

Isle of Man

Ellan Vannin

AT 6 of 1957

WEEDS ACT 1957



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**Isle of Man***Ellan Vannin***WEEDS ACT 1957**

<i>Received Royal Assent:</i>	<i>24 June 1957</i>
<i>Passed:</i>	<i>9 July 1957</i>
<i>Commenced:</i>	<i>9 July 1957</i>

AN ACT to provide for the suppression of injurious weeds.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

1 [Repealed]¹

2 Notice to cut down or destroy weeds

If the Department is satisfied that there are injurious weeds growing upon any land, it may at any time serve upon the occupier of the land a notice in writing requiring the occupier to cut down or destroy the weeds within the time specified in the notice.²

3 Penalty and remedies relating to failure to comply with notice

If a person unreasonably fails to comply with the requirements of a notice under section 2, he or she is guilty of an offence and liable on summary conviction in respect of each offence to a fine not exceeding £500 and, for continued contravention and upon a subsequent summary conviction of the offence, to a further fine not exceeding £5 for every day on which the contravention is continued (instead of being liable to a fine not exceeding £500):

Provided that the Department shall be entitled to execute any work specified in the notice and to recover summarily as a civil debt from the person in default the reasonable cost of executing such work in a proper manner, and the right of instituting any proceedings for any offence shall not be prejudiced by the fact that the Department has executed the work specified in the notice.³

4 Notice to neighbouring owner of intention to use weedkiller spray

(1) When any occupier of any agricultural land intends to destroy injurious weeds on such land by spraying such weeds with weedkiller, such

occupier shall, before doing so, give at least forty-eight hours previous notice of such intention to the occupier of pasture land in the immediate vicinity.

- (2) If any person fails to comply with the provisions of subsection (1) of this section he shall be liable on summary conviction to a fine not exceeding £1,000.

5 Right of re-entry and penalty for obstruction

- (1) Any officer of the police or any officer of the Department authorised in that behalf by the Department may, for the purpose of carrying this Act into effect, and in the case of an officer of the Department on the production, if so required, of his authority, enter on and inspect at a reasonable hour any land.⁴
- (1A) Reasonable notice of an inspection under subsection (1) must be served upon the occupier.⁵
- (2) If any person prevents or obstructs the entry for the purpose of this Act upon any land of any person authorised under this Act, he shall be liable on summary conviction to a fine not exceeding £500.

6 Proceedings⁶

Proceedings for an offence under this Act may be instituted by the Department or by the Chief Constable or any officer of police.⁷

7 Service of notices

Any notice required or authorised to be served under this Act may be served either —

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it addressed to such person at his usual or last known place of abode; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office; or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of the occupier of the land on whom it should be served, by addressing it to him by the description of 'occupier' of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the



premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

7A Code of practice: ragwort

- (1) The Department may make a code of practice for the purpose of providing guidance on how to prevent the spread of ragwort (*Senecio jacobaea L.*).
- (2) Before making the code the Department must consult such persons as it considers appropriate.
- (3) The Department must lay a copy of the code before Tynwald.
- (4) The Department may revise the code; and subsections (2) and (3) apply to the revised code.
- (5) The code is admissible in evidence.
- (6) If the code appears to a court to be relevant to any question arising in proceedings it is to be taken into account in determining that question.⁸

7B Power to amend the definition of “injurious weeds”

- (1) The Department may by order amend the definition of “injurious weeds” to include additional weeds.
- (2) An order under subsection (1) must be laid before Tynwald as soon as practicable after it is made, and if Tynwald at the sitting at which the order is laid or at the next following sitting resolves that it is to be annulled, it ceases to have effect.⁹

8 Expenses

Subject to the proviso contained in section three of this Act, any expenses incurred by the Department under this Act shall be defrayed out of moneys provided by Tynwald.¹⁰

9 Interpretation

In this Act —

“**Department**” means the Department of Environment, Food and Agriculture.¹¹

“**injurious weeds**” means —

Spear Thistle (*Cirsium vulgare*)

Creeping or Field Thistle (*Cirsium arvense*)

Curled Dock (*Rumex crispus L.*)

Broad-leaved Dock (*Rumex obtusifolius L.*)

Ragwort (Cushag) (*Senecio jacobaea L.*)

Wild oats (*Avena fatua* L. and *Avena ludoviciana duriev*).¹²

“**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.

10 [Repealed]¹³

11 Short title

This Act may be cited as the Weeds Act, 1957.

12 Commencement

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

-
- ¹ S 1 repealed by Weeds (Amendment) Act 2013 s 4.
- ² S 2 substituted by Weeds (Amendment) Act 2013 s 5.
- ³ S 3 amended by GC121/86 and by Weeds (Amendment) Act 2013 s 6.
- ⁴ Subs (1) amended by GC121/86 and by Weeds (Amendment) Act 2013 s 7.
- ⁵ Subs (1A) inserted by Weeds (Amendment) Act 2013 s 7.
- ⁶ Marginal note substituted by Weeds (Amendment) Act 2013 s 8.
- ⁷ S 6 amended by GC121/86.
- ⁸ S 7A inserted by Weeds (Amendment) Act 2013 s 9.
- ⁹ S 7B inserted by Weeds (Amendment) Act 2013 s 9.
- ¹⁰ S 8 amended by GC121/86.
- ¹¹ Definition of 'Department' inserted by Weeds (Amendment) Act 2013 s 10.
- ¹² Definition of 'injurious weeds' substituted by Weeds (Amendment) Act 2013 s 10.
- ¹³ S 10 repealed by Statute Law Revision Act 1983 Sch 2.