

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 4,068 of 27th March, 2014**

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**B. 08/14**

**BILL**

**FOR**

**AN ACT** to amend the Public Health Act.

**ENACTED** by the Legislature of Gibraltar.

**Title and commencement.**

1. This Act may be cited as the Public Health (Amendment) Act 2014 and shall come into operation on the day of publication.

**Amendment of the Public Health Act.**

2. The Public Health Act is amended by substituting the following section for section 269–

**“Alameda Gardens.**

269.(1) The Government shall continue to–

- (a) perpetually set apart the Alameda Gardens for the health, recreation and enjoyment of all persons resident in Gibraltar;
- (b) cause the Alameda Gardens to be managed, maintained and repaired, the cost whereof shall be paid and defrayed out of the Consolidated Fund.

(2) Notwithstanding the generality of subsection (1) the Government–

- (a) shall cause the Alameda Gardens to be maintained and managed as a prime botanic garden (to be known as the “Gibraltar Botanic Gardens”);
- (b) may cause an area of the Alameda Gardens to be maintained and managed as an animal conservation park;
- (c) may allow an area of the Alameda Gardens adjacent to Wellington’s monument and approximately 1720 square metres in extent, which area is delineated in pink on plan No. V/61 deposited in the offices of the Department of the Environment to be used as an open-air theatre for entertainments of all descriptions including dancing and for cultural, social and other events, and section 266(2) shall not apply;
- (d) may allow the public to be excluded from the Alameda Gardens or a part or parts thereof and for a reasonable fee for admission to be charged—
  - (i) to areas set aside under paragraph (b),
  - (ii) to the area set aside under paragraph (c) at such times as and when entertainments or events under that paragraph are being held;
  - (iii) to any other area or areas;
- (e) shall, in so far as is practicable—
  - (a) cause a herbarium and a seed bank to be kept; and
  - (b) cause a conservation collection of native species to be kept.

(3) In this section—

“Alameda Gardens” means all that area known, and buildings and structures erected thereon, as the Alameda Gardens, Gibraltar delineated in pink in the plan (Drawing no. 101/55 B); and

“botanic garden” means a garden that–

- (a) has a reasonable degree of permanence and is open to the public;
- (b) maintains a living collection of plants;
- (c) maintains proper documentation of the collections of plants, including those of wild origin;
- (d) monitors the plants in the collections;
- (e) has an underlying scientific basis for the collection of plants and undertakes such scientific or technical research on plants in the collections;
- (f) communicates information to other gardens, institutions and the public;
- (g) exchanges seeds or other materials with other botanic gardens, arboreta or research institutions;
- (h) Assists in research programmes in plant taxonomy with associated institutions”.

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#### **EXPLANATORY MEMORANDUM**

This Bill amends the Public Health Act so as to redefine the Alameda Gardens and establish its purpose as a botanic garden as defined in this Bill.

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