



Isle of Man

Ellan Vannin

AT 9 of 2013

WEEDS (AMENDMENT) ACT 2013



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**Isle of Man***Ellan Vannin***WEEDS (AMENDMENT) ACT 2013**

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AN ACT to amend the Weeds Act 1957.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1 Short title

The short title of this Act is the Weeds (Amendment) Act 2013.

2 Expiry

- (1) This Act expires on the day after its promulgation.
- (2) The expiry does not —
 - (a) revive the Weeds Act 1957 as it operated before the amendment commenced;
 - (b) revive anything not in operation or existing when the amendment took effect; or
 - (c) affect the continuing operation of the amendment.

3 Amendment of the Weeds Act 1957

The Weeds Act 1957 is amended in accordance with sections 4 to 10.

4 Section 1 repealed – penalty for permitting weeds to grow

Section 1 is repealed.

5 Section 2 substituted – notice to cut down or destroy weeds

For section 2 substitute —

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.

6 Section 3 amended – penalty and remedies relating to failure to comply with notice

In section 3 for the words from “Where a notice” up to “default continues after conviction:” substitute –

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):

7 Section 5 amended – right of re-entry and penalty for obstruction

(1) Section 5 is amended as follows.

(2) In subsection (1) –

- (a) after “enter on and inspect” insert “at a reasonable hour”; and
- (b) omit the final sentence.

(3) After subsection (1) insert –

(1A) Reasonable notice of an inspection under subsection (1) must be served upon the occupier.

8 Marginal note to section 6 substituted – proceedings

For the marginal note to section 6 substitute “Proceedings”.

9 Insertion of new sections 7A and 7B

After section 7 (service of notices) insert –

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 (cushag) (*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.

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. ²².

10 Amendment of section 9 – interpretation

- (1) In section 9 –
 - (a) before the definition of “injurious weeds” insert –
 - ²³ “**Department**” means the Department of Environment, Food and Agriculture. ²²; and
 - (b) for the definition of “injurious weeds” substitute –
 - ²³ “**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 durievi*). ²².
- (2) Consequent on subsection (1)(b), the following orders are revoked –
 - (a) the Weeds (Extension of Definition) Order 1984¹; and
 - (b) the Weeds (Extension of Definition) Order 1993².

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¹ GC 125/84

² SD 493/93