

NOXIOUS WEEDS RULES – SECTION 5

(Legal Notices 7 of 1974 and 26 of 2009)

Short title

1. These rules may be cited as the Noxious Weeds Rules.

Interpretation

2. In these rules, except where the context otherwise requires—
“clear” in relation to plants, means to dig up or pull up and burn, or employ other means of destruction authorised by the Committee;
“Committee”¹⁸ ...
“declared area” means the Island of St. Helena or any area thereof in respect of which a plant has been declared under rule 3 of these rules to be a noxious weed;
“inspector” means any person authorised in writing by the Committee to perform the duties of an inspector under these rules in an area specified by the Committee;
“noxious weed” means any plant which the Governor in Council may from time to time declare by public notice to be a noxious weed either throughout the Island of St. Helena or in any area thereof;
“person responsible” in relation to land, means the occupier of land, or, in the case of unoccupied land, the registered owner thereof or his agent in St. Helena.

Declaration that plant a noxious weed

3. The Governor in Council may by public notice—
 - (a) declare any plant to be a noxious weed in the Island of St. Helena or any area thereof which shall be specified in such notice; or
 - (b) vary or revoke such notice.

Report and clearance of noxious weeds

4. (1) It shall be the duty of every person responsible for any land within a declared area—
 - (a) to report to an inspector, to the Chief Agricultural and Natural Resources Officer¹⁹ or the Committee the presence of any noxious weed thereon; and
 - (b) to clear such noxious weed, or cause such noxious weed to be cleared, from such land.(2) Any person who fails to comply with the provisions of this rule shall be guilty of an offence.

Power of entry

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

¹⁸ Definition of “Committee” revoked by L.N. 26 of 2009

¹⁹ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

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

Notice to clear noxious weeds

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

(2) Such notice shall state the particular noxious weed which has been found upon the land on which such noxious weed has been found.

(3) Any person who fails to comply with the provisions of any such notice within the time specified in the notice shall be guilty of an offence.

Power to enter and eradicate noxious weeds

7. (1) If the person responsible fails to clear the land within the time specified in a notice under rule 6 of these rules, an inspector may, upon receiving a written notice from the Committee, 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 such eradication shall be a civil debt recoverable summarily from the person responsible at the suit of the Committee:

Provided that nothing in this rules shall relieve the person responsible of any penalty incurred under these rules in consequence of his failure to comply with the provisions of a notice under rule 6 of these rules.

Notices

8. Any notice under rule 6 of these rules shall be in writing and may be served—

- (a) personally upon the person responsible; or
- (b) by having it addressed to the person responsible at his usual or last known place of abode; or
- (c) by registered post.

Importation, propagation, sale, etc

9. Except with the written consent of the Committee, no person shall import into St. Helena any noxious weed or any part or seed thereof or in a declared area shall propagate, sow, sell or distribute or cause to be propagated, sown, sold or distributed any such weed or any part or seed thereof.

Penalties

10. Any person who is guilty of an offence under these rules shall be liable to a fine not exceeding £100 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment and in the case of a continuing offence to a fine not exceeding £5 or each day during which the offence continues.