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).
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:

<table>
<thead>
<tr>
<th>Railway Land and Embankments</th>
<th>Network Rail</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 Melton Street</td>
<td></td>
</tr>
<tr>
<td>London</td>
<td></td>
</tr>
<tr>
<td>NW1 2EE</td>
<td></td>
</tr>
<tr>
<td>Tel: 08457 11 41 41</td>
<td></td>
</tr>
</tbody>
</table>
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.
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).

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.

Rev August 2003
## APPENDIX I
### DEFRA RURAL DEVELOPMENT SERVICE OFFICES

<table>
<thead>
<tr>
<th>Region</th>
<th>Address Details</th>
<th>Areas of Responsibility</th>
</tr>
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<tbody>
<tr>
<td><strong>South West</strong></td>
<td>Defra&lt;br&gt;Rural Development Service&lt;br&gt;Block 3&lt;br&gt;Government Buildings&lt;br&gt;Burghill Road&lt;br&gt;Westbury on Trym&lt;br&gt;Bristol&lt;br&gt;BS10 6NJ&lt;br&gt;Tel: (0117) 959 1000</td>
<td>Avon, Cornwall, Devon, Dorset, Gloucestershire, Somerset, The Scilly Isles and Wiltshire</td>
</tr>
<tr>
<td><strong>South East</strong></td>
<td>Defra&lt;br&gt;Rural Development Service&lt;br&gt;Government Buildings&lt;br&gt;Coley Park&lt;br&gt;Reading&lt;br&gt;RG1 6DT&lt;br&gt;Tel: 0118 939 2207</td>
<td>Berkshire, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Greater London, Kent, Oxfordshire, Surrey, West Sussex</td>
</tr>
<tr>
<td><strong>East of England</strong></td>
<td>Defra&lt;br&gt;Rural Development Service&lt;br&gt;Eastbrook&lt;br&gt;Shaftesbury Road&lt;br&gt;Cambridge&lt;br&gt;CB2 2DR&lt;br&gt;Tel: 01223-533401</td>
<td>Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, Suffolk</td>
</tr>
<tr>
<td><strong>East Midlands</strong></td>
<td>Defra&lt;br&gt;Rural Development Service&lt;br&gt;Block 7&lt;br&gt;Chalfont Drive&lt;br&gt;Nottingham&lt;br&gt;NG8 3SN&lt;br&gt;Tel: 0115 929 1191</td>
<td>Derbyshire, Leicestershire, Lincolnshire, Northamptonshire, Nottinghamshire, Rutland.</td>
</tr>
<tr>
<td><strong>North East</strong></td>
<td>Defra Rural Development Service Quadrant Newburn Riverside Newcastle-upon-Tyne NE15 8N2 Tel: 0191 229 5500</td>
<td>Cleveland, Durham, Northumberland, Tyne and Wear</td>
</tr>
<tr>
<td><strong>Yorkshire and Humberside</strong></td>
<td>Defra Rural Development Service Government Buildings Otley Road Lawnswood Leeds LS16 5QT Tel: 0113-230-3900</td>
<td>North Yorkshire, South Yorkshire, West Yorkshire, former county of Humberside</td>
</tr>
</tbody>
</table>
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
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.