



Jersey

# **WEEDS (JERSEY) LAW 1961**

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

01.900

Showing the law from 1 January 2019 to Current





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## WEEDS (JERSEY) LAW 1961

### Contents

#### Article

1	Interpretation .....	5
2	Power to require an occupier of land to prevent the spreading of injurious weeds .....	5
3	Default powers of the Minister.....	5
4	Entry on land .....	6
5	Services of notices .....	6
6	Offences .....	6
7	Citation.....	7

<b>SCHEDULE</b>	<b>8</b>
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<b>ENDNOTES</b>	<b>9</b>
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Table of Legislation History .....	9
Table of Renumbered Provisions .....	9
Table of Endnote References .....	9





Jersey

## WEEDS (JERSEY) LAW 1961<sup>1</sup>

**A LAW** to provide for preventing the spreading of injurious weeds

Commencement [[see endnotes](#)]

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### **1 Interpretation**

(1) In this Law –

“Minister” means the Minister for the Environment;

“occupier” means in the case of unoccupied land the person entitled to the occupation of the land.<sup>2</sup>

(2) This Law applies to the injurious weeds specified in the Schedule to this Law and to such other injurious weeds as may be prescribed by Order made by the Minister.

### **2 Power to require an occupier of land to prevent the spreading of injurious weeds**

The Minister, if satisfied that there are injurious weeds to which this Law applies growing upon any land, may cause to be served on the occupier of the land a notice in writing requiring him or her, within the time specified in the notice, to take such action as may be necessary to prevent the injurious weeds from spreading.

### **3 Default powers of the Minister**

Where the occupier of any land on whom a notice under Article 2 has been served fails to take the action required by the notice within the time specified therein, the Minister may, without prejudice to any proceedings in respect of such default, take that action and, in such a case, may recover from the occupier, as a civil debt, the expenses incurred in so doing.

#### **4 Entry on land**

Any person authorized in that behalf by the Minister may, on the production if so required of evidence of his or her authority, enter on and inspect any land and take on any land any action which by this Law the Minister is authorized to take:

Provided that the powers conferred by this Article shall not be exercised in respect of any land unless there has been served on the occupier of the land a notice of the date on which they will be exercised.

#### **5 Services of notices**

- (1) Any notice authorized by this Law to be served on any person shall be duly served if it is delivered to him or her, or left at his or her proper address, or sent to him or her by post in a registered letter.
- (2) Any such notice authorized to be served on a body corporate shall be duly served if served on the secretary or clerk of the body.
- (3) For the purpose of this Article and of Article 7 of the [Interpretation \(Jersey\) Law 1954](#), the proper address of any person on whom any such notice is to be served shall, in the case of the secretary or clerk of a body corporate, be that of the registered or principal office of the body, and in any other case be the last known address of the person in question.
- (4) Where it is not practicable after reasonable enquiry to ascertain the name or address of a person on whom any such notice is to be served, the notice may be served by addressing it to him or her by the description of “occupier” of the land (naming it) and delivering the notice to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

#### **6 Offences**

- (1) Where a notice has been served under Article 2 on the occupier of any land and that person unreasonably fails to comply with the requirements of the notice, he or she shall be liable, in the case of a first offence, to a fine of level 3 on the standard scale.<sup>3</sup>
- (2) Where a failure in respect of which a person is convicted under paragraph (1) is not remedied within 14 days after the conviction, he or she shall be guilty of a further offence under that paragraph and shall be liable to be proceeded against and punished accordingly.
- (3) If any person wilfully obstructs a person in the exercise of his or her powers under Article 4, he or she shall be liable to a fine of level 1 on the standard scale.<sup>4</sup>
- (4) Where an offence under this Law committed by a body corporate is proved to have been committed with the consent or the connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of that body corporate, he or she as well as the body corporate shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

**7 Citation**

This Law may be cited as the Weeds (Jersey) Law 1961.

**SCHEDULE**

## (Article 1)

Spear thistle (*cirsium vulgare* (Savi) Ten.) (tcheurdron).

Creeping or field thistle (*cirsium arvense* (L.) Scop.) (tcheurdron).

Curled dock (*rumex crispus* L.) (doque corlée).

Broad-leaved dock (*rumex obtusifolius* L.) (doque).

Ragwort (*senecio jacobaea* L.) (entaillie).



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Weeds (Jersey) Law 1961	<a href="#">L.32/1961</a>	15 July 1961
Transfer of Functions (Environment and Public Services Committee (No. 2) (Jersey) Act 2004	<a href="#">R&amp;O.133/2004</a>	23 November 2004
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	<a href="#">R&amp;O.132/2005</a>	9 December 2005
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )

### Table of Renumbered Provisions

Original	Current
6	spent, omitted from this revised edition
7	6
8	7

### Table of Endnote References

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- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- <sup>2</sup> *Article 1(1) amended by R&O.158/2015*
- <sup>3</sup> *Article 6(1) amended by L.1/2016*
- <sup>4</sup> *Article 6(3) amended by L.1/2016*