

1989 No. 830 (S.84)

OPEN SPACES

The Royal Botanic Garden, Edinburgh Regulations 1989

Made - - - - - *8th May 1989*

Coming into force *1st June 1989*

The Secretary of State, in exercise of the powers conferred by section 2(1) of the Parks Regulation (Amendment) Act 1926(a), and now vested in him (b), and of all other powers enabling him in that behalf, hereby makes the following Regulations, a draft of which has been laid before Parliament in accordance with section 6(2) of the Statutory Instruments Act 1946(c) for a period of 40 days during which period neither house has resolved that the Regulations be not made:

Citation and commencement

1. These Regulations may be cited as the Royal Botanic Garden, Edinburgh Regulations 1989 and shall come into force on 1st June 1989.

Interpretation

2. In these Regulations—

“notice or sign” means a notice or sign exhibited by order of the Trustees;

“the parks” means the Royal Botanic Garden, Edinburgh and its outstations at the Younger Botanic Garden Benmore, the Logan Botanic Garden and the Dawyck Botanic Garden; and “any part of the parks” means any component part of the parks as defined in this regulation;

“park constable” means such a constable, within the meaning of section 3 of the Parks Regulation Act 1872(d), who has jurisdiction in the parks;

“police constable” means any police constable belonging to the police force for a police area which includes the parks or any part thereof;

“Trustees” means the Board of Trustees of the Royal Botanic Garden, Edinburgh constituted under section 10(1) of the National Heritage (Scotland) Act 1985(e).

Prohibited acts

3. No person shall—

(a) enter any part of the parks if that person is under the age of fourteen years, unless accompanied by an adult;

(a) 1926 c.36; section 2(1) was amended by the Criminal Procedure (Scotland) Act 1975 (c.21), sections 289F and 289G (as inserted by the Criminal Justice Act 1982 (c.48), section 54).

(b) In terms of the Ministry of Works (Transfer of Powers) (No. 1) Order 1945, S.R. & O. 1945/991 (Rev. XV, p.232); The Minister of Works (Change of Style and Title) Order 1962, S.I. 1962/1549 and the Transfer of Functions (Scottish Royal Parks and Ancient Monuments) Order 1969, S.I. 1969/383.

(c) 1946 c.36.

(d) 1872 c.15, section 3 was amended by paragraph 1 of the Schedule to the Parks Regulation (Amendment) Act 1974 (c.29).

(e) 1985 c.16; in terms of section 11(3) of the 1985 Act the Board's name shall not be taken to confine their activities to Edinburgh.

- (b) enter any part of the parks after having been requested by a park constable or police constable not to do so or in contravention of any notice or sign displayed at any part of the parks, including any notice or sign stipulating conditions of admission;
- (c) remain in any part of the parks after having been requested by a park constable or police constable to leave it;
- (d) bring into or have in any part of the parks any animal other than a guide dog accompanying a blind person;
- (e) picnic in any part of the parks, except in any picnic area authorised by notice or sign displayed at the site of any such picnic area;
- (f) wilfully disturb or injure, in any part of the parks, any animal, fish or bird or take any egg;
- (g) go on any enclosure, flower bed, shrubbery, or lawn, in any part of the parks, access to which is prohibited by notice or sign;
- (h) climb, in any part of the parks, any tree, railing, fence or structure of any kind;
- (i) destroy, pluck, cut or injure, in any part of the parks, any flower or part of any tree, shrub or plant;
- (j) wilfully interfere with the comfort or convenience of any person in any of the parks;
- (k) collect or solicit money in any part of the parks;
- (l) drop or leave litter in any part of the parks, except in a receptacle provided for the purpose;
- (m) pollute any water in any part of the parks;
- (n) operate or use any mechanically propelled or operated toy or model in any part of the parks;
- (o) behave or be clothed, whilst in any part of the parks, in any manner reasonably likely to offend against public decency;
- (p) fish, bathe, boat or skate in any part of the parks;
- (q) sail any model boat in any part of the parks;
- (r) smoke in any plant house or plant exhibition hall or in any area or building within any part of the parks where a sign is displayed prohibiting smoking;
- (s) bring into any part of the parks any flowers or any package or other article or container after being requested by a park constable or police constable not to do so;;
- (t) leave in any part of the parks any object or article, when requested by a park constable or police constable to remove such object or article from that park.

Acts for which written permission is required

4. Unless prior written permission of the Trustees has been obtained, no person shall-
- (a) drive or ride, or have, in any part of the parks, any vehicle other than an electric or hand or foot propelled invalid carriage;
 - (b) enter, or wilfully remain, in any part of the parks, at any time when not open to the public;
 - (c) carry on any trade or business in any part of the parks;
 - (d) sell or distribute anything or offer anything for sale or hire, in any part of the parks;
 - (e) exhibit or affix any notice, advertisement or other written or pictorial matter or give any display, performance or representation in any part of the parks;
 - (f) play or cause to be played any musical instrument in any part of the parks;
 - (g) erect or use, in any part of the parks, any apparatus for the transmission, reception, reproduction or amplification of sound, speech or images by electrical or mechanical means, except apparatus designed and used as an aid to defective hearing;
 - (h) light a fire or discharge any firearm, firework or other weapon or missile in any part of the parks;
 - (i) take, in any part of the parks, any photographs for commercial purposes;
 - (j) sketch or paint in any part of the parks;
 - (k) play any game or engage in any form of sport or physical exercise in any part of the parks;
 - (l) make or give any public speech or address in any part of the parks;

(m) organise, conduct or take part in any assembly, parade or procession in any part of the parks.

General

5. Any person challenged by a park constable or police constable with a contravention of these Regulations shall on demand by such park constable or police constable give his full name and address.

Revocation

6. The Royal Botanic Garden and Arboretum, Edinburgh, Regulations 1970(a) are hereby revoked.

St. Andrew's House, Edinburgh
8th May 1989

Sanderson of Bowden,
Minister of State,
Scottish Office

(a) S.I. 1970/1961.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations revoke and replace the Royal Botanic Garden and Arboretum Edinburgh, Regulations 1970 ("the 1970 Regulations").

They prescribe (a) those acts which are prohibited and (b) those acts for which written permission is required, within the Royal Botanic Garden, Edinburgh and its outstations at the Younger Botanic Garden Benmore, the Logan Botanic Garden and the Dawyck Botanic Garden (regulations 3 and 4).

The Regulations take account of the appointment under the National Heritage Act 1985 of a Board of Trustees for the Garden.

The main changes are—

- (a) that any notices or signs exhibited at the Garden will be by Order of the Board of Trustees;
- (b) that certain acts (which under the 1970 Regulations required the written permission of the Secretary of State) now require the written permission of the Board of Trustees;
- (c) that picnicking is permitted in certain areas of the Garden;
- (d) that certain acts, which were prohibited altogether under the 1970 Regulations are now permitted providing written permission of the Board of Trustees has been obtained (regulation 4(k), (l) and (m)).

Any person challenged by a park constable or police constable with a contravention of these Regulations must supply his full name and address (regulation 5).

In terms of section 2(1) of the Parks Regulation (Amendment) Act 1926 any person who fails to comply with or acts in contravention of the Regulations shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding Level 1 on the standard scale (at present £50).

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