

# Politicising Plants

Does “decolonising” the botanical collections  
at Kew undermine its core mission?

Ursula Buchan, Professor Christopher Forsyth and  
Zewditu Gebreyohanes





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© Policy Exchange 2021  
Published by  
Policy Exchange, 8 - 10 Great George Street, Westminster, London SW1P 3AE

[www.policyexchange.org.uk](http://www.policyexchange.org.uk)

ISBN: 978-1-913459-81-9

# Contents

About the Authors	2
Preface	5
Politicising Plants	7
Conclusion	15
Appendix	17

# Preface

by Ursula Buchan, M.A. (Cantab.), Dip.Hort. (Kew)

In 1976, I applied to join the three-year Diploma of Horticulture course at the Royal Botanic Gardens, Kew. I was influenced in my decision by Kew's stellar reputation for rigorous scientific practice and enquiry, and its commitment to botanical and horticultural excellence and innovation. A training at Kew seemed to me the best possible foundation for a career in writing about plants and gardening. Indeed, I hold RBG Kew in the greatest possible respect and affection: for some years, I sat on the School of Horticulture advisory committee and I am a member of the Kew Guild, the organisation for 'Kewites', past and present. Apart from being a gardening writer and social historian, I am also chairwoman of a grant-giving horticultural charity; many of the grants benefit highly disadvantaged groups and communities in the United Kingdom.

Watching Kew's recent shift in direction as an institution—away from its statutory obligations as a national scientific institution and into controversial and highly politicised territory—has therefore been particularly distressing for me. During the years I spent at Kew Gardens in the 1970s, pure science held sway, led by the Director and botanists in the Herbarium and the plant physiologists, biochemists and geneticists in the Jodrell Laboratory. But no longer.

Kew has attracted significant media attention recently as a result of its proposal to 'decolonise' its plant collections.<sup>1</sup> Closer examination of developments there, however, reveals that this is part of a wider change in Kew's self-perception and planned activities. It envisages campaigning, promoting 'transformative societal change', and 'decolonising science' (as a 'key theme').<sup>2</sup> This change, affecting the use of public money, seems to be outwith Kew's role, as defined (and limited) by its founding statute<sup>3</sup>. It threatens to undermine its distinctive and invaluable reputation as a non-political, rigorously scientific resource. This is not to make a judgement about any political position which Kew may or may not take up. It is simply to say that politics are not for Kew.

Perhaps one of the most striking and telling comparisons I could make between Kew past and present concerns entry prices. When I worked and studied there, the cost of entry for the general public to enjoy the 300 acres of garden, glasshouses and 39 listed buildings was one penny, making the gardens one of the most publicly accessible destinations in London. Today, a standard adult ticket costs just under £20,<sup>4</sup> putting Kew out of the reach of many. Kew claims that its 'decolonisation' agenda is aimed at expanding its visitor base.<sup>5</sup> Yet a genuine, and politically uncontroversial, way to draw visitors would be to make Kew affordable once more. One

1. P.27, [https://www.kew.org/sites/default/files/2021-03/13320%20Corporate%20Strategy%202020-2030\\_accessible.pdf](https://www.kew.org/sites/default/files/2021-03/13320%20Corporate%20Strategy%202020-2030_accessible.pdf)
2. <https://www.kew.org/sites/default/files/2021-03/Kew%20Science%20Scientific%20Priorities%202021%20-%202030.pdf>
3. <https://www.legislation.gov.uk/ukpga/1983/47/data.pdf>
4. <https://www.kew.org/kew-gardens/visit-kew-gardens/tickets>
5. <https://www.kew.org/read-and-watch/revealing-and-restoring-stories>

might also question whether laying stress on the supposedly racist history of plants will actually encourage people to visit Kew and to take an interest in botany.<sup>6</sup>

This all raises deep questions about the judgement and attention of Kew's Trustees and Defra (which has the responsibility to ensure statutory compliance). This Policy Exchange paper describes and analyses what has gone profoundly wrong at this uniquely valuable institution. It also proposes urgent and necessary action to return Kew to its true scientific purposes, in the interests of the taxpaying public which supports it. I am pleased to contribute to it with the eminent Professor Christopher Forsyth QC (Hon)—who has written authoritative textbooks on judicial review and to whom I defer on legal matters—and the Head of the 'History Matters Project', Zewditu Gebreyohanes.

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6. <https://www.kew.org/read-and-watch/revealing-and-restoring-stories>



# Politicising Plants

By Ursula Buchan, Professor Christopher Forsyth and Zewditu Gebreyohanes

The Royal Botanic Gardens, Kew, the most famous institution of its kind in the world and a UNESCO World Heritage site, lies along the eastern bank of the River Thames in south-west London and for several centuries served as a royal pleasure ground and private botanical garden. Rescued from neglect by Parliament in 1840, it has since been put under the control of various governmental offices: first, the Office of Woods and Forests; then the Office of Works and Public Buildings; then, from 1903, the Board of Agriculture and Fisheries, which later became the Ministry of Agriculture, Fisheries and Food and is now the Department for Environment, Food & Rural Affairs (Defra). It was established as a legal entity by the National Heritage Act 1983 [see item 1 of the appendix], under which a Board of Trustees—which is answerable to the Secretary of State for Defra—was formed. The 1983 Act sets out the functions of the Board, which are as follows:

- a) Carry out investigation and research into the science of plants and related subjects, and disseminate the results of the investigation and research,
- b) Provide advice, instruction and education in relation to those aspects of the science of plants with which the Board are for the time being in fact concerned,
- c) Provide other services (including quarantine) in relation to plants,
- d) Care for their collections of plants, preserved plant material, other objects relating to plants, books and records,
- e) Keep the collections as national reference collections, secure that they are available to persons for the purposes of study, and add to and adapt them as scientific needs and the Board's resources allow, and
- f) Afford to members of the public opportunities to enter any land occupied or managed by the Board, for the purpose of gaining knowledge and enjoyment from the Board's collections.<sup>7</sup>

The statutory duties of the Board are all to do with the “science of plants”. RBG Kew is, after all, an institution of great scientific importance, both nationally and globally, which has contributed immeasurably towards the understanding of the structure, properties and biochemical processes of plants for centuries. Its collections, held in perpetuity, are a priceless and hugely important repository of botanical knowledge.

There are eleven major sets of collections at Kew: the Herbarium,


7. <https://www.legislation.gov.uk/ukpga/1983/47/crossheading/royal-botanic-gardens-kew>

housing millions of plant specimens; the Fungarium, containing dried fungal specimens; the Seed Collection, housed in the Millennium Seed Bank located at Kew's Wakehurst site; the Economic Botany Collection, which contains artefacts made from plant materials; the DNA and Tissue Bank, which is a collection of flowering plant genera; the Microscope Slide Collection, which preserves plant features; the Spirit Collection, consisting of plant specimens preserved in fluid; the In Vitro Collection of plant and fungal specimens cultured in artificial growing media; the Library, containing one of the largest collections of botanical publications in the world; the Illustrations and Artefacts Collection, mostly comprising botanical prints and drawings; and the Archives Collection, home to materials of historic importance, including the personal papers of notable scientists, botanists and gardeners as well as the official records of Kew itself. All these collections are open to researchers and, where possible and appropriate, to the public. All are augmented by further additions each year. It is upon this unparalleled knowledge base and upon its historic standing as a pre-eminent scientific institution that the enduring global reputation of Kew depends.

25 JUNE 2020

# It's time to decolonise botanical collections

Professor Alexandre Antonelli, Director of Kew Science, explains why we must address our colonial legacy.



BY [PROFESSOR ALEXANDRE ANTONELLI](#)

"The traces of colonial exploitation are not endemic to botany – they are everywhere, from the socio-economic inequalities in marginalised communities to the diamonds in wedding rings."

"We like to think that things get better over time. But as the Black Lives Matter movement has rightly shown, change happens too slowly, or is superficial, or doesn't happen at all."

"In my own field of research, you can see an imperialist view prevail. Scientists continue to report how new species are "discovered" every year, species that are often already known and used by people in the region – and have been for thousands of years."

"Black Lives Matter is also showing how today's inequalities and discrimination are deeply rooted in our societies."

"At Kew, we aim to tackle structural racism in plant and fungal science."

[Extracts from article; full article can be found at <https://www.kew.org/read-and-watch/time-to-decolonise-botanical-collections>]

It is a necessary consequence of the *ultra vires* doctrine that the Board only has such powers as the law gives it, which means it is unlawful for Kew to take any action not within the powers granted by the 1983 Act. This same principle applies to Kew’s recent forays into non-scientific, and indeed politically charged, activities. Kew—if it is to remain within the law—must be able to point to provisions in the 1983 Act justifying its political activities, which intensified at the height of the Black Lives Matter (BLM) protests: in June 2020, Professor Alexandre Antonelli—Director of Science at Kew—wrote a blog article for *The Conversation*, published soon after on the Kew website itself, in which he praises the BLM movement, contends that “an imperialist view prevail[s]” in the field of botany, laments that Kew has “a legacy that is deeply rooted in colonialism”, and assures the reader that “at Kew, we aim to tackle structural racism in plant and fungal science”. Kew’s ‘Manifesto for Change’, published in March 2021, states that “We will move quickly to ‘de-colonise’ our collections, re-examining them to acknowledge and address any exploitative or racist legacies, and develop new narratives around them”.<sup>8</sup> This is mirrored in RBG Kew’s *Scientific Priorities 2021–2030*, which makes reference to “decolonising science”.<sup>9</sup> In a March 2021 interview with the *Guardian* defending the then newly-published *Manifesto for Change*, Kew’s director Richard Deverell referred to the George Floyd killing as a “fork in the road moment” and claimed that “there is no acceptable neutral position on this subject [racial injustice]; to stay silent is to be complicit”.<sup>10</sup> He went on to suggest that “Kew has this amazing opportunity. We can tell the story of the British empire in a way that museums can’t – we can tell it through living things. We shouldn’t forget that plants were central to the running of the British Empire”.<sup>11</sup>

8. P.27, [https://www.kew.org/sites/default/files/2021-03/13320%20Corporate%20Strategy%202020-2030\\_accessible.pdf](https://www.kew.org/sites/default/files/2021-03/13320%20Corporate%20Strategy%202020-2030_accessible.pdf)

9. P.9, <https://www.kew.org/sites/default/files/2021-05/RBG%20Kew%20Scientific%20Priorities%202021%20-%202030%20-%20May%202021.pdf>

10. <https://www.theguardian.com/science/2021/mar/18/kew-gardens-director-hits-back-at-claims-it-is-growing-woke>

11. *Ibid.*

12 JUNE 2020

# Addressing racism past and present

Richard Deverell, Director of the Royal Botanic Gardens, Kew addresses equality, diversity and inclusion in our organisation.

BY RICHARD DEVERELL

“How do we better understand and take accountability for the harm caused by Kew’s role in colonial exploitation? How should this shape the stories we tell about our collections?”

“The recent outburst of rage and hurt around the world following the murder of George Floyd has, through this single human tragedy, brought into focus deep-rooted and longstanding injustices faced by black people.”

“RBG Kew as an institution cannot stand aside. Like so many other organisations, parts of Kew’s history shamefully draw from a legacy that has deep roots in colonialism and racism.”

“We were beacons of discovery and science; but also beacons of privilege and exploitation.”

“I acknowledge that I personally benefit from enormous privilege as Kew’s current white, male director. I acknowledge too how little I understand these issues and their daily consequences on the lives of my black and ethnic minority colleagues, our members and visitors. I approach this subject with humility and caution. However, I am committed to addressing these complex and difficult problems to bringing substantial and enduring change throughout Kew.”

“There is no acceptable neutral position on this subject; to stay silent is to be complicit. Each of us needs to step up to tackle injustices in our society and our organisations.”

“We commit to: [...] re-examining our collections to explore and acknowledge racist or exploitative legacies and to broaden the diversity of stories we tell about these difficult stories.”

[Extracts from article; full article can be found at <https://www.kew.org/read-and-watch/kew-addresses-racism>]

## KMIS lecture: Decolonising the Garden

Trained gardener Sui Searle talks about decolonising gardening and horticulture.

Join our discussion on the need for 'decolonising' in gardening and horticulture with Sui Searle.

In this lecture, Sui will prompt the audience to interrogate their biases, question where their messaging comes from, and be alert to how language, narratives and visual messaging can perpetuate and feed racism.

Sui is a trained gardener with a degree in Horticulture. She has worked in botanic, public and private gardens and spent some time writing for gardening magazines.

Sui started @decolonisethegarden / #decolonisethegarden on Instagram in the summer of 2020.

<https://www.kew.org/learning/talks-and-lectures/kew-mutual-improvement-society>

On 11 October 2021, Kew held a lecture entitled ‘Decolonising the Garden’—delivered by #decolonisethegarden founder Sui Searle—as part of its annual Kew Mutual Improvement Society lecture series. The Kew website states that “Since 1871 the Kew Mutual Improvement Society (KMIS) has been running an annual lecture series to boost your knowledge of the plant and fungal kingdom”, yet it is unclear how lectures “prompt[ing] the audience to interrogate their biases, question where their messaging comes from, and be alert to how language, narratives and visual messaging can perpetuate and feed racism” could boost one’s “knowledge of the plant and fungal kingdom”.<sup>12</sup>



Kew Gardens  
@kewgardens



Following the murder of George Floyd, there has been much reflection across Kew. Today, we commit to question, examine and change our practices, collections and storytelling. Read our statement: [ow.ly/PIZ650A62Oz](https://ow.ly/PIZ650A62Oz) #BlackLivesMatter 🍌🍌

2:18 PM · Jun 12, 2020 · Twitter Web App

68 Retweets 14 Quote Tweets 334 Likes

<https://twitter.com/kewgardens/status/1271431794978697217?lang=en>

12. <https://www.kew.org/learning/talks-and-lectures/kew-mutual-improvement-society>

As can be seen above, Kew’s statutory duties could not be clearer; and they all relate to the science of plants. It is not the place of Kew, therefore, to be positioning itself as a campaigning organisation or to be promulgating opinions, not least of a contentious or politically charged nature. In the case of the aforementioned 2020 article, for instance, whilst Antonelli should be free to air his opinions in a purely personal capacity, controversial contentions such as “inequalities and discrimination are deeply rooted in our societies” have no place in Kew’s publications. Meanwhile, the very title *Manifesto for Change* is indicative of statutory overreach by Kew, given that manifestos are generally used by political parties during election campaigns.

Currently, Kew is in the middle of a journey; we are looking at our language, our collections, our scientific practices, our policies, and the histories we do and don't tell about Kew's entanglement with the British Empire.

<https://www.kew.org/read-and-watch/kew-empire-indigo-factory-model>

An indication of current thinking at Kew can be found in the final episode of Kew’s podcast series *Unearthed*—led by ethnobotanist and ‘Kew Ambassador’ James Wong—entitled ‘Dirt on our hands: Overcoming botany’s hidden legacy of inequality’.<sup>13</sup> In it, Wong remarks that “the idea that you need to keep politics out of horticulture or botanic gardens is a deeply political statement”.<sup>14</sup> The remark itself is confused and unclear, like much of the thinking behind Kew’s ‘decolonisation’ initiative. Politics has nothing to do with the science of plants and Kew has no business providing a platform for political views. Doing so falls outside Kew’s statutory scientific responsibilities and, as such, using Kew’s funds for these sorts of exercises is illegitimate.

The idea of ‘decolonising’ a plant collection lacks both common and historical sense. As an example, which can stand for many, let us take sugar cane, specifically mentioned as one of the plants due for the ‘decolonisation’ treatment: one of the absurdities proposed by Kew is the plan to change its display boards for plants such as sugar cane, to highlight their links to slavery and exploitation.<sup>15</sup> *Saccharum officinarum* (which is the main, but not the only, species of sugar cane of economic importance) is believed to be native to New Guinea, and has been cultivated there since at least 6000 BC. This species began to be disseminated along Asian trade routes, arriving in India and other parts of south-east Asia, about 1000 BC. It was in India that it was first made into what we call ‘sugar’, by the boiling of cane juice. The plant may have been taken to the Americas by Christopher Columbus. For centuries, *Saccharum officinarum* has been widely cultivated across the world and, along with four other species and a number of hybrids, is still grown for various purposes, including bio-fuels. It is an important economic crop in the tropics. Therefore, the history surrounding its cultivation and use is long, complex and, of course, no

13. <https://www.kew.org/about-us/virtual-kew-wakehurst/unearthed-kew-podcast>

14. Ibid.

15. <https://www.kew.org/read-and-watch/revealing-and-restoring-stories>

one denies that it includes the period when its harvesting in the Americas involved slavery and indentured labour.

That various and nuanced narrative would be a great deal to squeeze on to a display board placed in front of a plant in the Palm House at Kew, if the display boards were updated as proposed.<sup>16</sup> More importantly, the role of Kew is to provide scientific knowledge rather than a historical narrative. Over-concentration on how a particular genus was cultivated in one region of the world at a particular time risks obscuring its relevant science with a selective snapshot of its history. And the use of the word ‘decolonise’ in the context of any plant, or collection of plants, dead or alive, is tendentious. In this country alone, there are a number of institutions and individuals who, by virtue of their knowledge and research facilities, are able to tell the social and economic history of the cultivation of sugar cane. This is not for Kew; its invaluable role is, rather, to gather and interpret as much scientific information and data as possible about the genus *Saccharum*, that can then be made available to the interested public, scientists, policy makers, economists, agronomists, ecologists, climate scientists, and the like.

In this respect, the Board of Trustees should have kept in check any plans involving Kew overstepping its legal responsibilities. The Board of Trustees meeting minutes do not record any attempt by the Trustees to satisfy themselves that the change of direction and planned activities meet the requirements of Kew’s founding statute and fall within its legal remit. In the minutes from 18 June 2020, there is a sub-section entitled ‘Black Lives Matter (BLM)’, which begins with the following statement: “The Chair drew attention to the BLM movement and the Director’s message and statement on Kew.org, including steps being taken to help address this important issue at RBG Kew”. The brief summary of the Trustees’ “thoughts on the matter” includes the notion that “it [is] important to re-think practices, structures, review historical links”.

However, two things should be noted: first, the minutes have been “redacted for publication”; and secondly, minutes are available on Kew’s website for just two Board of Trustees meetings, both of which took place in 2020. This raises the question of why Kew has not been transparent. The redaction in particular raises the possibility that disquiet from some Trustees about Kew’s changing direction may have been brushed under the carpet.

A lack of transparency seems to be a running theme in relation to Kew’s recent activities. The RBG Kew *World Heritage Site Management Plan 2020–2025* states that “In response to the events of 2020, a ‘Decolonising Kew’ working group was also formed”.<sup>17</sup> Remarkably, there are no publicly-available documents relating to this working group and no information to suggest how much public funding has gone towards this project, which seems to be one of the most glaring examples of Kew exceeding its statutory obligations.

In relation to the governance of Kew, the Secretary of State for Defra has the duty to ensure that the Board of Trustees complies with the Act

16. <https://www.kew.org/read-and-watch/revealing-and-restoring-stories>

17. P.7, [https://www.kew.org/sites/default/files/2021-05/Kew%20World%20Heritage%20Site%20Management%20Plan%202019-2025\\_1.pdf](https://www.kew.org/sites/default/files/2021-05/Kew%20World%20Heritage%20Site%20Management%20Plan%202019-2025_1.pdf)

under which it was established.<sup>18</sup> Indeed, when RBG Kew successfully applied for UNESCO World Heritage Site status in 2003, the duty of the Secretary of State “to ensure that the Gardens deliver their statutory obligations, are accountable to Parliament for the expenditure of public funds and produce work of a high scientific quality” was emphasised.<sup>19</sup> By S.29 of the Act, Kew is substantially funded by the taxpayer: just under half of Kew’s funding came from Defra in 2020–21.<sup>20</sup> It is imperative that publicly-funded institutions use taxpayer money in a legitimate and lawful way, and it is ultimately the responsibility of the Secretary of State to ensure this.

Regular meetings take place between Defra officials and Kew management: there are meetings between the sponsor Minister, Chair of the Trustees and the Director of Kew every six months.<sup>21</sup> Again, minutes are not provided of these meetings. However, there are two important questions to be asked of Kew and government officials. If Kew’s plans for transformation were discussed during these meetings, why was something not done about them? If they were not discussed, why not?

It is unclear why Kew would wish to emphasise and focus on supposed “racist or exploitative legacies”.<sup>22</sup> One of the reasons that has been given for Kew’s decolonisation agenda is that it will support Kew’s ambition for greater “equality, diversity and inclusion” and thereby expand access to Kew.<sup>23</sup> The Kew official website states, in defence of its commitment to ‘decolonisation’, that “RBG Kew is a public body and partly reliant upon income from the taxpayer. It is essential that we are for everyone”.<sup>24</sup> This is true, yet the contention that linking Kew to slavery could somehow attract new visitors, make people feel welcomed at Kew and enhance public enjoyment of the gardens is highly questionable. Moreover, as explained above, the fact that Kew is reliant on taxpayer money is precisely why it should not be engaging in this sort of activity. Another consideration is the potential for alienating the traditional visitor base.

In any case, Kew’s claim that “the important conversations we are having as a society around inclusivity” mean that “now is the time” to give “these complex stories full justice” is substantially weakened by Kew’s failure to practice their philosophy of inclusivity: a standard adult ticket costs just under £20, which, adjusted for inflation, is 48 times the price of entry in 1970 and is prohibitively high for many less well-off households of all backgrounds.<sup>25 26</sup> By contrast, the major national museums are by law required to allow free entry to visitors to all their permanent exhibitions. Why does this principle of access not apply to RBG Kew? Kew is right to say that, as a publicly-funded institution, it should be “for everyone”. But, if Kew is aiming at openness and accessibility to all, why has it not adopted a fairer pricing strategy, making a tangible difference for those who previously felt that Kew was beyond their reach?

18. Acknowledgment of the unchanged statutory basis of the relationship between Kew and Defra can be found in a Framework Document dated June 2018: [https://www.kew.org/sites/default/files/Kew\\_FD\\_June18\\_Final%20-%2026%20July%202018\\_0.pdf](https://www.kew.org/sites/default/files/Kew_FD_June18_Final%20-%2026%20July%202018_0.pdf)

19. <https://whc.unesco.org/uploads/nominations/1084.pdf> p. 92.

20. P.33, <https://www.kew.org/sites/default/files/2021-07/RBG%20Kew%20-%20Annual%20Report%202020-2021%20Web%20accessible%20-%20final.pdf>

21. P.15, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/933086/rbg-kew-annual-report-and-accounts-2019-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933086/rbg-kew-annual-report-and-accounts-2019-2020.pdf)

22. <https://www.kew.org/read-and-watch/kew-addresses-racism>

23. <https://www.kew.org/read-and-watch/kew-addresses-racism>

24. <https://www.kew.org/read-and-watch/revealing-and-restoring-stories>

25. <https://www.kew.org/read-and-watch/revealing-and-restoring-stories>

26. <https://www.kew.org/kew-gardens/visit-kew-gardens/tickets>



## Conclusion

One would think that before embarking on the effort and (taxpayer-funded) expense of effecting a change in institutional direction, Kew would pay careful attention to its statutory powers and duties, given that any deviation from the statutory functions and scientific ethos enshrined in the 1983 Act is unlawful. It is a remarkable feature of the articles and interviews to which reference has been made, the strategy documents, and even the minutes of the meetings of the Trustees, that there is barely any mention of the National Heritage Act 1983 at all, let alone evidence that Kew's activities have been considered in relation to the Act's provisions. This paper has shown that the profound change exhibited and acted upon by Kew is outside its remit, as defined—and limited—by its founding statute. This development also threatens to undermine Kew's distinctive and invaluable reputation as a non-political, rigorously scientific resource.

There are clear signs now that Kew has slipped its moorings. It is an irreplaceably valuable institution, the purpose and functions of which are, rightly, defined by law. If the Trustees do not themselves ensure, as a matter of urgency, that Kew's activities are non-political and confined to the science of plants, the Secretary of State should act to ensure that they are, and steer this ship safely back to port.

In his recent Policy Exchange paper, Trevor Phillips sets out three universal principles which should govern any change in the representation of history in the public arena.<sup>27</sup> The first is that “any decision-making body must be identified clearly, with its composition and powers set out publicly and unambiguously”.<sup>28</sup> The second is that “any change must be lawful and consistent with the stated aims and purposes of the institution”.<sup>29</sup> The third is that “any individual or board making a decision about change in a public institution must be accountable to those who support the institution, including the taxpayer”.<sup>30</sup> RBG Kew has failed to abide by both the second and third principles: it appears not to have acted lawfully and its actions are inconsistent with its stated aims and purposes; and there has been a lack of accountability surrounding the spending of public money.

Taking these principles into account, Policy Exchange makes the following three key recommendations:

1. The Secretary of State should order a review of RBG Kew and of whether the activities of Kew are compatible with the 1983 Act. This should seek to determine why Kew has been allowed to change direction, and why the Trustees have not exerted themselves to

27. <https://policyexchange.org.uk/wp-content/uploads/History-Matters.pdf>

28. P.8, <https://policyexchange.org.uk/wp-content/uploads/History-Matters.pdf>

29. *Ibid.*

30. *Ibid.*

ensure that Kew acts only within its statutory parameters. Any of Kew's activities the review determines to be unlawful should cease immediately.

2. There should be full accountability for the spending of public funds by RBG Kew. Kew should be more transparent about all its activities; about who is involved; and about how public money is being spent. The details and activities of any working groups or formalised projects should be readily available and accessible.
3. RBG Kew should review its pricing strategy to ensure that it is affordable and inclusive.

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# Appendix

National Heritage Act 1983— <https://www.legislation.gov.uk/ukpga/1983/47/data.pdf>

*Royal Botanic Gardens, Kew*

**23 Establishment of Board of Trustees.**

- (1) There shall be a body known as the Board of Trustees of the Royal Botanic Gardens, Kew.
- (2) Part IV of Schedule 1 shall have effect with respect to the Board.

*Changes to legislation: There are currently no known outstanding effects for the National Heritage Act 1983. (See end of Document for details)*

**24 The Board’s general functions.**

- (1) So far as practicable and subject to the provisions of this Act, the Board shall—
  - (a) carry out investigation and research into the science of plants and related subjects, and disseminate the results of the investigation and research,
  - (b) provide advice, instruction and education in relation to those aspects of the science of plants with which the Board are for the time being in fact concerned,
  - (c) provide other services (including quarantine) in relation to plants,
  - (d) care for their collections of plants, preserved plant material other objects relating to plants, books and records,
  - (e) Keep the collections as national reference collections, secure that they are available to persons for the purposes of study, and add to and adapt them as scientific needs and the Board’s resources allow, and
  - (f) afford to members of the public opportunities to enter any land occupied or managed by the Board, for the purpose of gaining knowledge and enjoyment from the Board’s collections.
- (2) For those purposes the Board may, subject to the provisions of this Act—
  - (a) enter into contracts and other agreements (including agreements for the Board’s occupation or management of land),
  - (b) acquire and dispose of land and other property, and
  - (c) require payment for any advice, instruction, education or other service provided by the Board or for any goods provided by them or for entry to any land occupied or managed by them.
- (3) Subject to the provisions of this Act, the Board may do such things as they think necessary or expedient—
  - (a) for preserving, and increasing the utility of, their collections,
  - (b) for securing the due administration of anything vested in or acquired by them, and any land occupied or managed by them, under or by virtue of this Act, and
  - (c) otherwise for the purposes of their functions.
- (4) Subsection (5) applies to functions which are exercisable by a Minister of the Crown (whether by virtue of an enactment or otherwise) in relation to the management of Kew Gardens or other land and which in his opinion can appropriately be exercised by the Board having regard to their functions and resources; but subsection (5) does not apply to a function of making regulations or other instruments of a legislative character.
- (5) If the Minister directs the Board to exercise functions specified in the direction in relation to land so specified, the Board shall exercise them on his behalf in such manner as he may from time to time direct.
- (6) The Board shall not acquire or dispose of land without the consent of the <sup>[F17]</sup>Secretary of State; but that restriction does not apply to the grant of a lease of, or a licence or concession in respect of, land if the term of the proposed grant is less than one year.
- <sup>F18</sup>(7) .....
- <sup>F19</sup>(8) .....
- (9) The Board’s name shall not be taken to confine their activities to Kew.

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*Changes to legislation: There are currently no known outstanding effects for the National Heritage Act 1983. (See end of Document for details)*

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#### Textual Amendments

- F17** Words in s. 24(6) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 22(1)(2)** (with arts. 5(3), 6)
- F18** S. 24(7) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 102, **Sch. 12**; S.I. 2006/2541, art. 2 (with Sch.)
- F19** S. 24(8) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 103, **Sch. 12**; S.I. 2006/2541, art. 2 (with Sch.)

### 25 Power of Board to form companies.

- (1) With the consent of the [<sup>F20</sup>Secretary of State] and subject to any conditions he may impose, the Board may form or take part in forming one or more bodies corporate which (or each of which) has as its main object or objects
- [<sup>F21</sup>(a) one or more of the particular objects mentioned in subsection (2), or  
(b) any other object or objects incidental to the Board's functions.]
- (2) The [<sup>F22</sup>particular objects ] are—
- the production and publication of books, films or other informative material relating to the science of plants or related subjects or to the Board and their functions.
  - the production of souvenirs relating to plants or to the Board's activities,
  - the sale of plants produced by the Board or objects relating to plants, of informative material relating to the science of plants or related subjects, or of souvenirs relating to plants or to the Board's activities, and
  - the provision of catering or car parking or other services or facilities for the public at any land occupied or managed by the Board.
- (3) The Board may hold interests in any such body, exercise rights conferred by the holding of interests in it, and provide financial or other assistance to or in respect of it (including assistance by way of guarantee of its obligations).
- (4) This section is without prejudice to any power of the Board to undertake anything mentioned in subsection (2) by virtue of section 24.

#### Textual Amendments

- F20** Words in s. 25(1) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 23** (with arts. 5(3), 6)
- F21** S. 25(1)(a)(b) substituted for words in s. 25(1) (14.2.2012) by Public Bodies Act 2011 (c. 24), **ss. 32(4)(a), 38(1)**
- F22** Words in s. 25(2) substituted (14.2.2012) by Public Bodies Act 2011 (c. 24), **ss. 32(4)(b), 38(1)**

### 26 Initial vesting in Board.

- (1) Where the property in an object was vested in the Minister of Agriculture, Fisheries and Food immediately before the vesting day, and the object—
- then formed part of the collections of plants (other than those growing in land), preserved plant material, other objects relating to plants, or books or records, of the institution known as the Royal Botanic Gardens, or

- (b) was then in use in respect of the collections or solely for the purposes of the administration of the institution,  
 then the property shall on that day become vested instead in the Board.
- (2) In the case of an object mentioned in subsection (1)(a), it is immaterial that, immediately before the vesting day, it was situated elsewhere than at premises managed for the purposes of the institution (as where it was on loan).
- (3) On the vesting day any right, power, duty or liability which was immediately before that day exercisable by or incumbent on that Minister in relation to any object mentioned in subsection (1) shall instead become exercisable by or incumbent on the Board.
- (4) In this section “the vesting day” means the day appointed under section 41(2) for the coming into force of this section.

**27 Acquisition and disposal of objects.**

- (1) The Board may acquire (whether by purchase, exchange or gift) any objects which in their opinion it is desirable to add to their collections.
- (2) The Board may not dispose of an object the property in which is vested in them and which is comprised in their collections unless—
- (a) the disposal is by way of sale, exchange or gift of an object which is a duplicate of another object the property in which is so vested and which is so comprised, or
  - (b) the disposal is by way of sale, exchange or gift of an object which in the Board’s opinion is unsuitable for retention in their collections and can be disposed of without detriment to the interests of students or other members of the public, or
  - (c) the disposal (by whatever means, including destruction) is of an object which the Board are satisfied has become useless for the purposes of their collections by reason of damage, physical deterioration, or infestation by destructive organisms.
- (3) An object may be disposed of as mentioned in subsection (2)(c) notwithstanding a trust or condition (express or implied) prohibiting or restricting the disposal of the object.

**28 Lending and borrowing of objects.**

- (1) Subject to subsection (2), the Board may lend any object the property in which is vested in them and which is comprised in their collections (whether or not the loan is for purposes of public exhibition, and whether or not under the terms of the loan the object is to remain in the United Kingdom).
- (2) In deciding whether or not to lend an object, and in determining the time for which and the conditions subject to which an object is to be lent, the Board—
- (a) shall give special consideration to a request for the loan of an object for public exhibition, and
  - (b) subject to that, shall have regard to the interests of students and other persons visiting the Board’s collections, the suitability of the prospective borrower, the purpose of the loan, the physical condition and degree of rarity of the object, and any risks to which it is likely to be exposed.

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*Changes to legislation: There are currently no known outstanding effects for the National Heritage Act 1983. (See end of Document for details)*

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- (3) The Board may accept loans of objects for the purpose (depending on the terms of the loan) of exhibiting them, or of study or research by the Board or by persons seeking to inspect them.

## 29 Finance.

- (1) The [<sup>F23</sup>Secretary of State] may out of money provided by Parliament pay to the Board such sums towards their expenditure as the Treasury may approve.
- (2) The payment may be made on such conditions as the [<sup>F24</sup>Secretary of State] imposes with the Treasury's approval.

### Textual Amendments

- F23** Words in s. 29(1) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), Sch. 1 para. 24(1)(2) (with arts. 5(3), 6)
- F24** Word in s. 29(2) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), Sch. 1 para. 24(1)(3) (with arts. 5(3), 6)

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£10.00  
ISBN 978-1-913459-81-9

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