

**THE VALLÉE D’OSTERLOG ENDEMIC GARDEN
FOUNDATION (REPEAL) ACT 2025**

Act No. 5 of 2025

I assent

DHARAMBEER GOKHOOL, G.C.S.K

President of the Republic of Mauritius

11th April 2025

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Repeal
3. Consequential amendments
4. Savings and transitional provisions

An Act

To repeal the Vallée d’Osterlog Endemic Garden Foundation Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Vallée d’Osterlog Endemic Garden Foundation (Repeal) Act 2025.

2. Repeal

The Vallée d’Osterlog Endemic Garden Foundation Act is repealed.

3. Consequential amendments

(1) The Statutory Bodies (Accounts and Audit) Act is amended, in the Schedule, by deleting the following item and its corresponding entry –

Vallée d’Osterlog Endemic Garden Foundation	Vallée d’Osterlog Endemic Garden Foundation Act
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(2) The Native Terrestrial Biodiversity and National Parks Act is amended –

(a) in section 2 –

(i) in the definition of “game”, by deleting the words “Second Schedule” and replacing them by the words “Third Schedule”;

(ii) by inserting, in the appropriate alphabetical order, the following new definition –

“Garden” means the Vallée d’Osterlog Endemic Garden, the boundaries of which are specified in the Second Schedule;

(b) in section 9, by adding the following new subsection –

(4) The Director shall –

(a) provide the Council with such information as it may require; and

(b) submit to the supervising officer of the Ministry, for presentation to the Minister, before 30 June in every year, a report on the activities of the Service in respect of the preceding year.

- (c) in section 10 –
- (i) by deleting the heading and replacing it by the following heading –
- 10. Functions and powers of Service**
- (ii) by deleting the word “Director” and replacing it by the word “Service”;
- (iii) by inserting, after paragraph (a), the following new paragraph –
- (aa) manage and administer the Garden;
- (iv) by repealing paragraphs (e) and (f), the semicolon at the end of paragraph (d) being deleted and replaced by a full stop and the word “and” being added at the end of paragraph (c);
- (d) by inserting, after Part III, the following new Part –

**PART IIIA – THE VALLÉE D’OSTERLOG
ENDEMIC GARDEN**

10A. Management and administration of Garden

- (1) The Service shall, in managing and administering the Garden –
- (a) conserve, maintain and develop the Garden;
- (b) manage, conserve and maintain any historical monument or object, building or structure in the Garden;
- (c) care for, conserve and preserve, the flora and fauna in the Garden;

- (d) encourage visits to the Garden by members of the public by promoting the unique value of the Garden and thus enable them to acquire greater knowledge about the endemic flora and fauna within the State of Mauritius;
- (e) ensure the protection of the environment and flora and fauna in the Garden;
- (f) control and remove all species which can be harmful to the Garden;
- (g) disseminate knowledge with respect to endemic flora and fauna through publications and other means;
- (h) procure specimens of endemic flora and fauna for the purposes of this Act;
- (i) obtain scientific data, assemble collections, produce audio and video materials and engage in scientific research regarding endemic flora and fauna;
- (j) set up, maintain and develop a nursery and such other facilities as it considers appropriate for the multiplication and propagation of endemic flora and fauna; and
- (k) establish linkages with similar bodies and with research and extension institutions engaged in matters pertaining to horticulture, biology and related activities.

(2) The Service shall have such powers as are necessary to enable it to manage and administer the Garden and may, in particular –

- (a) permit the use of the whole or any part of the Garden for activities of a scientific, an educational, a historical or a 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) reserve the use and enjoyment of the Garden for special purposes;
- (d) delegate the management, administration, conservation, maintenance and development of the Garden;
- (e) take measures to secure order and decency within the Garden;
- (f) remove trespassers and persons causing disturbance in the Garden;
- (g) prohibit the taking of intoxicants into, and consumption thereof in, the Garden;
- (h) prohibit the use of specified roads and paths in the Garden;
- (i) prohibit private trading in the Garden;
- (j) purchase or borrow objects or accept loans of objects for the purpose of exhibiting them in the Garden, or for study or research;

- (k) purchase or add to the collection of flora and fauna in the Garden; and
- (l) do such other things as may be necessary for the purpose of this Part.

10B. Restrictions on powers of Service

The Service shall not, without the approval of the Minister –

- (a) lease, sell, give or exchange any land, property, historical monument or object, building or structure forming part of the Garden;
- (b) change the name of the Garden.
- (e) in section 23, in subsection (2)(b), by deleting the words “Second Schedule” and replacing them by the words “Third Schedule”;
- (f) by inserting, after the First Schedule, the following new Schedule, the existing Second Schedule being renumbered as Third Schedule –

SECOND SCHEDULE

[Section 2]

BOUNDARIES OF THE VALLÉE D’OSTERLOG ENDEMIC GARDEN

The Vallée d’Osterlog Endemic Garden of the extent of two hundred and seventy five hectares (275ha) located in the districts of Grand Port and Moka is bounded as follows –

- (a) towards the North, partly by a track on State land Massogne and State land Betty, partly by surplus of State land Betty and surplus of State land Gros Ruisseau on a developed length of two thousand two hundred and fifty metres (2250m);

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- (b) towards the East, partly by an imaginary line of State land Gros Ruisseau up to the ridge line on Créoles Mountain range on three hundred and eighty-five metres (385m) and partly by a crest line on State land Bergi Court and State land Lovard up to the limit of State land Lovard on a developed length of two thousand and fifty metres (2050m);
- (c) towards the South, partly by land vested in the Rose Belle Sugar Estate Board on 5 lines measuring two hundred and forty metres (240m), four hundred and fifty-seven metres and twenty centimetres (457.20m), one hundred and six metres and sixty centimetres (106.60m), one hundred and fifty-two metres (152m) and two hundred and sixty-seven metres and fifty centimetres (267.50m), respectively, then partly by the sinuosity of Rivulet Perrot on a developed length of one hundred and fifty-nine metres (159m), then again by land vested in the Rose Belle Sugar Estate Board on sixty-five metres and eighty centimetres (65.80m), then by the sinuosity of a feeder on a developed length of seventy-one metres and fifty centimetres (71.50m), then again by land vested in the Rose Belle Sugar Estate on fifty-two metres and twenty centimetres (52.20m), then by an estate road on a developed length of thirty-one metres (31m), then again by another estate road on a developed length of forty-seven metres (47m), then by surplus of land vested in the Rose Belle Sugar Estate

Board on 3 lines measuring one hundred and twenty-four metres and fifteen centimetres (124.15m), five hundred and thirteen metres (513m) and two hundred and eighty-eight metres and four centimetres (288.04m), respectively;

- (d) towards the West, by a crest line on State land Osterlog up to the ridge line on Créoles Mountain Range on a developed length of one thousand eight hundred and forty metres (1840m), then by an imaginary line up to the starting part on three hundred and seventy metres (370m).

4. Savings and transitional provisions

(1) (a) Notwithstanding any other enactment but subject to this section, every person employed by the Foundation shall, on the commencement of this Act, be dealt with in accordance with this section.

(b) Every person, other than the Director of the Foundation –

- (i) who is employed on the permanent and pensionable establishment of the Foundation shall, on the commencement of this Act, be transferred on the permanent and pensionable establishment of the Service; and
- (ii) who is employed on a temporary basis on the establishment of the Foundation shall, on the commencement of this Act, be transferred on the temporary establishment of the Service.

(c) Where a person is transferred to the Service under paragraph (b), his period of service with the Foundation shall be deemed to be an unbroken period of service with the Service and he shall be deemed to have been transferred on the same terms and conditions than those of his previous employment.

(d) Where a person refuses to be transferred to the Service under paragraph (b), he shall be deemed to have retired on ground of abolition of office and he shall be paid, if any, his pension benefits in accordance with such pension schemes as may be applicable to him.

(e) No person referred to in paragraph (b) shall, on account of his transfer to the Service, be entitled to claim that his employment has been terminated or adversely affected in breach of any enactment.

(f) The appointment of the Director of the Foundation shall, on the commencement of this Act, terminate and he shall be paid his pension benefits, if any, in accordance with such pension schemes as may be applicable to him.

(2) Any proceedings, whether judicial or extra-judicial, started by or against the Foundation and pending on the commencement of this Act shall be deemed to have been started by or against the Service.

(3) All rights, obligations and liabilities subsisting in favour of or against the Foundation shall, on the commencement of this Act, continue to exist under the same terms and conditions in favour of or against the Service.

(4) The assets and funds of the Foundation shall, on the commencement of this Act, vest in the Service.

(5) Any act or thing done by the Foundation shall, on the commencement of this Act, be deemed to have been done, and shall continue to be done, by the Service.

(6) Where this Act does not make provision for any saving or transition, the Minister may make such regulations as may be necessary for such saving or transition.

(7) In this section –

“Director” means the Director of the Foundation appointed under section 10(1) of the repealed Act;

“Foundation” means the Vallée d’Osterlog Endemic Garden Foundation established under section 3 of the repealed Act;

“Minister” means the Minister to whom responsibility for the subject of agriculture is assigned;

“repealed Act” means the Vallée d’Osterlog Endemic Garden Foundation Act repealed under section 2.

Passed by the National Assembly on the eighth day of April two thousand and twenty five.

Navin Gopall

Acting Clerk of the National Assembly
