

Enforcing the Weeds Act 1959

Weeds Helpline telephone number

Reading: 0300 060 1112

E-mail: iss.reading@naturalengland.org.uk



1. The Weeds Act 1959 (the Act) allows the Secretary of State for Environment, Food and Rural Affairs to take statutory action to control the spread of the following five injurious (harmful) weeds:
 - Common Ragwort (*Senecio jacobaea*)
 - Spear Thistle (*Cirsium vulgare*)
 - Creeping or Field Thistle (*Cirsium arvense*)
 - Curled Dock (*Rumex crispus*)
 - Broad Leaved Dock (*Rumex obtusifolius*)

The Act does not make it illegal to allow the five weeds to grow and responsibility for weed control rests primarily with the occupier of the land on which the weeds are growing.

2. Under the Act, the Secretary of State may serve a notice on an occupier of any land on which the injurious weeds are growing, requiring the occupier to take action to prevent the weeds from spreading. The Act permits authorised officials to enter land to inspect whether an enforcement notice has been complied with. If an occupier has unreasonably failed to comply with the notice, he or she shall be guilty of an offence and, on conviction, liable to a fine. The Act also contains powers, which enable the Secretary of State to take action to arrange for the weeds to be cleared and recover the cost of doing so, if necessary through the Courts. The Secretary of State has devolved these powers to Natural England.

Defra Policy under the Weeds Act

3. The enforcement powers under the Weeds Act 1959 are permissive and there is no legal obligation for Defra to take action. Defra does not have the resources to investigate every weeds complaint it receives. It is therefore necessary to prioritise complaints. A high priority will be given to complaints where:
 - weeds are threatening land used for:
 - keeping or grazing horses and other livestock, or
 - farmland used to produce conserved forage; or
 - other agricultural activities; and
 - the complainant has made reasonable efforts to contact the landowner or occupier where the weeds are growing.
4. No action will be taken in respect of incomplete complaint forms. These will be returned to the complainant for correction. All complaints will be acknowledged but, complaints not assigned a high priority will only be followed up where resources permit.
5. We are not able to follow up complaints about weeds not covered by the Weeds Act, i.e. Japanese Knotweed, Giant Hogweed and Himalayan Balsam. Please note it is an offence under section 14(2) of the Wildlife and Countryside Act 1981 to “plant or otherwise cause to grow in the wild” any plant listed in Schedule 9, Part II to the Act which includes Japanese Knotweed. It is not an offence to simply have it growing in your garden or on your land and there is no specific legal requirement to control it if it is (unless doing so forms part of a legally binding contract or agreement with another party).

A pack containing further information on related legislation and advice on treatment for Japanese Knotweed, Giant Hogweed and Himalayan Balsam is available from Natural England using the contact details provided on Page 4 of the WEED2 Complaint Form.

6. Where Defra takes enforcement action as a result of a complaint the complainant will be expected to keep Defra informed of progress. Further action will only be taken at each stage in the enforcement process where the complainant informs us that the required action has not been taken. Where we hear nothing further from the complainant the complaint will be closed and no further action will be taken.

Disclosure of information

7. When Defra follows up a complaint we will not routinely disclose the identity of the complainant to the occupier of the land concerned. However all complainants should be aware that in some circumstances Defra may be legally obliged to disclose the complainant's name to the occupier of the land concerned. As a result anonymity cannot be guaranteed.

Contacting the occupier

8. All complainants will be expected to make a reasonable effort to bring their concerns to the attention of the owner / occupier of the land or the competent authority before lodging a complaint with Defra. Details of the appropriate competent authority are as follows:

TYPE OF LAND

- **Railway land and embankments**

Contact

Network Rail: 08457 11 41 41
40 Melton Street
London NW1 2EE

- **Motorways and trunk roads**

Contact

Highways Agency: 08457 50 40 30
123 Buckingham Palace Road
London SW1W 9HA

- **All other roads**

Contact

Local Highways Authority:
See local telephone directory or local authority website.

WARNING

On no account should a member of the public attempt to enter railway land or verges alongside motorways to verify the presence of weeds or to remove them. You must also have the owner's permission to enter other land. You are also advised to wear protective clothing whenever injurious weeds are handled.