

Malawi

Council for National Herbarium and Botanic Gardens of Malawi Act Chapter 30:06

Legislation as at 31 December 2014

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Council for National Herbarium and Botanic Gardens of Malawi Act
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Malawi

Council for National Herbarium and Botanic Gardens of Malawi Act

Chapter 30:06

Assented to on 7 April 1987

Commenced on 1 December 1987

[This is the version of this document at 31 December 2014.]

[Note: This version of the Act was revised and consolidated in the Forth Revised Edition of the Laws of Malawi (L.R.O. 1/2015), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]

An Act to provide for the development and management of herbarium and botanic matter as national heritage of Malawi and to establish the Council for National Herbarium and Botanic Gardens of Malawi and further to provide for matters connected therewith or incidental thereto

Part I – Preliminary

1. Short title

This Act may be cited as the Council for National Herbarium and Botanic Gardens of Malawi Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**botanic gardens**" means a botanic garden referred to in [section 5](#) (1) (b);

"**Council**" means the Council for National Herbarium and Botanic Gardens of Malawi established under [section 3](#)(1);

"**financial year**" means the financial year of the Council being the period specified in [section 12](#);

"**herbarium**" means a herbarium established under [section 5](#) (1) (a);

"**object**" includes a plant, living or dead.

Part II – The Council for National Herbarium and Botanic Gardens of Malawi

3. Establishment of the Council

(1) There is hereby established a body to be known as the Council for National Herbarium and Botanic Gardens of Malawi which shall—

(a) be a body corporate with perpetual succession;

(b) have a common seal;

(c) be capable of—

(i) acquiring, holding and disposing of real and personal property;

(ii) suing and being sued in its corporate name; and

- (iii) doing or performing all such acts and things as a body corporate may by law do or perform.
- (2) The provisions of the Schedule shall have effect with respect to the Council.
[Schedule]
- (3) The Minister may, by Order published in the *Gazette*, amend the Schedule.
[Schedule]

4. Composition of the Council

- (1) The Council shall consist of—
 - (a) one member appointed by the Minister and designated by him as Chairman of the Council;
 - (b) one member appointed by the Minister and designated by him as Vice-Chairman of the Council;
 - (c) three members representing the University of Malawi, other than the Vice-Chancellor thereof, appointed by the Minister;
 - (d) one member representing the Research Council of Malawi, appointed by the Minister from the officials or members of that Council;
 - (e) one member representing the National Fauna Preservation Society of Malawi, appointed by the Minister;
 - (f) one member representing the Museums of Malawi, appointed by the Minister from the officials or the Trustees of the Museums of Malawi;
 - (g) the following ex officio members—
 - (i) the Secretary for Forestry and Natural Resources or his representative;
 - (ii) the Secretary for Agriculture or his representative;
 - (iii) the Secretary for Local Government or his representative;
 - (iv) the Secretary for Education and Culture or his representative; and
 - (v) the Vice-Chancellor of the University of Malawi, unless he is appointed either under paragraph (a) or (b).
- (2) A member of the Council shall not, by virtue only of his appointment to the Council, be deemed to be an officer in the public service.
- (3) The names of all members of the Council as first appointed and every change in membership thereof shall be published in the *Gazette*.
- (4) No person shall be appointed to the Council who—
 - (a) is an undischarged bankrupt;
 - (b) has, during the preceding three years, been sentenced for an offence against any written law to a term of imprisonment, otherwise than as an alternative to, or in default of, the payment of a fine.

Part III – Functions and powers of the Council

5. General functions of the Council

- (1) Subject to the provisions of this Act and to any other written law, the functions of the Council shall be to—
 - (a) establish a herbarium at a suitable place which shall be a centre for the assemblage, growth, curation and classification of plants in Malawi;
 - (b) develop the existing botanic garden in the Municipality of Zomba and establish other botanic gardens at such other suitable place or places in Malawi as the Council may see fit;
 - (c) carry out investigation and research into the science of plants and related subjects, and disseminate the results of the investigation and research;
 - (d) provide advice, instruction and education in relation to those aspects of the sciences of plants with which the Council is for the time being in fact concerned;
 - (e) care for the Council's collection of plants, preserved plant material, other objects relating to plants, books and records;
 - (f) keep the collections as national reference collections, ensure that such collections are available to interested persons for the purposes of study and add to, or adapt, such collections according to scientific needs and as the resources of the Council may allow;
 - (g) afford members of the public opportunity to enter a herbarium or any land occupied or managed by the Council, for the purposes of gaining knowledge and enjoyment from the Council's collection.
- (2) For the purpose of discharging its functions, the Council may, subject to the provisions of this Act—
 - (a) acquire by purchase, exchange or lease any land or building for the purpose of a herbarium or botanic garden and sell, exchange or lease land or buildings vested in, or held by, the Council which is not required for those purposes;
 - (b) erect, repair, alter, or demolish, or cause to be erected, repaired, altered or demolished, such buildings and other structures as the Council may deem necessary or expedient in the exercise of its powers or in the performance of its functions;
 - (c) with the approval of the Minister, solicit, accept and receive subscriptions, donations, devises, gifts and bequests of real or personal property, howsoever made to the Council for the purposes of a herbarium or a botanic garden;
 - (d) require and obtain payment for any advice, instruction, education or other service provided by the Council or for any goods supplied by the Council or for entry upon any land or building occupied or managed by the Council;
 - (e) apply any moneys of the Council for the purchase of any object which, in the opinion of the Council, it is desirable to acquire for a herbarium or botanic garden or in furthering the interests and increasing the utility of a herbarium or botanic garden or for any other purpose in the exercise of the Council's powers or in the performance of its functions;
 - (f) exchange with or sell to any person or institution any object;
 - (g) affiliate with any institution, whether within or outside Malawi, of a generally similar character;