

Weeds Act, 1959

7 & 8 ELIZ. 2 CH. 54

ARRANGEMENT OF SECTIONS

Section

1. Power to require occupier to prevent spreading of injurious weeds.
2. Penalty for failure to comply with requirement.
3. Default powers of Minister.
4. Powers of entry.
5. Exercise of Minister's powers by local authority.
6. Service of notices.
7. Regulations under s. 1.
8. Expenses.
9. Application to Scotland.
10. Repeal and savings.
11. Short title, interpretation and extent.

SCHEDULE—Enactments repealed.



CHAPTER 54

An Act to consolidate certain enactments relating to injurious weeds. [16th July, 1959]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Where the Minister of Agriculture, Fisheries and Food (in this Act referred to as “ the Minister ”) is satisfied that there are injurious weeds to which this Act applies growing upon any land he may serve upon the occupier of the land a notice in writing requiring him, within the time specified in the notice, to take such action as may be necessary to prevent the weeds from spreading.

(2) This Act applies to the following injurious weeds, that is to say—

- spear thistle (*cirsium vulgare* (Savi) Ten.),
- creeping or field thistle (*cirsium arvense* (L.) Scop.),
- curled dock (*rumex crispus* L.),
- broad-leaved dock (*rumex obtusifolius* L.), and
- ragwort (*senecio jacobaea* L.);

and to such additional injurious weeds as may be prescribed by the Minister by regulations.

2.—(1) Where a notice has been served under section one of this Act on the occupier of any land and that person unreasonably fails to comply with the requirements of the notice, he shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding seventy-five pounds or, in the case of a second or subsequent offence, to a fine not exceeding one hundred and fifty pounds.

(2) If a failure in respect of which a person is convicted under the preceding subsection is not remedied within fourteen days after the conviction he shall be guilty of a further offence under that subsection and may be punished accordingly.

(3) Proceedings for an offence under subsection (1) of this section shall not be instituted except by the Minister.

3.—(1) Where a notice has been served under section one of this Act on the occupier of any land and the occupier has not taken the action required by the notice within the time specified therein, the Minister may take that action and recover a sum equal to the reasonable cost of so doing from the occupier or, if it is not practicable after reasonable enquiry to ascertain his name or address and he is not the owner of the land, from the owner.

(2) Where the Minister is entitled to recover a sum under the preceding subsection from the owner of land (whether or not he is also the occupier) and is unable after reasonable enquiry to ascertain the name or address of the owner he may apply to the High Court or, if the said sum does not exceed the amount by which the jurisdiction of the county court is limited by section forty-one of the County Courts Act, 1934, or any enactment re-enacting that section, to the county court, for an order imposing on the land a charge for securing the payment of that sum.

(3) A charge imposed under the last preceding subsection shall be a local land charge and shall be registrable under section fifteen of the Land Charges Act, 1925, accordingly; and the Minister shall, for the purpose of enforcing the charge, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as he would have if he were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases, and of appointing a receiver.

(4) Where, by reason of the default of the occupier, the owner of any land has been required to pay any sum to the Minister under subsection (1) of this section or has, by reason of a charge imposed on the land under subsection (2) thereof, otherwise suffered loss he shall be entitled to recover the amount of his loss from the occupier.

4.—(1) Any person authorised by the Minister in that behalf may, for the purpose of carrying this Act into effect, on the production, if so required, of his authority, enter on and inspect any land, so however that the occupier shall, in all such cases, be served with a notice of the date on which the inspection is to take place.

(2) If any person prevents or obstructs the entry for the purpose of this Act upon any land of any person authorised thereunder, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

5. The Minister may authorise the council of any county or borough to exercise on his behalf any of the powers (other than the power to make regulations) conferred on him by this Act, and where a council is so authorised subsection (1) of section four of this Act shall have effect in relation to land in the county or borough in question as if the reference therein to a person authorised by the Minister included a reference to a person authorised by the council.

Exercise of
Minister's
powers by
local
authority.

6.—(1) Any notice required or authorised by this Act to be served on any person shall be duly served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter.

Service of
notices.

(2) Any such notice required or authorised to be served on an incorporated company or body shall be duly served if served on the secretary or clerk of the company or body.

(3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, the proper address of any person on whom any such notice is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.

(4) Where any such notice is to be served on a person as being the person having any interest in land, and it is not practicable after reasonable enquiry to ascertain his name or address, the notice may be served by addressing it to him by the description of the person having that interest in the land (naming it), and delivering the notice to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

(5) Where any such notice is to be served on a tenant a copy thereof shall be served on the landlord.

(6) Where any such notice is to be served on any person as being the owner of land and the land belongs to an ecclesiastical benefice, a copy thereof shall be served on the Church Commissioners.

7.—(1) Regulations under section one of this Act may make different provisions in different cases specified in the regulations.

Regulations
under s. 1.

(2) The power to make regulations conferred by the said section one shall be exercisable by statutory instrument, and any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

8. Any expenses incurred by the Minister under this Act up to an amount approved by the Treasury shall be defrayed out of moneys provided by Parliament.

Expenses.

Application
to Scotland.

9. In the application of this Act to Scotland—

- (a) for references to the Minister there shall be substituted references to the Secretary of State; and
- (b) subsection (3) of section two, subsections (2) and (3) of section three, section five, subsection (6) of section six, and subsection (1) of section seven shall be omitted.

Repeal and
savings.

10.—(1) The enactments specified in the first and second columns of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act.

(3) For the purpose of determining the punishment which may be imposed on a person in respect of an offence under subsection (1) of section two of this Act, an offence committed by him under paragraph (3) of the Schedule to the Corn Production Acts (Repeal) Act, 1921, shall be deemed to have been committed under the said subsection (1).

(4) This Act shall not apply in a case where a notice was served under paragraph (1) of the Schedule to the said Act of 1921 before the first day of August, nineteen hundred and fifty-eight (being the date of the passing of the Agriculture Act, 1958), and the provisions of that Schedule shall continue to apply in relation to that case as they applied immediately before the said first day of August.

(5) The mention of particular matters in this section shall be without prejudice to the general application of subsection (2) of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Short title,
interpretation
and extent.

11.—(1) This Act may be cited as the Weeds Act, 1959.

(2) In this Act—

“ occupier ” means in the case of any public road the authority by whom the road is being maintained and in the case of unoccupied land the person entitled to the occupation thereof; and

“ owner ” includes a person entitled for a term of years certain or other limited estate.

(3) This Act shall not extend to Northern Ireland.

SCHEDULE

Section 10.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 5. c. 48.	The Corn Production Acts (Repeal) Act, 1921.	The whole Act.
10 & 11 Geo. 6. c. 48.	The Agriculture Act, 1947...	In section seventy-six, sub- section (2). Section one hundred and two.
11 & 12 Geo. 6. c. 45.	The Agriculture (Scotland) Act, 1948.	Section fifty-one.
6 & 7 Eliz. 2. c. 71.	The Agriculture Act, 1958...	Section seven. In the Fourth Schedule, paragraph 12 and the refer- ence to that paragraph in paragraph 13.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Corn Production Acts (Repeal) Act, 1921 ...	11 & 12 Geo. 5. c. 48.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Agriculture Act, 1958	6 & 7 Eliz. 2. c. 71.

PRINTED BY SIR JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 6d. net

PRINTED IN GREAT BRITAIN

(37371)