

SIR SEEWOSAGUR RAMGOOLAM BOTANIC GARDEN TRUST ACT

Act 10 of 1999 – 5 June 1999

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SIR SEEWOSAGUR RAMGOOLAM BOTANIC GARDEN TRUST ACT

1. Short title

This Act may be cited as the Sir Seewoosagur Ramgoolam Botanic Garden Trust Act.

2. Interpretation

In this Act—

“Board” means the Board of Trustees referred to in section 5;

“Director” means the Director of the Trust appointed under section 7;

“Garden” means the Sir Seewoosagur Ramgoolam Botanic Garden, the boundaries of which are set out in the Schedule;

“Minister” means the Minister to whom responsibility for the subject of agriculture is assigned;

“Permanent Secretary” means the Permanent Secretary of the Ministry;

“Trust” means the Sir Seewoosagur Ramgoolam Botanic Garden Trust established under section 3.

3. Establishment of Trust

There is established for the purposes of this Act the Sir Seewoosagur Ramgoolam Botanic Garden Trust which shall be a body corporate.

4. Objects of Trust

The objects of the Trust shall be to—

- (a) manage, administer, and ensure the maintenance of, the Garden and the buildings and historical monuments found in the Garden;
- (b) care for the collection of plants and preserved plant material that are found in the Garden;
- (c) disseminate knowledge with respect to plant life through publications and other means;
- (d) encourage visits to the Garden by members of the public by promoting the historical, cultural and recreational value of the Garden and, in so doing, to enable them to acquire greater knowledge about the historical, cultural and recreational value of the Garden;
- (e) ensure the protection of the environment and plant life in the Garden;
- (f) establish linkages with similar bodies and with research and extension institutions on matters pertaining to horticulture, biology and related activities appropriate to a botanic garden.

5. The Board

(1) The administration and control of the affairs of the Trust shall vest in the Board of Trustees of the Sir Seewoosagur Ramgoolam Botanic Garden.

(2) The Board shall consist of—

- (a) a Chairperson, to be appointed by the Minister;
- (b) a representative of the Ministry;
- (c) a representative of the Ministry responsible for the subject of tourism;
- (d) a representative of the Ministry responsible for the subject of environment;
- (e) the Director of the National Parks and Conservation Service; and
- (f) such other persons, not exceeding 5 in number, with proven knowledge and experience in agriculture, botany or conservation, to be appointed by the Minister.

(3) The Board may co-opt other members as and when required.

(4) The Chairperson and every member, other than an *ex officio* member, shall hold office for a period of 2 years and be eligible for reappointment.

(5) The Chairperson and members shall be paid such fees or allowances as the Minister may determine.

6. Meetings of Board

(1) The Board shall regulate its meetings as it thinks fit.

(2) The Board shall meet—

- (a) at the request of the Chairperson, at such time and place as may be determined by the Chairperson; and
- (b) in any event, at least once every 2 months.

(3) Six members shall constitute the quorum.

7. Director of Trust

(1) The Board shall, with the approval of the Minister, appoint a Director of the Trust who shall be the chief executive officer of the Trust.

(2) The Director shall be responsible for the execution of the policy of the Board and for the control and management of the day-to-day business of the Trust.

(3) In the exercise of his functions, the Director shall act in accordance with such directions as he may receive from the Board.

8. Employees of Trust

(1) The Board may, with the approval of the Minister, appoint, on such terms and conditions as it thinks fit, such employees as may be necessary for the proper discharge of the functions of the Trust.

(2) The Board may make provision, in such form as it may determine, to govern the conditions of service of employees and in particular to deal with—

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given to, employees;
- (b) appeals by employees against dismissal or other disciplinary measures; and
- (c) the establishment and maintenance of provident and pension fund schemes and the contributions payable to and the benefits recoverable from those schemes.

(3) – (4) —

9. Powers of Trust

The Trust may, with the approval of the Minister—

- (a) permit the use of the whole or any part of the Garden for activities of a scientific, educational, historical, cultural or recreational nature;
- (b) permit the provision of food or other refreshments within the Garden, and apply for or hold any licence, permit or other authority in connection therewith;
- (c) in pursuance of its objects, procure specimens, obtain scientific data, assemble collections and engage in scientific research;

- (d) maintain, and make arrangements for the maintenance of, the property of the Trust;
- (e) borrow objects or accept loans of objects for the purpose of exhibiting them in the Garden, or for study or research;
- (f) purchase or add to the collection of plants in the Garden.

10. Powers of Minister

The Minister may give such directions of a general character to the Board, not inconsistent with this Act, as he considers necessary in the public interest and the Board shall comply with those directions.

11. Restrictions on powers of Trust

The Trust shall not—

- (a) lease, or dispose by way of sale, gift, or exchange of any land, property or plant of botanical importance, or any historical object forming part of the Garden, without the approval of the Minister;
- (b) modify or alter any historical monument forming part of the Garden without the approval of the Minister; or
- (c) change the name of the Garden.

12. Annual report

(1) The Trust shall, not later than 30 September in every year, cause to be published a report in relation to its functions, activities, affairs and financial position in respect of the previous financial year.

(2) The Trust shall forward a copy of the report referred to in subsection (1) to the Minister who shall lay it on the table of the National Assembly.

13. General Fund

The Trust shall have a General Fund—

- (a) into which shall be paid all the revenue of the Trust; and
- (b) out of which shall be paid such expenses as are necessary for the attainment of the objects of the Trust.

14. Revenue

The revenue of the Trust shall consist of—

- (a) such fees or charges as may be levied by the Trust;
- (b) any money appropriated from the Consolidated Fund or Capital Fund; and
- (c) any other sum that may lawfully accrue to the Trust from any other source.

15. Donations

Article 910 of the Code Civil Mauricien shall not apply to the Trust.

16. Auditor

The auditor to be appointed under section 5 (1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

17. Exemptions from duty and charges

Notwithstanding any other enactment—

- (a) the Trust shall be exempt from the payment of any duty, rate, charge, fee or tax;
- (b) no registration fee shall be payable in respect of any document under which the trust is the sole beneficiary.

18. Regulations

(1) The Minister may make such regulations as may be necessary for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for—

- (a) levying of fees and charges for entering the Garden, filming or photographing within the Garden, parking, camping or residing in the Garden, or using and purchasing any written material which is the property of the Trust;
- (b) the use and enjoyment of the Garden;
- (c) securing order and decency within the Garden;
- (d) the removal of trespassers and persons causing disturbance in the Garden;
- (e) prohibiting the taking of intoxicants and consumption thereof in the Garden;
- (f) the keeping of animals in the Garden;
- (g) prohibiting the use of specified roads and paths in the Garden;
- (h) prohibiting private trading in the Garden;
- (i) the reservation of the use of the Garden for special purposes;
- (j) the preservation and protection of plant and animal life in the Garden; and
- (k) the protection or removal of rocks, soil, sand, stone or similar substances, and of logs and timber stumps in the Garden.

(3) Regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding 6 months.

19. – 20. —

SCHEDULE

[Section 2]

BOUNDARIES OF THE GARDEN

The Sir Seewoosagur Ramgoolam Botanic Garden is bounded as follows—

- (a) towards the South by the Port Louis-Central Flacq Road (A 2) on a developed length of 218 metres;
 - (b) towards the North-West partly by the Mapou-Goodlands Road (A 5) and partly by the motorway to Grand Bay on a total developed length of 1175 metres;
 - (c) towards the North-East by the property of Harel Frères Limited; and
 - (d) towards the South-East partly by the property of Harel Frères Limited and partly by a common road on 2 lines measuring 804 metres and 40.25 metres.
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