

CHAPTER 320
THE PUBLIC RECREATION GROUNDS ACT
[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section

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CHAPTER 320
THE PUBLIC RECREATION GROUNDS ACT

An Act to provide for the establishment, control and management of public recreation grounds.

[1st March, 1954]

Ords. Nos. 46 of 1952 and 49 of 1958

[R.L. Cap. 320]

Acts Nos. 48 of 1966 and 10 of 1968

1. Short title
This Act may be cited as the Public Recreation Grounds Act.
2. Interpretation Ord. No. 49 of 1958 s. 23; Act No. 10 of 1968
In this Act, unless the context otherwise requires—
"local government authority" means where the area is that of a city council or municipal council, the city council or municipal council, as the case may be, constituted under the provisions of the Local Government (Urban Authorities) Act Cap. 288*; and where the area is that of a town council or district council, the town council or the district council, as the case may be, constituted under the provisions of the Local Government (District Authorities) Act Cap. 287*;
"recreation ground" means an area declared by the Minister responsible for lands by order under section 4 of this Act to be a public recreation ground.
3. Vesting of land in Minister R.L. Cap. 107
It is hereby declared that all areas of land which immediately before the coming into operation of this Act were vested in the Committee of Control appointed under the Recreation Grounds (Management) Ordinance shall on the coming into operation of this Act vest in the Minister and may be dealt with by him under the provisions of the Land Act Cap. 113* as public land.
4. Declaration of public recreation grounds Ord. No. 49 of 1958 s. 23
 - (1) At the request of or after consultation with the local government authority concerned, the Minister may, by order published in the Gazette, declare any area or areas of public land within or in the vicinity of a municipality or township to be a public recreation ground or public recreation grounds for the purposes of this Act.
 - (2) At the request of or after consultation with the local government authority concerned, the Minister may, by order published in the Gazette, if any area of land declared by order under subsection (1) of this section to be a public recreation ground is required for a public purpose, or has, in the opinion of the Minister, ceased to be used as a public recreation ground to

such an extent that its maintenance as such is no longer justified, declare that such area of land shall cease to be a public recreation ground, and upon the publication of any such order the area of land to which such order relates shall cease to be a public recreation ground.

- (3) Whenever an area of land has ceased to be a public recreation ground by virtue of an order made under subsection (2) of this section because such area of land is required by Government for a public purpose, the local government authority which last had the control and management of the public recreation ground, shall be entitled to compensation from the Minister to the value at the date of such order of the unexhausted improvements on such area of land, and such compensation shall be assessed in like manner as compensation for unexhausted improvements is assessed under the provisions of the Land Act Cap. 113* or of any regulations made.

5. Local government authorities to manage and control public recreation grounds Ord. No. 49 of 1958 s. 23; Act No. 48 of 1966 Sch.

Where any area of public land has been declared to be a public recreation ground by order of the Minister under section 4 of this Act the local government authority having jurisdiction over the area in or in the vicinity of which such recreation ground is situate shall, subject to the provisions of this Act maintain, control and manage such recreation ground and shall have in relation thereto all the powers and duties which are conferred or imposed upon such local government authority by or under this Act.

6. Duty of local government authorities

It shall be the duty of every local government authority having the control and management of any recreation ground to ensure that such recreation ground is used for the purpose of games, exercise and recreation and for no other purpose: Provided that it shall be lawful for a local government authority to authorise the temporary use of a recreation ground or any portion for the purposes of any fair, exhibition, ceremony or public entertainment, or for any purpose which the local government authority may approve.

7. Powers of local government authorities in relation to recreation grounds Ord. No. 49 of 1958 s. 23; Acts Nos. 48 of 1966 Sch.; 48 of 1968 s. 3

- (1) Every local government authority shall have in relation to any recreation ground which is under its control and management the following powers—
 - (a) to establish, maintain and control thereon aquaria, pavilions, piers, dressing rooms, lavatories and such other buildings, structures or conveniences of any nature and for any purpose as the local government authority may consider to be necessary or convenient;

- (b) to set apart any portion of such recreation ground as may be fixed by the local government authority and described in a notice set up in some conspicuous place on such recreation ground for the purpose of any particular game or recreation, and to exclude the public from the portion so set apart;
- (c) to provide any apparatus for games or recreation in respect of such recreation ground or to permit any person, club or other body of persons to provide any apparatus on such terms as the local government authority may decide;
- (d) to establish, maintain and control refreshment rooms, cafes and restaurants on such recreation ground;
- (e) to authorise any person, club or other body of persons, subject to such terms and conditions as the local government authority may approve, either permanently or temporarily-
 - (i) to have the exclusive use of such recreation ground or portion and any building structure or apparatus established or provided that in connection;
 - (ii) to erect structures and pavilions on or around the same and to provide such amenities including refreshment rooms and lavatories as the local authority may approve; and
 - (iii) to make charges to members of the public for admission thereto or otherwise in connection therewith;
- (f) to incur expenditure and to do all other things in relation to such recreation ground which are necessary or incidental to the carrying out of any of the powers and duties which are conferred or imposed upon such local government authority by or under this Act;
- (g) to make by-laws, in the case of a municipal council in accordance with the procedure prescribed under the Local Government (Urban Authorities) and Act Cap. 288* and in the case of a town council or district council, in accordance with the procedure prescribed under the Local Government (District Authorities) Act Cap. 287* for all or any of the purposes following, that is to say-
 - (i) for the management, control and regulation of such recreation ground and for the use of the same by the public and for regulating the means of ingress thereto and egress therefrom;
 - (ii) for the removal of any person infringing any provision of the by-laws by any officer authorised so to do by the local government authority or any person or persons acting on behalf of the local government authority under the by-laws, or by any police officer;

- (iii) for regulating foot-tracks and grazing of cattle or other animals;
 - (iv) for preventing injury and damage to such recreation ground;
 - (v) generally for carrying into effect the purposes of this Act, and may in such by-laws fix such reasonable penalties as it thinks fit, but that penalty shall not exceed one thousand shillings, for each breach of such by-laws.
- (2) In the case of an urban council, the provisions of the Local Government (Urban Authorities) Act Cap. 288*, shall apply to by-laws made or to be made under this section as if they were by-laws made or to be made under the said Act, and in the case of a town council or district council, the provisions of the Local Government (District Authorities) Act Cap. 287* shall apply to by-laws made or to be made under this section as if they were by-laws made or to be made under the said Act.
- (3) In the case of a recreation ground part of which is under the control and management of one local government authority and part of which is under the control and management of another, the Minister responsible for local government may, by notice published in the Gazette, specify one of the said local government authorities which may, notwithstanding that part of the recreation ground is not under its control and management, exercise the powers contained in paragraph (g) of subsection (1) in respect of the whole of the said recreation ground and thereupon the other of the said local government authorities shall not be empowered to exercise the said powers in respect of any part of that recreation ground.

8. Compensation for damage

Where a court has convicted any person for breach of any by-law made under this Act and it appears to such court that such breach has resulted in damage or injury to any recreation ground or to any structure or installation thereon, the court shall proceed to assess the amount of such damage or injury and having determined the amount, shall order the person so convicted to pay the same to the local government authority having the management and control of such recreation ground as compensation. In default of payment of such compensation the provisions of the Criminal Procedure Act Cap. 20* relating to the recovery of compensation awarded under that Act shall apply in respect of compensation awarded under this Act as they apply in respect of compensation awarded under that Act.

9. Fines to be paid to local government authorities

Every fine recovered under this Act in respect of a breach of any by-law made thereunder shall be paid over by the Government to the local government authority which made such by-law to be administered by such local government

authority for the improvement of any recreation ground or grounds under its management and control.

10. Legal proceedings

(1) Legal proceedings for breach of any by-law relating to a recreation ground or for the recovery of compensation for injury or damage or to any structure or installation thereon may be brought in the name of the local government authority having the management and control of such recreation ground by any person authorised in writing by such local authority so to do.

(2) An authorisation under subsection (1) of this section shall be signed in the case of a municipality by town clerk and in the case of any other local government authority by the Chairman or executive officer, as the case may be, and when so signed shall be deemed to have been duly given for the purposes of this Act.

11. Police may arrest offenders

It shall be lawful for any Police Officer to arrest without warrant any person found infringing any by-law made under this Act.

12. Recreation grounds established under Cap. 287 or 288 Act No. 10 of 1968 s. 4

If, in pursuance of the Local Government (Urban Authorities) Act, a town council has established any recreation ground or, in pursuance of the Local Government (District Authorities) Act a town council or district council has established any recreation ground, such municipal council, town council or district council, as the case may be, shall have, subject to the Local Government (Urban Authorities) Act Cap. 288* or the Local Government (District Authorities) Act Cap. 287*, as the case may be, in relation to such recreation ground all the powers, duties and functions which it would have under this Act if such recreation ground had been declared to be a public recreation ground by order of the Minister for Lands under section 4 of this Act.

13. Repeals

[Repeals R.L. Cap. 107 and Ord. No. 3 of 1951.]