



Amenity Forum Guidance Document

Best Practice Note for The Weeds Acts 1959 (and other relevant legislation)

Please Note - this note represents the author's understanding of law and practice only, and is not offered as professional or legal advice. You are advised to consult a professional in regard to your legal obligations.

"Injurious' or 'Noxious' Weeds

Two pieces of legislation exist in the UK to deal with weeds defined as harmful to agriculture or agricultural land. Each of these laws applies only in the geographic territory which it covers, and there is no meaningful overlap. The Weeds Act 1959 applies in Great Britain and The Noxious Weeds (Northern Ireland) Order 1977 applies only in Northern Ireland.

The Weeds Act 1959

The Weeds Act 1959 applies only to the following five plants, which are defined by the Act as "injurious" weeds:

- Ragwort (*Senecio jacobaea*)
- Creeping thistle - a.k.a. field thistle (*Cirsium arvense*)
- Spear thistle (*Cirsium vulgare*)
- Broad-leaved dock (*Rumex obtusifolius*)
- Curled dock (*Rumex crispus*)

Ragwort contains chemicals which can cause damage to the liver of mammals – with horses being particularly susceptible. Most animals generally avoid eating live ragwort growth but can be harmed if the plants are included in hay or other dry fodder. The other four plants on the list disturb agriculture by invading agricultural land, as they spread quickly and can be difficult to get rid of.

Under the law, certain officials may serve written notice on the owner or occupier of any land where these species are present, requiring them to take such action as may be necessary to prevent the weeds from spreading. Some powers have been devolved to bodies including Natural England.

Failure to "reasonably comply" with such a notice shall constitute an offence under UK law. In addition, if works are not carried out under the timescale specified, the person who issued the notice can order remedial works to be done, and can recover the costs from the person or company the notice was issued to.

In practice, complaints will only be investigated where the weeds pose a threat to land used for agriculture (including foraging or grazing). The Act is therefore unlikely to be relevant to anyone working in an amenity setting, unless the amenity land is near to land used for crops, grazing or farming. Amenity landowners will realistically not be able to use the Act to protect their own land.

The Act does not make having the plants on your land illegal or an offence. The act does not specify that allowing or causing these plants to spread is illegal, unless a notice is issued. Such provision *does* exist, however, for other species (including Japanese knotweed) under the Wildlife and Countryside Act 1981.

There is another common misconception that weeds covered by the Weeds Act are "notifiable" and that you are required to report them – however, no such definition or provisions currently exist under UK law.

Code of Practice: Ragwort (Ragwort Control Act 2003)

Under the Ragwort Control Act 2003, The Weeds Act 1959 was amended to allow the production of a Code of Practice on the prevention of spread of Ragwort. This Code of Practice has legal standing, is admissible in court and is to be taken in to account in determining any question relating to the control of ragwort.

Any treatment or works to remove ragwort from Amenity land should use this Code of Practice as a guide. Using methods not in the code could potentially be considered negligent – or where works are required by a notice under the Weeds Act, could potentially be seen as failure to “reasonably comply” with the notice.

Noxious Weeds (Northern Ireland) Order 1977

The Noxious Weeds (Northern Ireland) Order 1977 applies to Northern Ireland only, and gives similar powers to the Weeds Act to appointed officers of the NI Department of Agriculture*. They may issue written notices requiring landowners (or tenants with exclusive cropping or grazing rights) to:

- i) cut down and dispose of or destroy weeds growing on their land
- ii) stop any activity which could cause the spread of the weeds on or from their land
- iii) carry out any action to prevent the spread of weeds on or from their land

Failure to comply with a notice served on you will constitute an offence. If the actions are given a timescale for completion, the Department may also cause the works to be done, and recover the costs of such works from the person to whom the notice was served.

The Order gives powers to appointed persons to enter land at any time to inspect and/or carry out works.

The Order currently applies to the same five plants listed in the Weeds Act 1959, plus two species of wild oat: *Avena fatua* and *Avena ludoviciana*.

* Now the Department of Agriculture and Rural Development

Further Reading

DEFRA / Natural England document on enforcing the Weeds Act

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69707/weed2a.pdf

The Code of Practice on How to Prevent the Spread of Ragwort:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69264/pb9840-cop-ragwort.pdf

WEED2 Complaint Form – for reporting complaints relating to Injurious Weeds

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414575/weed-complaint-form.pdf