causing annoyance to visitors**

No person shall wilfully and unreasonably interfere with the comfort of, or cause annoyance to, any other person visiting the Gardens.

**14. Soliciting alms, etc.**

No person shall solicit or accept any alms, donation, contribution or subscription of any kind whatsoever within the limits of the Gardens.

**15. Throwing missiles and littering Gardens**

No person shall throw or discharge any stone or other missile or light any fire or fireworks, or deposit, throw or leave, otherwise than in receptacles provided for such purpose, any bottle, tin, container, glass, paper, carton, or refuse of any kind whatsoever in the Gardens.

**16. Injury to property**

No person shall injure or deface by writing or otherwise any building, structure, statue, ornament, seat, wall, fence, gate, or thing in or enclosing any part of the Gardens, or wilfully damage or deface any lawn, road or path; nor shall any person exhibit or affix any notice, advertisement or other written or pictorial matter on any building, structure, statue, ornament, seat, wall, fence, gate or thing aforesaid.

**17. Disorderly conduct**

No person shall conduct himself in a disorderly or indecent manner or be indecently clothed in the Gardens; nor shall any person use any profane, indecent or obscene language in the Gardens.

**18. Restricted areas**

Except with the permission of the Director, no person, other than a person employed in the Gardens, shall enter any portion or portions of the Gardens used, set aside or designated as a nursery for plants; or for use as the hospital or kitchen in connection with the zoological collection established and maintained at the Gardens or for use by persons employed in the Gardens.

**19. Admission fees**

(1) In respect of admission to the portion of the Gardens wherein the zoological collection is established and maintained, it shall be lawful for the Director to charge and collect admission fees at the following rates, that is to say—

- (a) adults and children of and over fourteen years of age thirty-five cents; and
- (b) children under the age of fourteen years ten cents.

(2) All fees collected under the provisions of this Rule shall be paid into, and form part of the Consolidated Fund.

---