



# Weeds Act 1959

1959 CHAPTER 54 7 and 8 Eliz 2

## 1 Power to require occupier to prevent spreading of injurious weeds.

- (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.

### [<sup>F1</sup>1A Code of practice: ragwort

- (1) The Minister 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 Minister must consult such persons as he considers appropriate.
- (3) The Minister must lay a copy of the code before Parliament.
- (4) The Minister may revise the code; and subsections (2) and (3) apply to the revised code.
- (5) The code is to be 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.]

*Status: Point in time view as at 20/02/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Weeds Act 1959. (See end of Document for details)*

#### Textual Amendments

**F1** S. 1A inserted (E.W.) (20.2.2004) by [Ragwort Control Act 2003 \(c. 40\)](#), **ss. 1, 3(2)**

## 2 Penalty for failure to comply with requirement.

- (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 [<sup>F2</sup>level 3 on the standard scale] or, in the case of a second or subsequent offence, to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale.]
- (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.

#### Textual Amendments

**F2** Words substituted (S) by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G**

#### Modifications etc. (not altering text)

**C1** S. 2(1): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

## 3 Default powers of Minister.

- (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 <sup>M1</sup>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 . . . <sup>F3</sup>; and the Minister shall, for the purpose of enforcing the charge, have the same powers and remedies under the <sup>M2</sup>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.

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- (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.

#### Textual Amendments

**F3** Words repealed (with savings) by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\)](#), s. 19, [Sch. 2](#)

#### Marginal Citations

**M1** [1934 c. 53](#).

**M2** [1925 c. 20](#).

## 4 Powers of entry.

- (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 [<sup>F4</sup>level 3 on the standard scale].

#### Textual Amendments

**F4** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. 289F, 289G

## 5 Exercise of Minister's powers by local authority.

The Minister may authorise the council of any county [<sup>F5</sup>, county borough][<sup>F6</sup>or metropolitan district] . . . <sup>F7</sup> 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 [<sup>F5</sup>, county borough][<sup>F6</sup>or metropolitan district] . . . <sup>F7</sup> in question as if the reference therein to a person authorised by the Minister included a reference to a person authorised by the council.

#### Textual Amendments

**F5** Words in s. 5 inserted (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 15](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#).

**F6** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 21](#)

**F7** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), ss. 272(1), 273(1), [Sch. 30](#)

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## 6 Service of notices.

- (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.
- (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 <sup>M3</sup>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.

### Marginal Citations

M3 1889 c. 63.

## 7 Regulations under s. 1.

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

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.

## 9 Application to Scotland.

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

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- (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.

## 10 Repeal and savings.

- (1) ..... <sup>F8</sup>
- (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 <sup>M4</sup>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 <sup>M5</sup>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 <sup>M6</sup>Interpretation Act, 1889, with regard to the effect of repeals.

### Textual Amendments

**F8** S. 10(1) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), s. 1, Sch. Pt. XI](#)

### Marginal Citations

**M4** 1921 c. 48.  
**M5** 1958 c. 71.  
**M6** 1889 c. 63.

## 11 Short title, interpretation and extent.

- (1) This Act may be cited as the Weeds Act, 1959.
- (2) In this Act—  
“occupier” means in the case of any public road [<sup>F9</sup>the authority by whom the road is being maintained][<sup>F9</sup>the roads authority (“public road” and “roads authority” having the same meanings as in the Roads (Scotland) Act 1984)] 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 [<sup>F10</sup>];  
[<sup>F10</sup>Provided that this Act does not apply as regards a road for which the roads authority is the Secretary of State].
- (3) This Act shall not extend to Northern Ireland.

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#### **Textual Amendments**

- F9** Words beginning “the roads ...” substituted (S.) for words beginning “the authority ...” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), ss. 128(1), 156(1), [Sch. 9 para. 52](#)
- F10** Proviso added (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), ss. 128(1), 156(1), [Sch. 9 para. 52\(b\)](#)

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