

THE PUBLIC GARDENS REGULATION ACT

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THE PUBLIC GARDENS REGULATION
ACT

Act
18 of 2006.

[1st March, 2007.]

1. This Act may be cited as the Public Gardens Regulation Act. Short title
2. In this Act, unless the context otherwise requires— Interpre-
tation.
- “functions” includes powers and duties;
- “public garden” means any land vested in the Commissioner of Lands, and designated by him or any entity acting on his behalf for use as public gardens, and includes Bath Botanic Gardens, Castleton Botanic Gardens, Cinchona Botanic Gardens, Royal Botanic Gardens, Fern Gully, Holland Bamboo Grove and any other place designated as such by the Commissioner of Lands;
- “zoo” means a public place or a place within a public garden where a collection of animals is lawfully maintained for purposes of exhibition, conservation or study.
- 3.—(1) For the due development, maintenance and administration of public gardens, the Governor-General may appoint— Appoint-
ment of
Super-
intendent of
Public
Gardens and
staff.
- (a) a Superintendent of Public Gardens; and
- (b) such other officers and employees as may be necessary for the efficient operation of public gardens.
- (2) The Superintendent of Public Gardens may, with the approval of the Minister—
- (a) engage in contractual arrangements with other persons or organizations in relation to the provision of recreational activities in public gardens;
- (b) host such public ceremonies as may be prescribed in public gardens;

- (c) determine the opening hours for all public gardens and zoos,

and shall perform such other functions in connection with the operations of public gardens as may be assigned to him by or under this Act or any other enactment.

Delegation of functions.

4. The Superintendent of Public Gardens may, with the approval of the Minister, delegate or assign to any person all or any of his functions under this Act, but a delegation under this section shall not preclude the performance of the functions by the Superintendent.

Designation of area for activities.

5. The Superintendent of Public Gardens may designate any area within a public garden for specific activities.

*Seizure and Impounding of Stray Animals
and Offences*

Seizure and impounding.

6. A constable or security officer stationed at a public garden—

- (a) may seize any stray animal trespassing thereon; and
- (b) with all reasonable dispatch and not later than forty-eight hours after such seizure, transport the animal to the nearest pound:

Provided that when a Sunday or public holiday intervenes between the time of seizure of an animal and its removal to the pound, it shall not be taken into account in calculating the hours aforesaid.

Unauthorized destruction of trees, animals, etc.

7.—(1) Any person who, without lawful authority—

- (a) destroys a tree, flower bed, lawn or shrub;
- (b) injures or kills any animal that is lawfully kept,

in a public garden commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding two hundred and fifty thousand dollars or to

imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) Any such person who, when required by a constable to give his name and address, gives a false name or a false address, commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

8. Any person who, without the permission of the Superintendent of Public Gardens—

Unauthorized reaping, sale of produce.

- (a) picks fruits, plants or flowers;
- (b) sells goods,

within a public garden, commits an offence and shall be liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

9. A person who, without the permission in writing of the Superintendent of Public Gardens, camps in a public garden, resides in a public garden or occupies any structure within such a garden, commits an offence and shall be liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Unlawful camping or other occupation of public garden.

10. Any constable stationed at a public garden or zoo may take into custody, without warrant, any person who, in the public garden and within view of such constable, acts in contravention of this Act or any regulations made hereunder.

Powers of arrest.

Regulations

11.—(1) The Minister may make regulations for the administration and operation of public gardens or zoos and,

Regulations

without prejudice to the generality of the foregoing, such regulations may provide for—

- (a) the preservation of order and good conduct among members of the public using public gardens;
- (b) the erection on land forming part of a public garden of huts, booths, tents, sheds, stands and stalls, whether fixed or movable;
- (c) the fees or charges payable in respect of the use of public gardens for specific activities.

(2) Regulations made under subsection (1) shall be subject to affirmative resolution.

(3) Notwithstanding the provisions of section 29 of the Interpretation Act, regulations made under this Act may prescribe in respect of a breach of any of the provisions thereof, greater monetary penalties than those specified in that section, so, however, that the maximum monetary penalty that may be imposed shall be a fine not exceeding two hundred and fifty thousand dollars.

Increase of
monetary
penalties by
order.

12. The Minister may from time to time, by order subject to affirmative resolution, increase the monetary penalties specified in this Act.