

CHAPTER 140.

BOTANIC GARDENS.

AN ORDINANCE RELATING TO THE ROYAL BOTANIC GARDENS.

Ordinances
No. 150,
” 12 of 1908,
” 13 of 1920.

[23rd November, 1894.]

1. This Ordinance may be cited as the Botanic Gardens Ordinance. Short title.

2. In this Ordinance—

Interpreta-
tion.

“ The Gardens ” means the Royal Botanic Gardens as delineated and set forth coloured pink, and comprised within the line marked with the letters A to W, in a certain plan dated the eighth day of July, 1903, signed by Charles Style Cochrane, Esquire, Engineer in charge of Surveys, and deposited in the office of the Sub-Intendant of Crown Lands, save and except the area shown on the said plan comprised within a thick black chain-dotted line; and includes lands, in addition to those delineated in the said plan, which may from time to time be acquired or appropriated with the sanction of the Governor and Legislative Council for any experimental plantation, or for the cultivation of any vegetable products under the direction of the Superintendent; (*As amended by 12 of 1908, s. 2, and 13 of 1920, s. 2.*)

“ Keeper ” means and includes any person appointed to guard and watch over the gardens;

“ Superintendent ” means the Superintendent for the time being of the gardens, and includes any Assistant Superintendent.

3. It shall be lawful for the Governor in Executive Council from time to time to proclaim any such additional land as aforesaid, which may be intended to be used for the

Proclamation
of new
gardens.

purposes aforesaid, a Botanic Garden within the meaning of this Ordinance, and to make regulations with respect thereto under section 4 of this Ordinance.

Regulations.

4. (1) It shall be lawful for the Governor in Executive Council to make regulations for all or any of the purposes following, that is to say :—

- (a) To fix the hours of opening and closing the gardens, and the hours at or during which the public may be prohibited access thereto;
- (b) For the good government of the gardens, and of all persons employed therein or resorting thereto or to their immediate neighbourhood, or in any way using the same or any part thereof;
- (c) To control or prohibit the traffic therein of carts, carriages, and bicycles;
- (d) To declare what portion of the gardens shall be deemed to be private grounds attached to the Governor's or Superintendent's residences respectively, or required as nurseries or for other administrative purposes, and not accessible to the public except by special permission of the Superintendent duly authorized by the Governor in that behalf;
- (e) To prohibit any interference with or damage to or the destruction of trees, plants, shrubs, fruit, gates, fences, or other things within or about the gardens.

(2) All regulations made under this section shall be laid before the Legislative Council, by whom the same may be altered or amended, and shall have no force or effect until approved by such Council.

(3) Such regulations shall on approval be published in the *Royal Gazette*, and shall take effect from and after the date of such publication.

(4) Copies of such regulations shall be put up at the main entrance of the gardens, and in such other conspicuous places about the gardens as may be deemed necessary.

5. If any person shall contravene any regulation made under the authority of this Ordinance, such person shall be guilty of an offence against this Ordinance, and, on summary conviction thereof before a Magistrate, shall be liable to a penalty not exceeding ten pounds.

Penalty for
contravening
regulations.

6. If any person shall assault, or obstruct, or aid or abet any person to assault or obstruct, the Superintendent, or Keeper, or any other person employed in or about the gardens, in the execution of his duty, every such person shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding ten pounds.

Assault or
obstruction
of officers.

7. The Superintendent, or any person authorized by him, or any Keeper in uniform, or any constable who may be called to his assistance, may arrest without warrant any person found committing any offence against this Ordinance: Provided that 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.

Arrest
without
warrant.

In no case shall any person arrested be detained in custody longer than twenty-four hours before being brought before a Magistrate.

8. The Superintendent and the Keeper, in addition to any powers and immunities conferred on them by this Ordinance, shall have and exercise within the limits of the gardens all the powers vested in any constable, and shall, for acts done in the *bonâ fide* performance of their duty under this Ordinance, enjoy the same rights, privileges, and immunities as are possessed and enjoyed by constables under the provisions of the Constabulary Ordinance.

Superinten-
dent and
Keeper to
have powers
of constables.

Cap. 88.

9. Any complaint charging an offence under this Ordinance may be laid or brought—

Procedure.

- (a) in respect of any offence under section 6, by the party aggrieved or by the Superintendent for and on behalf of such party aggrieved; and
- (b) in respect of any other offence against this Ordinance or against any regulations made under its authority, by the Superintendent or any person authorized by him in writing to lay or bring such complaint.

Rights of
way.

10. All existing estates, interests, trusts, rights of way, or other rights in, over, upon, or through the gardens are hereby determined, saving and excepting that Charles John Massy, Louis Hugh Massy, and Antonio Mendes shall have the right to hold and possess and use, themselves or by deputy, one pass-key each to admit foot-passengers only at the gates so noted on the plan referred to herein. Until such gates are placed, the said persons, and persons authorized by them, shall have the right to pass and repass as foot-passengers: Provided that the said key and right of passage shall be a right of way only through the gardens, and shall not give any admission to the gardens contrary to the regulations in that behalf.