

CHAPTER 275

BOTANIC GARDENS

Ordinance
No. 31 of 1928,
Law
No. 32 of 1973.

AN ORDINANCE TO PROVIDE FOR THE MANAGEMENT, ADMINISTRATION AND CONTROL OF BOTANIC GARDENS.

[16 th November, 1928.]

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

Interpretation. **2.** (1) In this Ordinance, unless the context otherwise requires—

" botanic garden " includes the Royal Botanic Gardens at Peradeniya, the Botanic Gardens at Hakgala, and the Botanic Gardens at Heneratgoda (Gampaha), the boundaries of which are set out in the First Schedule, and any additions which may from time to time be made to any such gardens, and notified in the Gazette;

" curator " means the officer for the time being in charge of any botanic garden and includes an assistant curator;

" Director of Agriculture " means the officer for the time being in charge of the Department of Agriculture created by the Department of Agriculture Ordinance;

" watcher " means any uniformed person appointed to guard and watch over any botanic garden.

(2) The Minister may also by notification in the Gazette declare any area or garden other than the gardens mentioned in subsection (1) which has been, or shall at any time hereafter be, acquired or appropriated by the Government for any experimental cultivation or for the cultivation of any vegetable product under the direction of the Director of Agriculture, to be a botanic garden for the purpose of this Ordinance, and may specify the boundaries thereof.

3. (1) It shall be lawful for the Minister by notification in the Gazette to make Regulations. regulations for any or all of the following purposes:—

- (a) for the management, administration, and control of any botanic garden;
- (b) for fixing the hours of opening and closing any botanic garden and the hours at or during which the public shall be prohibited access thereto;
- (bb) for the levying of a fee or charge, subject to such limitations and exemptions as may be made, for admission to any botanic garden; [§ 2, Law 32 of 1973.]
- (c) for regulating the conduct of persons employed in any botanic garden or resorting thereto;
- (d) for prohibiting, restricting, and regulating the use of any botanic garden by animals, motorcars, carts, carriages, jinrickshas, and bicycles;
- (e) for declaring what portion or portions of any botanic garden shall be deemed to be a private ground attached to residences therein or required for nurseries or other administrative purposes and not accessible to the public except by the special permission of the curator duly authorized by the Director of Agriculture in that behalf; and
- (f) for prohibiting and preventing interference with, or damage to, or destruction of, trees, plants, shrubs, fruits, gates, fences, or other things within or about any botanic garden.

(2) The regulations in the Second Schedule shall be deemed to have been made under this Ordinance, and may be amended, altered, or rescinded by regulations made under this Ordinance.

(3) All regulations made under this Ordinance shall be laid, as soon as conveniently may be, on the table of Parliament at two successive meetings of Parliament, and shall be brought before Parliament at the next subsequent meeting held thereafter by a motion that the said regulations shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said regulations are disapproved by Parliament, such regulations shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder; and such regulations, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

(4) Copies of all regulations made or deemed to be made under this Ordinance, printed in Sinhala, Tamil and English, shall be kept posted at the main entrance of the botanic garden to which they apply, and in such other places in the garden as may be deemed necessary by the Director of Agriculture.

4. (1) Every person who contravenes any of the provisions of this Ordinance or of the regulations made or deemed to be made thereunder shall be guilty of an offence and shall upon summary conviction by a

Penalty and powers of arrest.

Magistrate be liable to a fine not exceeding fifty rupees.

(2) Every person who is accused, in the presence of a curator or watcher, *oi* committing a breach of any of the regulations made or deemed to be made under this Ordinance shall on demand give his name and address to such curator or watcher.

(3) Every such person who refuses so to give his name and address, may be arrested by such curator or watcher in order that his name and address may be ascertained, and shall within twenty-four hours of his arrest, exclusive of the time necessary for the journey, be taken before the nearest Magistrate, unless in the meantime his name and address have been given by him, in which case such person shall be forthwith released on his executing a bond for his appearance before a Magistrate if so required.

5. Every curator or watcher shall, while performing any duty or exercising any power under this Ordinance or any regulation made or deemed to be made thereunder, be deemed to be a public servant within the meaning of the Penal Code.

Curators and watchers.

6. Any information or complaint charging an offence under this Ordinance may be given or made by a curator or by any other person generally or specially authorized thereto by the Director of Agriculture.

Procedure.

[Section 2 (1).]

FIRST SCHEDULE

I.—ROYAL BOTANIC GARDENS, PERADENIYA

(a) Boundaries of lots 1 to 6 and 8 in preliminary plan No. 7,604.

North by Medegehena claimed by L. Naidu, Gavaramadittahena claimed by D. Setuwa, Gallanakandahena claimed by G. P. Dingiri, Gallanakandahena claimed by I. Bodiya, Gallanakandahena claimed by W. Menika, Medagoda-arama claimed by I. Menika, Yamankamawatta claimed by A. Setuwa, Yamanahena claimed by Y. G. Pussemba, and Gallanakandahena claimed by P. D. Naina ;

East by Gallanakandahena claimed by P. D. Hawadia, Gallanakandahena claimed by Pallegama temple, Gallanakandahena claimed by H. G. Ukkuwa, Gallanakandahena claimed by P. M. Ukkuwa, Tittapathgeliawatta claimed by W. Bodiya and others, Tittapathgeliawatta claimed by W. Dingiriya, Kapuhena claimed by P. M. Horathala, Kapuhena claimed by P. M. Puncha, Kapuhena claimed by A. Puncha, Kapuhena claimed by K. Dingiriya, a masonry well and the Mahaweli-ganga;

South by the Mahaweli-ganga, a stream, and the road from Colombo to Kandy ; and

West by the Mahaweli-ganga, title plan No. 90,751, the road from Colombo to Gampola, Naradeniyewatta claimed by F. Appuhami, Kotikahambehera claimed by the Honourable Mr. Abdul Rahim, Gurudiahettahena *alias* Kenghindawatta claimed by V. M. David, Gurudiahettahena claimed by P. Hawadia and Hendrick Appu Bass, Gurudiahettakumbura claimed by D. J. Appuhamy, Nawakrewe estate claimed by D. J. Appuhamy, Gorakadeniyawattahena claimed by P. Philip, Gorakadeniyawatta claimed by Kalaheinia, lots 1 and 2 in preliminary plan No. 6,966, Rotupehilla-ela, a footpath, a Gansabhawa road, Gama-ela, Gangabaddakumbura claimed by T. Appuhami, Gangabaddakumbura claimed by Gannoruwa temple, Paraliyaddekumbura claimed by P. Pinhami, Paraliyaddakumbura claimed by A. M. Appuhami, Hirithalagollakumbura claimed by G. W. Banda, title plan No. 63,693, Hirithalogollawatta claimed by A. Ranmenika, Hirithalgolla claimed by A. Bandara Menika and others, Upasakagederawatta *alias* Deniyawatta claimed by R. M. Mudalihami, Gallanahena *alias* Kandewatta claimed by A. Mudiyanse and others, title plans Nos. 89,267 and 89,270, Mansamadehera claimed by V. A. Amolis and others, and Mudunehena claimed by M. Naidu and others.

(b) Boundaries of lot 7 in preliminary plan No. 7,604.

North by a Gansabhawa path;

East by lots 4 and 2 in preliminary plan No. 6,966;

South by lots 2 and 1 in preliminary plan No. 6,966; and

West by Gorakadeniyawatta claimed by Kaluheinia, Udugammahawatta claimed by W. S. Pussemma and others, Udugammahawatta claimed by W. S. Dingiri and Udugammahawatta claimed by W. S. Dingiri on title plan No. 59,775.

II.—BOTANIC GARDENS, HAKGALA

Boundaries

North by reservation along the road from Nuwara-Eliya to Badulla;

East by reservation along the road from Nuwara-Eliya to Badulla, title plans Nos. 57,823 and 62,276, Bambaragahabokkandura, Crown land, reservations along Alakolagalakandura, Alakolagalakandura and title plans Nos. 142,796 and 76,118;

South by Crown land ; and

West by Crown land and title plan No. 110,456, containing in extent 558 acres and 17 perches, called Hakgala Gardens and Hakgala patana, situated in Radakanduruwela village in Udapalata korale of Udukinda division in the District of Badulla, Province of Uva; and Endiribedda, Gorandihela, and Sita Eliya villages in Udapane korale of Kotmale division in the District of Nuwara Eliya, Central Province, and more particularly described as lots 7,460 to 7,465 and 7,467 to 7,492 in preliminary plan No. 2,312 and lots 14,764 and 14,765 in preliminary plan No. 5,586.

III.—BOTANIC GARDENS, HENERATGODA (GAMPAHA)

Boundaries

North by Madita-ela;

East by Tittawelmadittepillewa claimed by H. Peter Appu and others, Tittawelmadittepillewa claimed by H. J. Perera, Delgahawatta claimed by H. John Singho (title plan No. 60,518) and title plans Nos. 118,340, 118,341, and 118,342, and Delgahawatta claimed by H. Dickman;

South by Malwatte-oya; and

West by a village path, Munamalgahawatta claimed by K. G. Fernando, Munamalgahawatta claimed by R. Abaran Appu, Hicgahawatta claimed by A. D. Moisa, Hicgahawatta claimed by V. Sarochchia, Hicgahawatta claimed by Rampatidevage Avanis, and Elabodalanda claimed by G. S. Fernando and others.

1. In these regulations—
" Director " means the Director of Agriculture; and
" Gardens " means the Royal Botanic Gardens, Peradeniya.
2. (1) Subject to the provisions of paragraphs (2) and (3) of this regulation, the Gardens shall be open to the public daily from 7 a.m. to 6 p.m.

(2) The orchid house in the Gardens shall be open to the public daily from 9 a.m. to 5.30 p.m.

(3) The economic museum in the Gardens shall be open to the public daily from 9 a.m. to 12 noon and from 1 p.m. to 5.30 p.m., except on Saturdays and public holidays. On Saturdays and public holidays the museum shall be open from 9 a.m. to 1 p.m.
3. The Director may, if he is satisfied that there are exceptional circumstances rendering the closure of the Gardens necessary, close the Gardens for a period not exceeding three days, after giving at least seven days' notice of the closure in the Gazette.
4. When the Gardens are closed to the public, the curator shall cause notices to that effect in Sinhala, Tamil and English to be displayed at the entrance to the Gardens.
5. (1) Whenever any work of construction, reorganization or repair is commenced in any part of the Gardens, the Director, or the curator shall have the power to prohibit the use of such part by the public for such time as may be necessary.

(2) Where the use of any part of the Gardens is prohibited, the curator shall cause notices to that effect in Sinhala, Tamil and English to be displayed conspicuously in such part.

(3) No person shall fail to comply with a notice displayed under paragraph (2) of this regulation.
6. No person other than the Director, the curator or a guide authorized by the Director or the curator, shall conduct visitors round the Gardens.
7. No person shall enter or remain in the Gardens when he is under the influence of alcohol.
8. Within the Gardens, no person shall—
 - (1) behave in an indecent or disorderly manner or commit any nuisance therein;
 - (2) carry or use firearms or catapults of any description;
 - (3) molest or harass any other person;
 - (4) catch or feed fish in any pond or throw any matter into such pond ;
 - (5) climb any tree or walk on any flower-bed or border;
 - (6) throw stones or sticks at any tree;
 - (7) damage or in any way injure any plant, tree or shrub;
 - (8) damage or in any way deface the seats, labels, buildings or any other property of the Government;
 - (9) catch or kill any bird or destroy any bird's nest;
 - (10) play football, ruggar, hockey, cricket, volley ball or any other game prohibited by the curator; or
 - (11) kill any animal or reptile other than snakes, poisonous animals and pests likely to damage or destroy plants.
9. No person shall bring into the Gardens any dog or other animal unless such animal is led.

10. (1) No person shall, within the Gardens, sell or expose for sale any curio, flower, seed, plant, food or drink.
(2) Where a person employed in the Gardens contravenes the provisions of paragraph (1) of this regulation, he may be dismissed from employment or otherwise punished.
11. No person shall, unless he is employed in the Gardens, pick or gather therein any seed, flower, fruit, or plant.
12. Every vehicle used on any road in the Gardens shall be driven on the left side of such road.
13. No motor vehicle shall be driven in the Gardens at a speed exceeding fifteen miles an hour.
14. No person shall use any motor omnibus, lorry or iron-tired vehicle in the Gardens unless the use of any such vehicle has been authorized by the curator.
15. Within the Gardens, no person shall—
 - (1) drive a horse-drawn cab or ride a horse;
 - (2) learn to drive a motor vehicle or to ride a bicycle;
 - (3) ride abreast or carry any other person on the pillion of a bicycle;
 - (4) park any vehicle on any lawn; or
 - (5) drive any vehicle over any lawn.

BOTANIC GARDENS, HAKGALA

1. In these regulations—

" Director " means the Director of Agriculture; and
" Gardens " means the Botanic Gardens, Hakgala.
2. (1) Subject to the provisions of paragraph (2) of this regulation, the Gardens shall be open to the public daily from 7 a.m. to 6 p.m.
(2) The orchid house in the Gardens shall be open to the public daily from 9 a.m. to 5.30 p.m.
3. The Director may, if he is satisfied that there are exceptional circumstances rendering the closure of the Gardens necessary, close the Gardens for a period not exceeding three days, after giving at least seven days' notice of the closure in the Gazette.
4. When the Gardens are closed to the public, the curator shall cause notices to that effect, in Sinhala, Tamil and English to be displayed at the entrance to the Gardens.
5. (1) Whenever any work of construction, reorganization or repair is commenced in any part of the Gardens, the Director or the curator shall have the power to prohibit the use of such part by the public for such time as may be necessary.
(2) Where the use of any part of the Gardens is prohibited the curator shall cause notices to that effect in Sinhala, Tamil and English to be displayed conspicuously in such part.
(3) No person shall fail to comply with a notice displayed under paragraph (2) of this regulation.
6. No person other than the curator, or a guide authorized by the curator shall conduct visitors round the Gardens.
7. No person shall enter or remain in the Gardens when he is under the influence of alcohol.
8. Within the Gardens, no person shall—
 - (1) behave in an indecent or disorderly manner or commit any nuisance therein;
 - (2) carry or use firearms or catapults of any description;
 - (3) molest or harass any other person;
 - (4) catch or feed fish in any pond or throw any matter into such pond ;

- (5) climb any tree or walk on any flower-bed or border;
 - (6) throw stones or sticks at any tree;
 - (7) damage or in any way injure any plant, tree or shrub;
 - (8) damage or in any way deface the seats, labels, buildings or any other property of the Government;
 - (9) catch or kill any bird or destroy any bird's nest;
 - (10) play football, rigger, hockey, cricket, volley ball or any other game prohibited by the curator; or
 - (11) kill any animal or reptile other than snakes, poisonous animals and pests likely to damage or destroy plants.
9. No person shall bring into the Gardens any dog or other animal unless such animal is led.
10. (1) No person shall, within the Gardens, sell or expose for sale, any curio, flower, fruit, seed, plant, food or drink.
- (2) Where a person employed in the Gardens contravenes the provision of paragraph (1) of this regulation, he may be dismissed from employment or otherwise punished.
11. No person shall, unless he is employed in the Gardens, pick or gather therein any seed, flower, fruit or plant.
12. Every vehicle used on any road in the Gardens, shall be driven on the left side of such road.
13. No motor vehicle shall be driven in the Gardens at a speed exceeding fifteen miles an hour.
14. No person shall use any motor omnibus, lorry or iron-tyred vehicle in the Gardens unless the use of any such vehicle has been authorized by the curator.
15. Within the Gardens, no person shall—
- (1) drive a horse-drawn cab or ride a horse;
 - (2) learn to drive a motor vehicle or to ride a bicycle ;
 - (3) ride abreast or carry any other person on the pillion of a bicycle;
 - (4) park any vehicle on any lawn, or drive any vehicle over any lawn.

BOTANIC GARDENS, HENERATGODA (GAMPAHA)

1. In these regulations—
- " Director " means the Director of Agriculture; and
- " Gardens " means the Botanic Gardens, Heneratgoda (Gampaha).
2. (1) Subject to the provisions of paragraph (2) of this regulation, the Gardens shall be open to the public daily from 7 a.m. to 6 p.m.
- (2) The orchid house in the Gardens shall be open to the public daily from 9 a.m. to 5.30 p.m.
3. The Director may, if he is satisfied that there are exceptional circumstances rendering the closure of the Gardens necessary, close the Gardens for a period not exceeding three days, after giving seven days' notice of the closure in the Gazette.
4. When the Gardens are closed to the public, the curator shall cause notices to that effect in Sinhala, Tamil and English to be displayed at the entrance to the Gardens.
5. (1) Whenever any work of construction, reorganization or repair is commenced in any part of the Gardens, the Director or the curator shall have the power to prohibit the use of such part by the public for such time as may be necessary.
- (2) Where the use of any part of the Gardens is prohibited, the curator shall cause notices to that effect in Sinhala, Tamil and English to be displayed conspicuously in such part.

- (3) No person shall fail to comply with a notice displayed under paragraph (2J) of this regulation.
6. No person other than the curator or a guide authorized by the curator shall conduct visitors round the Gardens.
7. No person shall enter or remain in the Gardens when he is under the influence of alcohol.
8. Within the Gardens no person shall—
 - (1) behave in an indecent or a disorderly manner or commit any nuisance therein;
 - (2) carry or use firearms or catapults of any description;
 - (3) molest or harass any other person;
 - (4) catch or feed fish in any pond or throw any matter into such pond ;
 - (5) climb any tree or walk on any flower-bed or border;
 - (6) throw stones or sticks at any tree;
 - (7) damage or in any way injure any plant, tree or shrub;
 - (8) damage or in any way deface the seals, labels, buildings or any other property of the Government;
 - (9) catch or kill any bird or destroy any bird's nest; or
 - (10) kill any animal or reptile other than snakes, poisonous animals and pests likely to damage or destroy plants.
9. No person shall bring into the Gardens any dog or other animal unless such animal is led,
10. (1) No person shall, within the Gardens, sell or expose for sale any curio, flower, fruit, seed, plant, food or drink.
 - (2) Where a person employed in the Gardens contravenes the provisions of paragraph (1) of this regulation, he may be dismissed from employment or otherwise punished,
11. No person shall, unless he is employed in the Gardens, pick or gather therein any seed, flower, fruit or plant.
12. Every vehicle used on any road in the Gardens shall be driven on the left side of such road.
13. No motor vehicle shall be driven in the Gardens at a speed exceeding fifteen miles an hour.
14. No person shall use any motor omnibus, lorry or iron-tired vehicle in the Gardens unless the use of any such vehicle has been authorized by the curator.
15. Within the Gardens, no person shall—
 - (1) drive a horse-drawn cab, or ride a horse;
 - (2) learn to drive a motor vehicle or to ride a bicycle;
 - (3) ride abreast or carry any other person on the pillion of a bicycle;
 - (4) park any vehicle on any lawn; or
 - (5) drive any vehicle over any lawn.