

CHAPTER 325 - Suppression of Noxious Weeds Act

An Act of Parliament to provide for the suppression of noxious weeds

Short title

1. This Act may be cited as the Suppression of Noxious Weeds Act.

Interpretation

2. In this Act, except where the context otherwise requires—

"clear", in relation to plants, means dig up or pull up and burn, or employ other means of destruction authorized by the Director;

"declared area" means an area in respect of which a plant has been declared, under section 3, to be a noxious weed;

"Director" means the Director of Agriculture;

"inspector" means a person authorized in writing by the Director to perform the duties of an inspector under this Act in an area specified by the Director and a person appointed by or under by-laws made under section 10 in respect of the area of jurisdiction of the local authority which made the by-laws;

"person responsible", in relation to land, means—

(a) the occupier of land, or, in the case of unoccupied land, the registered owner thereof;

(b) in the case of a mining location, the holder of that location;

(c) in the case of Government lands over which grazing or other rights have been granted the holder of those rights;

(d) in the case of land under the control of, or vested in, a local authority, the local authority concerned.

Power to declare plant a noxious weed G.N.1721/1955, L.N.173/1960.

3. The Minister may by notice in the Gazette declare a plant to be a noxious weed in any area, which shall be specified in the notice, and which may consist either of the whole of Kenya or of one or more districts or portions thereof.

Duty of persons to report

4.(1) Every person responsible for land within a declared Duty of area shall—

(a) report forthwith to an inspector, to a District Commissioner or to the Director the presence of any noxious weed thereon; and

(b) clear the noxious weed, or cause it to be cleared; from that land.

(2) A person who fails to comply with the provisions of this section shall be guilty of an offence.

Power of inspector to enter land

5.(1) An inspector may at all reasonable times enter upon land situated in an area in respect of which he is authorized to be an inspector for the purpose of ascertaining whether any noxious weed or other weed exists thereon.

(2) A person who obstructs or attempts to obstruct or hinder an inspector in the exercise of his duties under this Act shall be guilty of an offence.

Power of inspector to order persons to clear land

6.(1) If an inspector finds upon land within a declared area any plant which has been declared under section 3 to be a noxious weed, he may, by notice in writing to the person responsible for the land, require that person to clear the land of the noxious weed within a time to be specified in the notice.

(2) The notice shall state the particular noxious weed which has been found upon the land, and, as far as practicable, the portion or portions of the land on which the noxious weed has been found.

(3) A person who fails to comply with the provisions of a notice within the time specified therein shall be guilty of an offence.

Power of inspectors to eradicate noxious weeds

.(1) If the person responsible fails to clear the land within the time specified in a notice under section 6, an inspector may, upon receiving a written authority from the noxious weed Director, enter, with or without assistance, upon the land and eradicate or cause to be eradicated any noxious weed found thereon.

(2) Any expenses incurred in eradication shall be a civil debt recoverable summarily from the person responsible at the suit of the Director.

(3) Nothing in this section shall relieve the person responsible of any penalty incurred under this Act in consequence of his failure to comply with the provisions of a notice under section 6.

Manner in which notice may be served

8.A notice under this Act shall be in writing and may be served—

(a) personally upon the person responsible; or

(b) by leaving it addressed to the person responsible at his usual or last known place of abode; or

(c) by registered post.

Penalties

9.A person who is guilty of an offence under this Act shall be liable to a fine not exceeding one thousand shillings, or to imprisonment for a period not exceeding six months, or to both, and in case of a continuing offence to a fine not exceeding forty shillings for each day during which the offence continues.

Powers of local authorities.
L.N.256/1963Cap. 265.

10. (1) Subject to this Act, a local authority may, with the consent of the Director, make by-laws for securing the eradication of any noxious weed from land within its area and for compelling owners or occupiers of land to cause any such weed to be eradicated from their land, and for such purposes by-laws may appoint or provide for the appointment of inspectors.

(2) The procedure for the making, approval and publication of by-laws made under this section shall be that prescribed by the Local Government Act and for the purposes of the enforcement thereof and the disposal of fines imposed for contravention thereof those by-laws shall be deemed to be by-laws made by the same local authority under that Act.