

# THE SIR SEEWOSAGUR RAMGOOLAM BOTANIC GARDEN TRUST ACT 1999

Act No. 10 of 1999

Date in Force: 19<sup>th</sup> May 1999

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### An Act

#### To provide for the establishment and management of the Sir Seewoosagur Ramgoolam Botanic Garden Trust

ENACTED by the Parliament of Mauritius, as follows

#### 1. Short title

This Act may be cited as the Sir Seewoosagur Ramgoolam Botanic Garden Trust Bill 1998.

#### 2. Interpretation

In this Act-

"Board" means the Board of Trustees established under 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 the responsibility for the subject of agriculture is assigned;

"Permanent Secretary" means the Permanent Secretary of the Ministry responsible for the subject of agriculture;

"Trust" means the body corporate known as the Sir Seewoosagur Ramgoolam Botanic Garden Trust set up under section 3 of this Act.

### **3. Establishment of the Trust**

There is established a body corporate to be known as the Sir Seewoosagur Ramgoolam Botanic Garden Trust.

### **4. Objects of the Trust**

The objects of the Trust shall be -

- (a) to manage, administer, and ensure the maintenance of, the Garden and the buildings and historical monuments found in the .Garden,;
- (b) to care for the collection of plants and preserved plant material that are found in the Garden;
- (c) (c) to disseminate knowledge with respect to plant life through publications and other means;
- (d) (d) to 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) (e) to ensure the protection of the environment and plant life in the Garden; and
- (f) (f) to establish linkages with similar bodies and with research and extension institutions on matters pertaining to horticulture, biology and related active ties appropriate to a botanic garden.

### **5. The Board**

- (1) The administration and control of the affairs of the Trust shall vest in a Board of Trustees to be known as the Board of Trustees of the Sir Seewoosagur Ramgoolam Botanic Garden.
- (2) The Board shall consist of-

- (a) a Chairman to be appointed by the Minister;
  - (b) a representative of the Ministry responsible for the subject of agriculture;
  - (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) (e) the Director of the National Parks and Conservation Service; and
  - (f) (f) such other persons, not exceeding 5, with proven knowledge and experience in agriculture, botany and conservation, to be appointed by the Minister.
- (3) The Board may co-opt other members as and when required.
- (4) (4) The Chairman, and every member other than an ex-officio member, shall hold office for a period of 2 years and be eligible for re-appointment.
- (5) The Chairman and members shall be paid such fees or allowances as the Minister may determine.

## **6 Meetings of the Board**

- (1) (1) The Board shall regulate its meetings as it thinks fit.
- (2) (2) The Board shall meet-
  - (a) at the request of the Chairman, at such time and place as may be determined by the Chairman; and
  - (b) (b) in any event, at least once every 2 months.
- (3) (3) Six members shall constitute the quorum.

## **7. Director of the Trust**

- (1) The Board shall, with the approval of the Minister, appoint a Chief Executive Officer of the Trust who shall be the Director 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 the 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) Without prejudice to subsection (1), the Trust shall, within a period of one year after the date of coming into force of this Act, offer to every public officer who, immediately before that date, is in the public service for the purposes of, or in connection with, the Garden, the opportunity to be transferred to the Trust from such date and on such terms and conditions, including accrued pension rights in accordance with the Statutory Bodies Pension Funds Act, being terms and conditions not less favourable than those of their current employment in the public service, as may be specified in the offer.
- (4) An officer who fails to accept in writing an offer made to him by the Trust under subsection(3)within 6 months after such offer has been made to him, shall be deemed to have refused such offer and the officer shall be deemed to have retired from the service on the ground of abolition of office unless he is offered and accepts posting elsewhere in the public service

## **9. Powers of the 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) (f) purchase or add to the collection of plants in the garden.

#### **10. Powers of the 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 the 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;
- (g) (g) 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) (a) into which shall be paid all the revenue of the Trust; and
- (b) (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;
- (c) any other sum that may lawfully accrue to the trust from any other source.

#### **15. Donations**

Article 910 of the Code Napoleon 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 exempt the payment of any duty, rate, charge, fee or tax; and
- (b) no registration fee shall be payable in respect of any document under which the Institute is the sole beneficiary.

**18. Regulations**

- (1) The Minister may make such regulations as may be necessary for the purpose of this Act.
- (2) Regulations made under subsection (1) may include provisions 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 for 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 Gardens;
  - (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 garden for special purposes;.
  - (j) the preservation and protection of plant and animal life in the Garden;
  - (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 this section may provide that any person who contravenes them shall commit an offence and on conviction be liable to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding 6 months.

**19. Consequential amendments**

- (1) The Central Tender Board Act is amended in Part 111 of the Schedule by adding the following item in its appropriate alphabetical order -

Sir Seewoosagur Ramgoolam Botanic Garden Trust

- (2) The Statutory Bodies (Accounts and Audit) Act is amended in Part 111 of the Schedule by adding the following item in its- appropriate alphabetical order-

Sir Seewoosagur Ramgoolam Botanic Garden Trust

## **20. Transitional provisions**

- (1) For the Purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June next following shall be deemed to be the first financial year of the Authority.
- (2) (2) Section 7 (1) of the Statutory Bodies (Accounts and Audit) Act shall not apply to the first financial year of the Authority.

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## **SCHEDULE** (section 2)

### Boundaries of the Garden

The Sir Seewoosagur Ramgoolam Botanic Garden is bounded as follows-

towards the South by the Port Louis-Central Flacq Road (A2) on a developed length of 218 metres;

towards the North West partly by the Mapou-Goodlands Road (A5) and partly by the motorway to Grand Bay on a total developed length of 1 175 metres; towards the North East by the property of Harel Freres Limited;

and towards the South East partly again by the property of Harel Freres Limited and partly by a common road on 2 lines measuring 804 metres and 40.25 metres.