

BOTANIC GARDENS ACT

CHAPTER 41:03

Act
24 of 1938

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Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 41:03

BOTANIC GARDENS ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 41:03

BOTANIC GARDENS ACT

An Act relating to the Botanic Gardens.

1950 Ed.
Ch. 24, No. 2.
24 of 1938.

Commencement.

[8TH DECEMBER 1938]

Short title.

1. This Act may be cited as the Botanic Gardens Act.

Interpretation.

2. In this Act—

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

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

“Superintendent” means the Superintendent of Public Gardens, Grounds and Pastures and includes any Assistant Superintendent and the Economic Botanist.

Declaration of new gardens.

3. The Minister may by Order declare as a Botanic Garden within the meaning of this Act 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 Minister 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;

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2009

- (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 Minister, be established or erected within the Gardens.

(2) Regulations made under this section shall be subject to affirmative resolution of Parliament.

(3) Copies of the Regulations shall be put up at the main entrance of the Gardens and in such other conspicuous places about the Gardens as may be considered necessary.

5. Any person who contravenes any regulation made under the authority of this Act is liable on summary conviction to a fine of four hundred dollars. Penalty for contravening Regulations.

6. Any person who assaults, or obstructs, or aids or abets 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, is liable on summary conviction to a fine of four hundred dollars. Assault or obstruction of officers.

7. (1) The Superintendent, 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 Act. Arrest without warrant.

(2) Any 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; but in no case shall any person arrested be detained in custody longer than twenty-four hours before being brought before a Magistrate.

Superintendent
and keeper to
have powers of
constables.

8. The Superintendent and the keeper, in addition to any powers and immunities conferred on them by this Act, shall have and exercise within the limits of the Gardens all the powers vested in any constable, and shall, for acts done in the *bona fide* performance of their duty under this Act, enjoy the same rights, privileges, and immunities as are possessed and enjoyed by constables under the Police Service Act.

Ch. 15:01.

Procedure.

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

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

Extinguishment
of right of way.

36 of 1933.

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 5th December 1933, signed by John Walker Macgillivray, and deposited in the office of the Director of Surveys, shall be and the same is hereby extinguished.

SUBSIDIARY LEGISLATION

BOTANIC GARDENS REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Hours of opening.
3. Conduct of visitors
4. Vehicles.
5. Motor vehicles.
6. Animals.
7. Hawking.
8. Operating of pavilions.
9. Rubbish.
10. Picking of flowers.
11. Injuring trees, notice boards, etc.
12. Firearms or other weapons.
13. Molesting birds or animals.
14. Causing annoyance, etc.
15. Games prohibited.
16. Public meetings.
17. Guides.
18. Penalties.

[Subsidiary]

G. 15.3.34.
[64/1946
30/1951
18/1955].

BOTANIC GARDENS REGULATIONS

made under section 4

- Citation. **1.** These Regulations may be cited as the Botanic Gardens Regulations.
- Hours of opening. **2.** The Gardens shall be open daily to the public from 6.00 a.m. until half an hour after sunset and on moonlight evenings until 8.00 p.m. On evenings when the Police Band is playing in the Bandstand in the Gardens, they shall be open until fifteen minutes after the end of the performance.
- Conduct of visitors. **3.** Visitors must be sufficiently and properly clad and must conduct themselves in an orderly manner.
- Vehicles. **4.** Subject to regulation 5, no wheeled vehicles of any description, except perambulators, shall be allowed in the Gardens.
- Motor vehicles. **5.** Motor vehicles may, with the permission of the Superintendent Public Gardens, Grounds and Pastures enter the Gardens. The driver of every such vehicle shall obey all traffic directions issued by the Superintendent Public Gardens, Grounds and Pastures and every such vehicle while awaiting passengers shall be parked in such place as the Superintendent Public Gardens, Grounds and Pastures shall indicate.
- Animals. **6.** No animals, except dogs upon a leash or chain, shall be allowed in the Gardens.
- Hawking. [30/1951]. **7.** Subject to regulation 8, no person shall sell, or expose for sale, any article of merchandise or refreshment within the Gardens, except with the permission of the Minister first had and obtained.
- Operating of pavilions. [18/1955]. **8.** A pavilion for the sale of refreshments and souvenirs may be operated in accordance with such terms and conditions as the Minister may impose—
 (a) within the Gardens, by or on behalf of the Tourist Board;

(b) within the Emperor Valley Zoo, by or on behalf of the Zoological Society of Trinidad and Tobago.

9. No visitor shall deposit bottles, paper or rubbish of any kind within the Gardens, except in the receptacles provided for the purpose. Rubbish.

10. No visitor shall pick, handle, gather, cut, or collect any fruit, flower, plant, branch or portion thereof, or carry away fallen fruit, or in any way injure any tree, plant, or shrub growing in any part of the Gardens. Picking of flowers.

11. No visitor shall climb or sit upon the fences, or swing or climb upon the trees or branches, or write, cut, or carve upon, or otherwise deface, the benches or buildings in the Gardens, or remove, or break, or injure, the fences or boundary marks, or remove, injure, or deface the labels, notice boards or notices. Injuring trees, notice boards, etc.

12. No visitor shall use firearms or any other weapons of destruction in the Gardens. Firearms or other weapons.

13. No visitor shall hunt or molest any wild animals, birds, butterflies or other insects (except venomous reptiles or insects) nor take any birds eggs within the Gardens. Molesting birds or animals.

14. No visitor shall cause annoyance, inconvenience, or obstruction to other visitors. Causing annoyance, etc.

15. Ball games of all kinds are prohibited within the Gardens. Games prohibited.

16. Public meetings or speaking for political or other purposes are prohibited within the Gardens. Public meetings.

17. (1) The Chief Technical Officer (Agriculture) may authorise in writing any person licensed under section 93(1) of the Summary Offences Act to act as a guide to visitors to the Gardens and may at any time by a notice in writing served on any such person withdraw or suspend the authorisation. Guides. Ch. 11:02.

(2) No person shall within or at or near any entrance to the Gardens offer his services to any visitor to the Gardens unless he has been authorised to act as a guide by the Chief Technical Officer (Agriculture) under subregulation (1).

(3) No person shall offer his services or accept any engagement to act as a guide except at the Pavilion near the western entrance to the Gardens.

(4) The Chief Technical Officer (Agriculture) may appoint one or more persons to be a controller or controllers of guides. No person shall, when a controller of guides is present at the Pavilion, offer his services or accept any engagement as a guide except through the controller.

(5) The Chief Technical Officer (Agriculture) may make rules for the conduct of persons authorised to act as guides within the Gardens. A copy of the rules shall be exhibited in a prominent place in the Gardens.

Penalties.

18. Any person contravening any provision of these Regulations is liable on summary conviction to a fine of four hundred dollars and any such person may be ejected from the Gardens or be arrested without warrant by the Superintendent of Public Gardens, Grounds and Pastures, the Keeper, or by any member of the Police Service.

BOTANIC GARDENS (WILDFLOWER PARK) ORDER

67/1999.

made under section 3

1. This Order may be cited as the Botanic Gardens Citation.
(Wildflower Park) Order.

2. The area referred to in the Schedule known as the Wildflower Park, Botanic Garden. Schedule . Appendix I.
Wildflower Park and delineated in the plan at Appendix I is hereby declared a Botanic Garden.

SCHEDULE

All that area of land situate at St. Clair in the City of Port-of-Spain in the Republic of Trinidad and Tobago containing 5.2 acres more or less bounded as follows:

On the north and north-west by Prada Street;

On the south by Serpentine Road;

On the east by Maraval Road,

and particularly delineated on the plan at Appendix I.
