

CHAPTER 24. No. 2.

BOTANIC GARDENS.

Ordinance No. 24—1938. AN ORDINANCE RELATING TO THE ROYAL BOTANIC GARDENS.

Commencement. [8th December, 1938.]

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

Interpretation. 2. In this Ordinance—

“the Gardens” means the Royal Botanic Gardens as delineated and set forth in a certain Plan dated the 12th of October, 1938, signed by Joseph Grant Reece and deposited in the Office of the Sub-Intendant of Crown Lands, the boundaries whereof are thereon edged pink, and shall include any additional land proclaimed as a Botanic Garden in the manner hereinafter provided;

“Curator” means the Curator for the time being of the Gardens and includes the Economic Botanist and any Assistant Curator;

“keeper” means and includes any person appointed to guard and watch over the Gardens.

Proclamation of new gardens. 3. It shall be lawful for the Governor to proclaim as a Botanic Garden within the meaning of this Ordinance any additional land whether adjacent to or separate from the Gardens which may from time to time be acquired or appropriated for any experimental plantation or for cultivation of any vegetable products.

Regulations. 4. (1) The Governor in Council may make regulations relating to the Botanic Gardens 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 traffic therein;

(d) to declare what portion of the Gardens shall be required as nurseries or for other administrative purposes, and not accessible to the public except by special permission;

(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;

(f) for the management control and upkeep of any zoological collection, aviary, or museum, or other building that may, with the permission of the Governor, be established or erected within the Gardens.

(2) Regulations made under this section shall have no force or effect until they have been approved by the Legislative Council.

(3) 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 liable, on summary conviction, to a fine of forty-eight dollars.

Penalty for
contravening
regulations.

6. If any person shall assault, or obstruct, or aid or abet any person to assault or obstruct, the Curator, 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, to a fine of forty-eight dollars.

Assault or
obstruction
of officers.

7. The Curator, or any person authorised 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

Arrest
without
warrant.

Magistrate to be dealt with according to law: Provided further that in no case shall any person arrested be detained in custody longer than twenty-four hours before being brought before a Magistrate.

Curator and keeper to have powers of constables.

8. The Curator 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 Police Ordinance.

Procedure.

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

(a) in respect of any offence under section 6, by the party aggrieved or by the Curator for and on behalf of such party aggrieved; and

(b) in respect of any other offence against this Ordinance, by the Curator or any person authorised by him in writing to lay or bring such complaint.

10. The right of way on foot from the La Fantasie Road and the Circular Road dedicated to the public by virtue of section 5 of the Botanic Gardens (Amendment) Ordinance, 1933, and shown between the points marked B.B. on a certain plan dated the 5th of December, 1933, signed by John Walker Macgillivray, and deposited in the office of the Sub-Intendant of Crown Lands, shall be and the same is hereby extinguished.