

**DEPARTMENT FOR ENVIRONMENT FOOD AND RURAL AFFAIRS  
(DEFRA)**

**THE WEEDS ACT 1959**

**PREVENTING THE SPREAD OF HARMFUL WEEDS**

**Introduction**

1. A number of weeds can be harmful to agricultural production, or may be harmful if eaten by animals. This note provides guidance on the steps you can take to control the growth of such weeds and to help prevent their spread. It also explains the role Defra and others play in relation to the control of those weeds covered by the provisions of the Weeds Act 1959.

**Which weeds are covered by the Weeds Act?**

2. There are five injurious weeds covered by the provisions of the Weeds Act. These are:

- Spear thistle (*Cirsium vulgare*)
- Creeping or field thistle (*Cirsium arvense*)
- Curled dock (*Rumex crispus*)
- Broad leaved dock (*Rumex obtusifolius*)
- Common ragwort (*Senecio jacobaea*)

**How can I identify these weeds?**

3. Defra has published a colour leaflet (Ref PB 4192) to help with the identification of the weeds covered by the Weeds Act. This is available from Defra Publications (address at paragraph 25). A copy is also available on the Defra website ([www.defra.gov.uk](http://www.defra.gov.uk)).

### **What about weeds not covered by the Weeds Act?**

4. Under section 14 of the Wildlife and Countryside Act 1981, it can be an offence to plant or grow certain specified plants in the wild (see Schedule 9 of the Wildlife and Countryside Act 1981), including Giant Hogweed and Japanese Knotweed. Problems involving these plants can be referred to the local authority for the area where those weeds are growing as some local authorities have by-laws controlling these plants. There is no statutory requirement for landowners to remove these plants from their property. Further information about non-native weeds species can be obtained from Defra's European Wildlife Division at Bristol (Tel: 0117 372 6154)

### **Who is responsible for controlling harmful weeds?**

5. Primary responsibility for weeds control rests with the occupier of the land on which the weeds are growing. However, under the Weeds Act 1959, DEFRA can take action where there is a risk of the five specified weeds spreading from neighbouring land.

### **What powers are available to Defra under the Weeds Act?**

6. The Act does not make it illegal to have the 5 specified weeds growing on individual plots of land. It is primarily concerned with the control of injurious weeds and preventing the seeds spreading to adjacent land.

7. Under the Act, the Secretary of State may serve a notice on an occupier of land on which one of the five specified weeds is growing. This notice requires the occupier to take action to prevent the weeds from spreading. The Act permits Defra officials to enter land to inspect whether an enforcement notice has been complied with. If an occupier unreasonably fails to comply with the notice he or she may be found 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

for the cost of doing so to be recovered from the occupier of the land. Action can be taken through the Courts to recover these sums where appropriate.

**What should you do if you are concerned about the spread of harmful weeds?**

8. As a first step you should contact the owner/occupier of the land on which the weeds are growing and ask them to take steps to prevent the weeds from spreading. In the vast majority of cases the owner/occupier of the land will normally react positively to such an approach.

**Who should you contact if the weeds are growing on roadside verges or railway land?**

9. If the weed is growing on roadside verges or railway land, the appropriate highway authority or Network Rail should be contacted. In the case of motorways and trunk roads, the Highways Agency is responsible for their maintenance. All other roads are the responsibility of the local highways authority. Network Rail is responsible for the maintenance of railway land. Control of weeds growing by the side of private roads is the responsibility of whoever owns them.

10. Details of how to contact the appropriate highway authority and Network Rail are as follows:

**Railway Land and Embankments**

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

**Motorways and Trunk Roads**

**Highways Agency  
Romney House  
43 Marsham Street  
London  
SW1P 3HW**

**All other roads**

**Local Highways Authority**  
See local telephone directory  
or local authority website

**What happens if the approach to the owner/occupier of the land on which the weeds are growing, or the appropriate highway body or Network Rail, fails to resolve the problem?**

11. If you have contacted the owner or occupier of the land, including the appropriate highway authority or Network Rail, and this initial approach has failed to resolve the problem, you should contact Defra at either its Bristol or Crewe Rural Development Service office, according to the location of the infestation. You can contact Defra either by telephone, e-mail or by letter. The details for the Bristol and Crewe offices are given in the table overleaf.

<p><b>Bristol Rural Development Service Office</b>  <b>Defra</b>  <b>Block 3</b>  <b>Government Buildings</b>  <b>Burghill Road</b>  <b>Westbury-on-Trym</b>  <b>Bristol BS10 6NJ</b>  <b>Tel: 0117 959 8622</b></p> <p><b>E-mail:</b>  <a href="mailto:enquiries.southwest@defra.gsi.gov.uk">enquiries.southwest@defra.gsi.gov.uk</a></p>	<p>Avon, Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Cornwall, Devon, Dorset, East Sussex, Essex, Gloucestershire, Hampshire, Hereford &amp; Worcester, Hertfordshire, Isle of Wight, Isles of Scilly, Kent, London Boroughs, Norfolk, Oxfordshire, Shropshire, Somerset, Staffordshire, Suffolk, Surrey, Warwickshire, West Midlands, West Sussex, Wiltshire.</p>
<p><b>Crewe Rural Development Service Office</b>  <b>Defra</b>  <b>Electra Way</b>  <b>Crewe</b>  <b>Cheshire CW1 6GJ</b>  <b>Tel: 01270 754262</b></p> <p><b>E-mail:</b>  <a href="mailto:weedshelpdesk.crewe@defra.gsi.gov.uk">weedshelpdesk.crewe@defra.gsi.gov.uk</a></p>	<p>Cheshire, Cleveland, Cumbria, Derbyshire, Durham, Greater Manchester, Humberside, Lancashire, Leicestershire, Lincolnshire, Merseyside, North Yorkshire, Northamptonshire, Northumberland, Nottinghamshire, South Yorkshire, Tyne and Wear, West Yorkshire.</p>

### What will Defra do then?

12. Defra will send you a complaint form and accompanying guidance note. You should read the guidance note carefully, before completing and returning the form. Upon receipt of the completed form, Defra will prioritise complaints.

13. 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.

**What action will Defra take if the complaint falls into the high priority category?**

14. Defra will try to investigate all complaints which fall into the high priority category. Initially, Defra will write to the occupier of the land asking them to take action to remove the weeds. Our experience has shown that most landowners and occupiers respond positively to a written request to clear weeds. The complainant will be sent a copy of this letter and will be asked to advise Defra whether or not this written approach has resolved the problem. Where, the complainant informs Defra that the weeds have not been removed, an inspector from the Rural Payments Agency will make arrangements to visit the site of the infested land. The officer will have the authority to issue an on-the-spot enforcement notice requiring the occupier of the land to take action to clear the weeds.

15. If an enforcement notice is issued, the complainant will be informed and will be asked to advise Defra whether the occupier of the infested land has taken the necessary steps to comply with the enforcement notice. Where Defra is advised that such action has not been taken, a further site inspection will be carried out by the a technical officer from the Rural Development Service. The officer, will, if necessary, serve an on-the-spot notice on the occupier of the land giving notice of Defra's intention to make arrangements for a contractor to clear the weeds.

**What action will Defra take if the complaint is not given a high priority?**

16. Defra does not have the resources to investigate all the complaints it receives about injurious weeds. That is why we have had to categorise complaints into high and low priority. Complaints which are not given a high priority will only be followed up where resources permit.

### **Will Defra investigate the spread of weeds to allotments and private gardens?**

17. Complaints about the spread of injurious weeds to allotments and private gardens would not be given a high priority and would not normally be investigated by Defra. In this situation the best way forward is for the complainant to discuss the problem with the occupier of the owner of the infested land. It may be possible for both parties to work together to achieve a satisfactory outcome. **Ultimately, however, if this is not possible, an occupier of land affected by the spread of weeds may need to consider the possibility of taking civil action through the courts.**

### **What methods should be used to control the growth of harmful weeds?**

18. Defra has prepared a leaflet “The Weeds Act 1959 – *Guidance note on the methods that can be used to control harmful weeds*”, which provides technical advice on weed control mechanisms, . This leaflet (reference PB 7190) is available from the Bristol and Crewe offices of Defra’s Rural Development Service (see paragraph 11 above) and on the Defra website ([www.defra.gov.uk](http://www.defra.gov.uk)).

### **Do special rules apply to Set-aside land?**

19. Special rules apply to weed control and the use of herbicides on land which has been set aside under the Arable Area Payments Scheme. Set-aside land must be properly managed and is not exempt from the provisions of the Weeds Act.

### **What about Environmentally Sensitive Areas (ESAs)/Countryside Stewardship Schemes (CSSs)?**

20. Instructions on the control of weeds on land covered by an ESA or CSS agreement are included in the terms of individual agreements. Although individual agreements may limit the options for control, it should not rule out control. Guidance is available from the Defra Rural Development Service. (Appendix I)

### **What about Nature Reserves and Sites of Special Scientific Interest (SSSI)?**

21. Management of plant life is crucial to the ecology of a National Nature Reserve, and in SSSIs it is likely that weed control will be an operation that English Nature will have notified as potentially damaging. In the case of injurious weeds growing on National Nature Reserves or SSSIs, Defra will advise that, before taking any action, the occupier/owner of the infested land should seek advice from English Nature on the most suitable method of weed control. If necessary, appropriate action will be determined in consultation between Defra and English Nature. Where an enforcement notice is issued this will pay due regard to the advice given by English Nature.

### **What about land which is farmed organically?**

22. Where land is farmed organically there will be restrictions on the methods of weed control that can be used. Advice on suitable methods of control can be obtained from the organisations listed at Appendix II.

### **What about Ministry of Defence land?**

23. Defence Estates (an Executive Agency of the Ministry of Defence), administer the defence estate and ensure that appropriate standards of weed control are maintained on defence land under its control. Where injurious weeds are present on defence land which is being used for private purposes, the occupier may be subject to action taken under the Weeds Act.

## **What happens in respect of Common land?**

24. Any action under the Weeds Act in respect of common land will be taken against the person entitled to the occupation of the land (normally the landowner) and **not** the common right holders. Where there is no person entitled to the occupation of the land, Defra will contact the local authority, although that local authority may only be obliged to take weeds control action where it is the registered owner of the land.

## **Where can I obtain copies of Defra publications?**

25. Copies of all numbered Defra publications can be obtained from:

Defra Publications  
Admail 6000  
London  
SW1A 2XX  
Tel: 08459 556 000

At present, this leaflet is not a numbered publication and can only be obtained on the Defra website.

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**APPENDIX I**  
**DEFRA RURAL DEVELOPMENT SERVICE OFFICES**

<p><b><u>South West</u></b>  Defra  Rural Development Service  Block 3  Government Buildings  Burghill Road  Westbury on Trym  Bristol  BS10 6NJ  Tel: (0117) 959 1000</p>	<p>Avon, Cornwall , Devon, Dorset,  Gloucestershire, Somerset, The Scilly  Isles and Wiltshire</p>
<p><b><u>South East</u></b>  Defra  Rural Development Service  Government Buildings  Coley Park  Reading  RG1 6DT  Tel: 0118 939 2207</p>	<p>Berkshire, Buckinghamshire, East  Sussex, Hampshire, Isle of Wight,  Greater London, Kent, Oxfordshire,  Surrey, West Sussex</p>
<p><b><u>East of England</u></b>  Defra  Rural Development Service  Eastbrook  Shaftesbury Road  Cambridge  CB2 2DR  Tel: 01223-533401</p>	<p>Bedfordshire, Cambridgeshire, Essex,  Hertfordshire, Norfolk, Suffolk</p>
<p><b><u>East Midlands</u></b>  Defra  Rural Development Service  Block 7  Chalfont Drive  Nottingham  NG8 3SN  Tel: 0115 929 1191</p>	<p>Derbyshire, Leicestershire,  Lincolnshire, Northamptonshire,  Nottinghamshire, Rutland.</p>

<p><b><u>North East</u></b>  Defra  Rural Development Service  Quadrant  Newburn Riverside  Newcastle-upon-Tyne  NE15 8N2  Tel: 0191 229 5500</p>	<p>Cleveland, Durham, Northumberland,  Tyne and Wear</p>
<p><b><u>Yorkshire and Humberside</u></b>  Defra  Rural Development Service  Government Buildings  Otley Road  Lawnswood  Leeds  LS16 5QT  Tel: 0113-230-3900</p>	<p>North Yorkshire, South Yorkshire,  West Yorkshire, former county of  Humberside</p>
<p><b><u>West Midlands</u></b>  Defra  Rural Development Service  Block B  Government Buildings  Whittington Road  Worcester  WR5 2LQ  Tel: 01905-763355</p>	<p>Herefordshire, Staffordshire,  Shropshire, Warwickshire,  Worcestershire, and West Midlands.</p>

## **APPENDIX II**

### **ADAS**

*Provide chargeable consultancy advice*

ADAS, Woodthorne, Wolverhampton WV6 8TQ

Tel: 0845 7660085

<http://www.adas.co.uk>

### **AICC (Association of Independent Crop Consultants)**

*Provide chargeable consultancy advice*

AICC, Agriculture House, Station Road, Liss, Hampshire GU33 7AR

Tel: 01730 895354

<http://www.aicc.org.uk>

### **ALVAN BLANCH**

*Supplier of the 'Eco-Puller' mechanical ragwort lifter*

Chelworth, Malmesbury, Wiltshire SN16 9SG

Tel: 01666 577333

<http://www.alvanblanch.co.uk>

### **AQUATIC WEEDS RESEARCH UNIT**

*Control of injurious weeds in or near water*

The Centre for Aquatic Plant Management, Broadmoor Lane, Sonning-on-Thames, Berkshire RG4 6TH

Tel: 0118 969 0072

<http://www.capm.org.uk>

### **BARRIER ANIMAL HEALTHCARE**

*Supplier of Citronella Oil derived product*

36/37 Haverscroft Industrial Estate, New Road, Attleborough, Norfolk NR17 1YE

Tel: 01953 456363

<http://www.barrier-biotech.com>

### **BASIS Registration Ltd**

*Runs the accreditation scheme for advisors of pesticide use*

BASIS, 34 St John Street, Ashbourne, Derbyshire DE6 1GH

Tel: 01335 346488

<http://www.basis-reg.co.uk>

## **BRITISH HORSE SOCIETY**

*National organisation for horse owners and riders*

Stoneleigh Deer Park, Kenilworth, Warwickshire CV8 2XZ

Tel: 08701 208880 Fax: 01926 707746

<http://www.bhs.org.uk>

## **BRITISH INSTITUTE OF AGRICULTURAL CONSULTANTS (BIAC)**

*Provide chargeable consultancy advice*

The Estate Office, Torry Hill, Milstead, Sittingbourne, Kent ME9 0SP

Tel: 01795 830100

<http://www.biac.co.uk>

## **CROP PROTECTION ASSOCIATION**

*Member companies can supply technical literature*

Crop Protection Association, 4 Lincoln Court, Lincoln Road, Peterborough

PE1 2RP

Tel: 01733 349225

<http://www.bcpc.org>

## **ENGLISH NATURE**

*Advice on Wildlife Sites only*

Northminster House, Peterborough PE1 1UA

Tel: 01733 455101

<http://www.english-nature.org.uk>

## **FARMING AND WILDLIFE ADVISORY GROUP (FWAG)**

*Advice on farming and conservation*

National Agricultural Centre, Stoneleigh, Kenilworth, Warwickshire CV8 2RX

Tel: 024 7669 6699

<http://www.fwag.org.uk>

## **THE HENRY DOUBLEDAY RESEARCH ASSOCIATION**

*Organic gardening, including weed control*

HDRA Advisory Department, National Centre for Organic Gardening, Ryton-on-Dunsmore, Coventry CV8 3LG

Tel: 024 76303157

<http://www.hdra.org.uk>

## **LAZY DOG TOOL LTD**

*Supplier of ragwort lifting tools and weeding brigades*

Hill Top Farm, Spaunton, Appleton-le-Moors North Yorkshire YO62 6TR

Tel: 01751 417351

<http://www.lazydogtoolco.co.uk>

### **MACHINERY RINGS ASSOCIATION**

*Co-operative supply of machinery and labour*

Wood Street Farm Cottage, Catfield, Great Yarmouth, Norfolk NR29 5DF

Tel: 01629 582276

<http://www.machineryrings.org.uk>

### **NATIONAL ASSOCIATION OF AGRICULTURAL CONTRACTORS**

*Member companies can provide contracting services in agriculture amenity and industrial land based areas*

National Association of Agricultural Contractors, Samuelson House, Paxton Road, Orton Centre, Peterborough PE2 5LT

Tel: 01733 362920

<http://www.naac.co.uk>

### **ORGANIC ADVISORY SERVICE**

*Organic farming including horticulture and weed control*

Elm Farm Research Centre, Organic Advisory Service, Hamstead Marshall, Newbury, Berkshire RG20 0HR

Tel: 01488 657600

<http://www.efrc.com>

### **RAG-FORK**

*Suppliers of ragwort lifting tools*

110 Sunderland Street, Tickhill, Doncaster DN11 9ER

Tel: 01302 743146

<http://www.rag-fork.co.uk>

**RAGWORT-UK LTD**

*Cinnabar biological control agents*

Ragwort-UK Ltd, 74 Roman Bank, Long Sutton, Lincolnshire PE12 9LB

Tel: 01406 365180

<http://www.ragwort-uk.com>

**SCOTTISH AGRICULTURAL COLLEGE**

*Provide chargeable consultancy advice*

Kings Buildings, West Mains Road, Edinburgh EH9 3JG

Tel: 0131 535 4000

<http://www.sac.ac.uk>

**UNITED KINGDOM AGRICULTURAL SUPPLY TRADE ASSOCIATION**

*Member companies supply and distribute agrochemicals*

UKASTA Ltd, 3 Whitehall Court, London SW1 2EQ

Tel: 020 7930 3611

<http://www.ukasta.co.uk>

**The presence of any organisation on this list does not imply that Defra endorses the advice, guidance, information, products or services provided by those organisations.**