



**The Scottish
Government**

**Rural Payments and
Inspections Directorate**

Weeds Guidance

January 2009

RPID Weeds Guidance Index

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Introduction

1. This guidance has been prepared for the benefit of occupiers of land and other persons who may be affected by the spread of weeds, particularly the injurious species specified in the Weeds Act 1959.

It also sets out the procedures to be followed by Scottish Government Rural Payments and Inspections Directorate (SGRPID) Agricultural Staff in dealing with cases involving injurious weeds found on land in Scotland.

It includes guidance on:

- What to do if **injurious weeds** threaten land in agricultural use
- What to do if the threat is to land **not** in agricultural use
- Who to approach about **other weeds** not specified in the Weeds Act 1959
- Procedures involving **SGRPID** Agricultural Staff

2. It should be remembered that most common farmland weeds are not 'injurious' (harmful) within the meaning of the Weeds Act, and many such plant species have conservation and environmental value.

When dealing with complaints under the Weeds Act, SGRPID has a duty in law to try and achieve a reasonable balance between different interests. These include agriculture, countryside conservation and the public in general.

Constructive discussion about problems caused by weeds can often result in effective solutions, avoiding the need for SGRPID to take official action.

Background

3. The Weeds Act 1959 consolidated earlier legislation concerned with commercial food production, and applies throughout Great Britain. The Act empowers Scottish Ministers to serve notice to an occupier of land, in order to prevent certain specified weeds from spreading.

4. A complaint about weeds must be made **in writing** to SGRPID. They have an obligation to investigate and to seek a solution through advice and persuasion. If necessary, they may make use of the statutory powers available under the Act.

Direct action will only be taken where the weed is affecting or is likely to affect agricultural land. [Appendix 2](#) details the guidelines for Common Ragwort.

5. The Act requires occupiers of land to take action to prevent the spread of the following weeds:

- **Spear Thistle** (*Cirsium vulgare*)
- **Creeping or Field thistle** (*Cirsium arvense*)
- **Curled dock** (*Rumex crispus*)

- **Broad-leaved dock** (*Rumex obtusifolius*)
- **Common Ragwort** (*Senecio jacobaea*)

Descriptions and basic advice on control measures for each of these weeds are given in [Appendix 1](#).

Primary Responsibility for Weed Control rests with the occupier of the land on which the weeds are growing.

Where to go for advice

Weeds specified in the Weeds Act causing a threat to farmland

6. Initially the complainant should approach the occupier of the land on which the injurious weeds are growing to try to resolve the issue amicably. If this does not succeed, the appropriate SGRPID Area Office can be notified **in writing** (the addresses of these offices are listed at [Appendix 3](#) of this guidance).

If after investigation it is found that injurious weeds pose a threat to farmland, SGRPID may serve a Formal Notice on the occupier of the land requiring them to take action to prevent the weeds from spreading.

If the notice is not complied with, a SGRPID official visit the land, with an accompanying agricultural contractor, to carry out the control measures, and then recover the costs of the work as a debt to SGRPID. If necessary, SGRPID may take action in the courts to recover these costs.

Weeds specified in the Weeds Act causing a threat to other land

7. Where there is a serious risk that injurious weeds may spread to land which is **not** farmland, the complainant should first discuss the problem with the occupier of the infested land.

If this is unsuccessful however, the complainant should write to SGRPID who will investigate the matter and pass it on to the relevant body, detailed in [Appendix 4](#).

8. The Town and Country Planning (Scotland) Act 1997 gives local authorities power to direct owners or occupiers of waste or neglected land to clear up the land, where an amenity is seriously affected.

Weeds not specified in the Weeds Act

9. Under section 14 of the Wildlife and Countryside Act 1981, it can be an offence to plant or otherwise cause to grow in the wild certain specified plants, including Giant Hogweed and Japanese Knotweed. Problems involving these plants should be referred to the local authority responsible for the affected area.

SGRPID Agricultural Staff Guidance

Procedures

10. The Weeds Act (Section 1 (1)) relates to injurious weeds growing on “any land”, however it should be noted that the power was originally given for the purpose of encouraging the protection of crops and the practice of good husbandry – not to secure the destruction of weeds as an end in itself.

Accordingly, where specified weeds are growing on **non-agricultural land** (e.g. allotments, gardens, derelict industrial land, roadside verges and railway embankments) actions stipulated in the Act should not be applied beyond the stage of inspection. A written response should be sent to the complainant (see example letter at [Appendix 5](#)) and staff should copy the letter to the appropriate authority.

11. Cases involving **agricultural land** will arise mainly from complaints by neighbouring occupiers. These should be made either in writing, by fax or by e-mail and should be investigated and dealt with promptly. Anonymous complaints by telephone need not be acted on. All written complaints involving agricultural land must be examined and an inspection report ([Appendix 6](#)) completed to determine whether or not further action is appropriate.

12. Where the occupier of the land can be confirmed from SGRPID records, an inspection can be arranged by telephone but it must be confirmed by a letter, giving the date and time of the proposed visit. The letter should indicate the reason for the visit. In cases where the occupier cannot be identified, it is acceptable for the inspection to be carried out unannounced.

If the occupier objects to the visit, it will be necessary to arrange for entry as of right under the powers of the Act (Section 4). In such cases a formal letter ([Appendix 7](#)) should be sent to the occupier indicating the authorised officer and the time and date of their visit. This authority should be completed and signed by the PAO or the officer in charge. Officers carrying out the inspection will be required to present their authorisation ([Appendix 8](#)). A copy of the PEPFAA code should also be handed to the occupier of the land. The occupier should be advised that weed control care should be taken where the land is likely to be involved in an agri-environment scheme or where the land is being farmed organically. If the occupier of the organic land requests advice on weed control methods they should be directed to the sector body.

13. An inspector’s report ([Appendix 6](#)) must be completed following all visits. The inspection may reveal that there are no specified weeds or that agricultural land is not involved in the complaint. In these circumstances a letter ([Appendix 5](#)) amended for the purpose, should be issued to the complainant.

If there are injurious weeds on the land and these weeds could affect agriculture to a significant degree, a letter ([Appendix 9](#)) should be issued to the occupier reminding them;

- a) of the duty laid upon them by the Act;
- b) that necessary control action should be taken;
- c) that a further visit will be made to check on that action.

The occupier should be given at least 7 days to take the necessary action or 14 days if circumstances dictate. In the majority of cases the warning letter will be sufficient to secure the necessary action. The letter ([Appendix 9](#)) must be served by personal delivery or by registered post, in order to prove its issue by SGRPID.

14. The follow-up visit may reveal that no attempt has been made to control the weeds. It will then have to be decided whether to write and allow an extension of time for the work to be done or to proceed directly with the issue of a Formal Notice ([Appendix 10](#)). An extension of time will be at the discretion of the PAO.

If a Formal Notice is issued and the occupier is a tenant, a copy of the Formal Notice must be sent to the landlord along with a letter ([Appendix 11](#)). The PAO or officer in charge must sign all Formal Notices.

Failure to comply with a Formal Notice and contractor involvement

15. In the event of an occupier's failure to comply with a Formal Notice, they will be guilty of an offence under the Act. If at the expiry of the Formal Notice date it has been established that no action has been taken and is unlikely to be taken, it can be assumed that a contractor will be required to carry out the necessary control work. At this stage, both Agric. Staff HQ (ACAO) and Nature Conservation (Habitats) Branch (Branch Head) should be informed by forwarding the case file and seeking clearance to appoint a contractor. This should be done before any contractor is approached.

On receipt of HQ clearance, the PAO should make arrangements for the necessary work to be carried out by contractor. To avoid the criticism of unreasonable cost, a minimum of two estimates should be obtained. On satisfactory completion of the work, arrangements will be made by Nature Conservation (Habitats) Branch for the contractor to be paid. The contractor's invoice should therefore be forwarded to the Branch. On receipt of the invoice, the Branch will also write to the occupier seeking recovery of the costs.

16. There may be difficulties involved in engaging and supervising contractors, and in the recovery of costs from the occupier. If legal proceedings were necessary to recover the costs, SGRPID must be in a position to prove that only work reasonably required to prevent the weeds from spreading had been carried out, and that the necessary work had been done with due care and attention.

Where it is decided to do the work, it may be necessary to give formal authority to the contractor. In such cases [Appendix 12](#) should be completed and issued to the contractor carrying out the work.

General advice

17. In exercising the powers contained in the Act, the PAO should keep in mind the following general points:

(a) It would not be regarded as reasonable to require the control of weeds in a growing arable crop;

(b) In practice, if it was found that a case arose too late in the season to allow effective action to be taken, it is best to remind the occupier in the Autumn of their obligations under the Act and advise them to attend to the matter in the following year. The case should be noted for examination and follow up action in the spring of the following year;

(c) Cases will mainly arise as a result of a complaint by neighbouring occupiers, and we will therefore only react to written complaints. If, however, an officer observes serious weed-infested land in the course of other duties, they should report their observations to the PAO for a decision regarding further action;

(d) If a complaint is made about land occupied and managed by a Government Department or Agency, every effort should be made to have the matter dealt with informally and **statutory action should not be initiated**. If any weed infestation on such land cannot be dealt with on an informal basis, the matter should be reported to both Agricultural Staff HQ and Nature Conservation (Habitats) Branch. In the case of any complaint regarding weeds on Nature Reserves or Sites of Special Scientific Interest (SSSI's) etc. the matter should be referred to both Agricultural Staff HQ and Nature Conservation (Habitats) Branch, so that the matter can be raised with the appropriate Government Department or Agency;

(e) A Formal Notice must be delivered/sent to the person's principal address. Our solicitors have advised us that it cannot be sent to their solicitor's/agent's address unless they have agreed to accept on behalf of the person responsible for the land. If the person's proper address is unknown and cannot be ascertained after reasonable enquiry, SGRPID may serve the Notice by affixing it, or a copy of it, to some conspicuous object on the land, or by delivering it to a responsible person on the land. The person should be named and addressed on the Notice as "the person having an interest in[the land in question]". The advice given to us is that by following the above course of action, it allows SGRPID to proceed with the necessary work, despite the person being unobtainable/abroad etc;

(f) Nature Conservation (Habitats) Branch has received legal advice confirming that persons (contractors) acting on behalf of the Minister can enter land to carry out eradication works, if necessary using force i.e. the minimum force necessary to gain entry. Persons authorised to enter and carry out work are obliged to exercise all due care so as to avoid any reasonably foreseeable damage to the occupier's property. Thus only the minimum necessary force should be used to gain entry and the gate should be secured properly afterwards. (If the damage has been caused by a contractor rather than by SGRPID staff, the contractor would normally be liable for damages constituting negligence, rather than SGRPID).

(g) Section 179(1) of the Town and Country Planning (Scotland) Act 1997 gives local planning authorities power to direct owners or occupiers of waste or neglected land to clear up the land, where an amenity is seriously affected. It may be useful in certain cases to refer a complaint to the appropriate local authority or to draw the attention of the local authority, by copying them in on the letter [Appendix 5](#), to a weed infestation which might be more suitably dealt with by them.

APPENDIX 1

Injurious Weeds Specified in the Weeds Act 1959

Injurious weeds can be controlled using a number of chemical and cultural means. Care should be taken to choose the most appropriate method for each site and circumstance. This applies particularly to sites of special conservation interest where control of the injurious weeds may risk damaging rare or valuable flora and fauna. In these situations expert advice should be sought before any action is taken.

- **Spear Thistle** (*Cirsium vulgare*)

Spear thistle occurs widely on lowland and upland grassland and waste places. The weed competes effectively with crops for water, light and nutrients. It is biennial and only spreads by seed. Mature plants are normally 30-50 cm tall, with flowers from July through to late autumn. Large numbers of seeds are produced which can be blown across farm and field boundaries.

Control The plants can be cut each year before mid-July to prevent shedding of viable seed. It is also possible to remove them by digging. Long-term control is possible with herbicide treatment.

- **Creeping or Field Thistle** (*Cirsium arvense*)

Creeping thistle can quickly dominate vegetation in grassland or waste ground. The weed forms dense patches, which suppress crop plants.

Mature plants extend 30-100cm in height, with flowers from July into late autumn each year. The plants produce only a few viable seeds, which can be blown by wind. Invasion, however, is more often by the spread of the plants' underground root systems.

Control Cultivation is not an effective means of control as the number of root pieces which can throw up new shoots is increased. Control on arable land therefore is usually by use of a range of herbicides depending on the field crop grown.

On grassland, cutting at flower stem extension but before opening of the flower buds will prevent seed spread of that particular season. Repeated cutting at the same growth stage over several years may "wear down" an infestation.

- **Curled and Broad-leaved Docks** (*Rumex crispus/obtusifolius*)

Broad-leaved dock thrives in high nitrogen environments, open swards and where there is heavy treading by stock. Curled dock occurs more commonly on arable and waste land. Broad-leaved dock is normally 50 - 120cm high at maturity and may be taller than curled dock in mixed infestations.

Both species produce many seeds, which can remain viable in soil for decades. Buds on pieces of tap-root broken by soil disturbance or treading will produce new plants. The two species are similar in appearance but leaf shape differs, as reflected

in their names. Hybrids between the species are common and this can hinder identification. Flowering for both species is from late June until early autumn with inflorescences reaching over 100cm in height.

Control Cutting will prevent seed production but herbicides will provide the most effective form of control.

- **Common Ragwort** (*Senecio jacobaea*)

This is the only ragwort species specified in the Weeds Act 1959; other species of *Senecio* are not so widespread as common ragwort. Flowering is from late June onwards to early autumn when the characteristic yellow inflorescences usually extend between 30-100cms in height.

The weed occurs in neglected grass fields, on uncropped ground and sand dunes. It prefers light soils of low fertility, particularly in over or under-grazed pasture. Common ragwort is biennial when undisturbed but can develop perennial characteristics following cutting or treading.

Poisonous to Livestock Cattle and horses are particularly susceptible to poisoning by common ragwort. Palatability of the weed increases when plants are conserved in hay or silage or treated with herbicide. An added problem is that livestock cannot easily reject fragments of ragwort in conserved herbage and its poisonous alkaloids are unaffected by the conservation process.

Control Although short-term action can be undertaken to clear existing plants, reinfestation will be rapid unless overall husbandry is improved, particularly for uncropped ground and grassland.

- **Cutting:** Cutting and stem removal at the early flowering stage reduces seed production but does not destroy the plant. Cut plants left lying in the field are a serious risk to grazing animals and may still set seed - these should be removed and burned.
- **Pulling (and digging):** Pulling or digging can also prevent seed spread but may not give long term control. Plants should be removed and burned.
- **Herbicides:** No single herbicide treatment will completely eliminate a ragwort infestation due to successive germinations of the weed. Treatment with selective herbicides can be made to the plant rosettes usually in late spring and in the autumn before frost damages the foliage.

Whichever method of control is selected, remember not to turn grazing animals into the field until the Ragwort plants have died and disintegrated. Similar care is required when making hay or silage.

[RETURN TO TEXT](#)

APPENDIX 2

Assessing the Risk Posed by Ragwort

12 Where land is affected by ragwort the owner/occupier should make an assessment to determine whether action should be taken to prevent the spread of ragwort to neighbouring land by establishing the risk posed to grazing animals or forage production.

13 The following three risk categories are provided as *guidelines* for assessing risk:

High Risk:

- Ragwort is present and flowering/seeding within 50m of land used for grazing by horses and other animals or land used for feed/forage production

Medium Risk:

- Ragwort is present within 50m to 100m of land used for grazing by horses and other animals or land used for feed/forage production

Low Risk:

- Ragwort or the land on which it is present is more than 100m from land used for grazing by horses and other animals or land used for feed/forage production.

The distances given above are guidelines *only* and when assessing risk, account should also be taken of particular local circumstances and other relevant factors such as prevailing winds, topography, shelter belts, natural barriers, soil type and vegetation cover of receiving land. Whether or not the density of ragwort is high or low, the risk factor will be determined by the likelihood of it spreading to land used for grazing and/or feed/forage production.

[RETURN TO TEXT](#)

APPENDIX 3

Scottish Government Rural Payments and Inspections Directorate Local Area Offices

Ayr

Russell House
King street
Ayr KA8 0BE
Telephone: 01292 610188

Benbecula

Balivanich
Isle of Benbecula
HS7 5LA
Telephone: 01870 602346

Dumfries

161 Brooms Road
Dumfries
DG1 3ES
Telephone: 01387 255292

Lairg

Ord Croft
Lairg
Sutherland IV27 4AZ
Telephone: 01549 402167

Galashiels

Cotgreen Road
Tweedbank
Galashiels TD1 3SG
Telephone: 01896 758333

Hamilton

Cadzow Court
3 Wellhall Road
Hamilton ML3 9BG
Telephone: 01698 462400

Stornoway

10 Keith Street
Stornoway
Isle of Lewis HS1 2QG
Telephone: 01851 702392

Lerwick

Charlotte House
Commercial Road
Lerwick
Shetland ZE1 0HZ
Telephone: 01595 695054

Inverness

Longman House
28 Longman Road
Inverness IV1 1SF
Telephone: 01463 234141

Inverurie

Thainstone Court
by Inverurie
Aberdeenshire AB51 5YA
Telephone: 01467 626222

Kirkwall

Tankerness Lane
Kirkwall
Orkney KW15 1AQ
Telephone: 01856 875444

Elgin

32 Reidhaven Street
Elgin IV3 1VE
Telephone: 01343 547514

Oban

Cameron House
Albany Street
Oban PA34 4AE
Telephone: 01631 563071

Central

Strathearn House
Broxden Business Park
Lamberkin Drive
Perth OH1 1RX
Telephone: 01738 602000

Thurso

Strathbeg House
Clarence Street
Thurso KW14 7JS
Telephone: 01847 893104

Portree

Estates Office
Portree
Isle of Skye IV51 9DH
Telephone: 01478 612516

[RETURN TO TEXT](#)

APPENDIX 4

Bodies to which complaints on non-agricultural land should be directed

- BEAR Scotland, Amey Highways Ltd and Scotland Transerve operate under contracts awarded by Transport Scotland. Schedule 9 of the contract clearly sets out the operator company's obligations to control injurious weeds. Complaints about ragwort growing on the verges of trunk roads should be forwarded ([using the attached template](#)) to Transport Scotland colleagues in Buchanan House who deal with the operator companies.
- A map showing the geographical split has be placed on the intranet ([Appendix 14](#))

Contacts-

	Transport Scotland contact
<p>North East Scotland – BEAR Scotland</p>	<p>Andy Anderson</p> <p>andy.anderson@transportscotland.gsi.gov.uk</p> <p>Transport Scotland Trunk Network Management Area Manager - North East 8th Floor Buchanan House 58 Port Dundas Road Glasgow G4 0HF Tel: 0141 272 7354</p>
<p>North West Scotland – Scotland Transerve</p>	<p>Gordon Sinclair</p> <p>Gordon.sinclair@transportscotland.gsi.gov.uk</p> <p>Transport Scotland Trunk Network Management Area Manager - North East 8th Floor Buchanan House 58 Port Dundas Road Glasgow G4 0HF Tel: 0141 272 7356</p>

<p>South West and South East Scotland – Amey Highways Ltd</p>	<p>Scott Lees scott.lees@transportscotland.gsi.gov.uk</p> <p>Transport Scotland Trunk Network Management Area Manager - South 8th Floor Buchanan House 58 Port Dundas Road Glasgow G4 0HF Tel: 0141 272 7346</p>
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- Weed control on local roads and verges is covered by the management and maintenance obligation under Section 1 of the Roads (Scotland) Act 1984. Local authorities also have powers under Section 179 of the Town and Country Planning (Scotland) Act 1997 to serve notice requiring occupiers to take steps to rectify the condition of land that is adversely affecting the amenity of the surrounding area. Complaints relating to infestations on verges of minor roads and non-agricultural land should be forwarded to the relevant local authority using the attached template. Postal details for all 32 Local Authorities are available at [Appendix 15](#).

- A copy of the letter to Transport Scotland Group colleagues/Local Authority should be sent to the complainant along with complainant reply letter ([Appendix 5](#)) to demonstrate that the complaint has been investigated and it has been passed to the relevant Department / Local Authority

[RETURN TO TEXT](#)

APPENDIX 5

SPECIMEN LETTER RESPONDING TO COMPLAINT

Dear

WEEDS ACT 1959

I refer to your letter of [date] about weeds growing at [address].

Before addressing your specific complaint, I should explain that the Scottish Minister's powers under the above Act are limited to requiring the taking of such action as may be necessary to prevent the spreading of any of the five injurious weeds (Spear Thistle, Creeping or Field Thistle, Curled Dock, Broad-leaved Dock and Common Ragwort) prescribed in Section 1(2) of the Act. These powers are exercised only where the interests of agriculture are affected by the prescribed weeds.

SGRPID has examined your complaint [and had an inspection made of the land]. We are, however, satisfied that the action in terms of the Act would not be appropriate since [there are no prescribed weeds evident] [agricultural land is not affected].

I am sorry that SGRPID is not in a position to help under the power of the Act in this case. [However, I have copied this letter to [] as they may have an interest in the management and control of weeds on this land.]

OR

[We are satisfied that there is a weeds problem and have met with the occupier of the land to remind them of their obligations under the Act. They have been advised of what control, action is expected to be carried out and we will be monitoring developments closely to ensure that the necessary work has been undertaken.

Thank you for drawing this matter to our attention.]

Yours faithfully,

[RETURN TO TEXT](#)

APPENDIX 6

WEEDS ACT 1959

SGRPID INSPECTOR'S REPORT ON WEEDS COMPLAINT

General information

Farm Code (if known).....

File No.

Name and address of occupier:

.....
.....

Tel. no. (if known).....

Name and address of owner of land (if known):

.....
.....
.....
.....

Required information

On (date), I inspected the land detailed above and found that injurious weeds were growing thereon as follows :-

*Spear Thistle : Creeping Thistle: Field thistle: Curled Dock: Broad-leaved Dock ; Common ragwort.

Description of ground infested

Please provide the following details and attach to this report:

- (1) Nature of ground (map, map reference, field numbers, types of crop, etc.)
- (2) Area of ground
- (3) Situation, boundaries etc.
- (4) Degree of infestation (i.e. badly, mildly infested etc.)
- (5) Weeds other than prescribed weeds growing on area
- (6) Other relevant information (i.e. photographic evidence)

Recommendation

*(a) I recommend that the above occupier be written to reminding them of their duty that is laid upon them under the above Act and ask that the necessary action be taken within.....days. A further visit will be made on (date);

*(b) I recommend the following alternative course of action:

*(c) I recommend that no further action is required under this Act because:

* delete as appropriate

Signature _____

Date _____

[RETURN TO TEXT](#)

APPENDIX 7

SPECIMEN LETTER TO OCCUPIER ADVISING OF INTENTION TO INSPECT

WEEDS ACT 1959

TO _____

I hereby give you notice in accordance with the provisions of Section 4 of the Weeds Act 1959 _____, being an officer of Scottish Ministers and being duly authorised in that behalf, proposes to enter on and inspect the lands occupied by you at _____
_____ on the _____ day of _____ 20_____, between the hours of _____ and _____ for the purpose of determining whether any of the injurious weeds to which that Act applies (Spear Thistle, Creeping or Field Thistle, Curled Dock, Broad-leaved Dock and Common Ragwort) are growing on the above-mentioned land.

On behalf of Scottish Ministers

Principal Agricultural Officer

Dated the _____ day of _____ 20__.

Scottish Government Rural Payments and Inspections Directorate

[RETURN TO TEXT](#)

APPENDIX 8

SPECIMEN SGRPID AUTHORISATION TO CARRY OUT AN INSPECTION

WEEDS ACT 1959

In exercise of the powers conferred on Scottish Ministers by Section 4 of the Weeds Act 1959, the bearer _____, an officer of the Scottish Government Rural Payments and Inspections Directorate, is hereby authorised to enter upon and inspect the lands known as _____ occupied by _____ of _____ for the purpose of determining whether

(a) any injurious weeds to which the Weeds Act 1959 applies (Spear Thistle, Creeping Thistle, Curled Dock, Broad-leaved Dock and Ragwort) are growing on the above-mentioned land.

OR

(b) the requirements of a notice dated _____ 20 __, served on behalf of Scottish Ministers under Section 1 of the Weeds Act 1959 have been complied with.

On behalf of Scottish Ministers

Principal Agricultural Officer

Dated this _____ day of _____ 20__

[RETURN TO TEXT](#)

APPENDIX 9

SPECIMEN LETTER TO OCCUPIER OF LAND

Dear

WEEDS ACT 1959

It has been confirmed that following a visit to the land in question, the species of injurious weeds prescribed in Section 1(2) of the Weeds Act 1959 (Spear Thistle, Creeping Thistle, Curled Dock, Broad-leaved Dock and Ragwort) are growing on land under your occupation and management at [address and field refs].

The provisions of the Weeds Act 1959 referred to are designed to ensure that the occupier of any land on which any of the prescribed weeds are growing shall take such action as may be necessary to prevent such weeds from spreading.

I accordingly now request that under the powers of the above Act you take all steps necessary to deal with the «weed» on the above-mentioned land (see attached map outlining the area infected) as soon as possible and in any event not later than [date]. A further visit by a SGRPID official will be made to check on what action you have taken to control the weeds.

Failure to comply with this request will result in SGRPID using control powers given to Scottish Ministers under the Act to enter the land and carry out the necessary work by contractor. If such action is deemed necessary by SGRPID, you will be advised in advance of the date on which the work will be undertaken. All costs will be recovered from you in full.

You should be aware that there are a number of advisory organisations and independent advisors available to give you detailed advice as to the various treatment options available.

Yours faithfully

[RETURN TO TEXT](#)

APPENDIX 10

WEEDS ACT 1959

FORMAL NOTICE

To _____

TAKE NOTICE that Scottish Ministers, in exercise of powers under the Weeds Act 1959, HEREBY REQUIRES YOU, as occupier of the land described in the first column of the Schedule hereto, to take, within [] days from the date hereof, such action as may be necessary to prevent from spreading the injurious weeds described in the second column of the said Schedule which are growing upon the land described in the first column. The required action to be taken is described in the third column.

On behalf of Scottish Ministers

Principal Agricultural Officer

Dated the ___ day of _____ 20 _.

SCHEDULE

Description of Land and Location	Injurious Weeds	Requested action by «date»

NOTES

1. The maximum penalty for unreasonable failure to comply with this Notice

is a fine not exceeding level 3 on the standard scale. A failure which is not remedied within 14 days after conviction may be treated as a second offence.

Note: max. fine under level 3 is £1,000.

2. In the event of default, Scottish Ministers have the power to enter onto the land to carry out the required work. If the required work as specified in the third column of the above schedule is not carried out by the above date, the Scottish Government will arrange for the work to be undertaken on «date» and procedures will be investigated to recover all relevant costs from you.

[RETURN TO TEXT](#)

APPENDIX 11

SPECIMEN LETTER TO OWNER OF LAND (IF TENANTED)

Dear

WEEDS ACT 1959

I am writing to confirm you that under the powers of the Weeds Act 1959 the occupier of any land may be required by Formal Notice in writing from Scottish Ministers and within the time specified in that Notice, to take such action as may be necessary to prevent the spreading of injurious weeds of species prescribed in the said Act. The species are Spear Thistle, Creeping or Field Thistle, Curled Dock, Broad-leaved Dock and Common Ragwort. An inspection was carried out by an Official from this Department and has confirmed that the injurious weed «name» are growing on land occupied by your tenant, «name and address» and a notice has today been formally served on «name».

In accordance with the provisions of section 6(5) of the said Act, a copy of that Notice is enclosed:

Yours faithfully

Principal Agricultural Officer

[RETURN TO TEXT](#)

APPENDIX 12

SPECIMEN SGRPID AUTHORISATION TO CONTRACTOR

WEEDS ACT 1959

In exercise of the powers conferred on Scottish Ministers by Section 4 of the Weeds Act 1959, the bearer....., an authorised contractor of the Scottish Government Rural Payments and Inspections Directorate, is hereby authorised to enter upon the lands known as occupied by of for the purpose of controlling and as detailed in the Formal Notice served on dated.....

On behalf of Scottish Ministers

Principal Agricultural Officer

Dated this _____ day of _____ 20__.

Scottish Government Rural Payments and Inspections Directorate

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APPENDIX 13

SPECIMEN LETTER TO TRANSPORT GROUP COLLEAGUES ABOUT INJURIOUS WEEDS ON THE VERGES OF TRUNK ROADS

Dear Mr Anderson / Mr Dick*

Weeds Complaint - ragwort

I am writing to you following a complaint we received about ragwort growing on the verge of the [road details]. Enclosed is the complainants letter which provides more details of the location and nature of the weed problem.

Responsibility for control of the weeds listed in the Weeds Act 1959 rests firmly with the occupier of the land on which the weeds are growing. Where a written complaint is made in relation to a particular site, officials from this Department carry out an inspection of the site. The Weeds Act empowers Ministers to serve notice requiring an occupier of infested land to take action to prevent the weeds from spreading. Failure to comply with a notice is an offence. The Executive's preferred policy is that control of ragwort and other specified weeds should, wherever possible, be achieved by seeking the co-operation of occupiers rather than resorting to statutory powers.

I understand that in relation to this complaint BEAR Scotland / Amey Highways Ltd / Scotland Transerve* are responsible for the upkeep the road, including an obligation to control injurious weeds as detailed at Schedule 9, Appendix 30/2 of the Contract.

I would appreciate it if you could bring this matter to the attention of BEAR Scotland / Amey Highways Ltd / Scotland Transerve* and remind them of their contractual obligation to control injurious weeds at the location highlighted by the complainant.

Your sincerely

For Principal Agricultural Officer

* delete as necessary

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SPECIMEN LETTER TO LOCAL AUTHORITIES ABOUT INJURIOUS WEEDS ON
MINOR ROADS AND NON-AGRICULTURAL LAND

Dear Sir/Madam

Weeds Complaint - ragwort

I am writing following a complaint we received about ragwort within your area. Enclosed is the complainants letter which provides more details of the location and nature of the weed problem.

The Scottish Government Rural Payments and Inspections Directorate (SGRPID) has responsibility for the administration of the Weeds Act 1959 (the Weeds Act), which empowers the Scottish Ministers to take action to control a number of injurious weeds, including ragwort. In addition, you will be aware, weed control on local roads and verges is covered by the management and maintenance obligation under Section 1 of the Roads (Scotland) Act 1984. Local authorities also have powers under Section 179 of the Town and Country Planning (Scotland) Act 1997 to serve notice requiring occupiers to take steps to rectify the condition of land that is adversely affecting the amenity of the surrounding area.

Under Section 1 of the Weeds Act, the Scottish Ministers have power to serve notice requiring an occupier of land to take action to prevent the weeds from spreading. The Weeds Act applies to all land and failure to comply with a notice is an offence. However, the preferred policy of the Executive is that control of ragwort and other specified weeds should, wherever possible, be achieved by seeking the co-operation of occupiers, rather than by resorting to statutory powers. The Weeds Act is no substitute for good land management, or for being a responsible neighbour, and most occupiers are generally willing to recognise their obligations. However, where advice and persuasion fail to result in control of the spread of the weeds, the Executive may, as a last resort, serve a statutory notice and, if necessary, take control action itself and charge the occupier in terms of Section 3 of the Weeds Act.

As the complaint refers to non-agricultural land / road verges* it would be appreciated if you could investigate the complaint and take the necessary action.

Your faithfully

For Principal Agricultural Officer

* delete as necessary

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APPENDIX 14



Appendix 15

LA	Address	Town	Postcode
Aberdeen City Council	Town House Broad Street	ABERDEEN	AB10 1FY
Aberdeenshire Council	Woodhill House Westburn Road	ABERDEEN	AB16 5GB
Angus Council	Council Headquarters The Cross	FORFAR	DD8 1BX
Argyll and Bute Council	Headquarters Kilmory	LOCHGILPHEAD	PA31 8RT
City of Edinburgh Council	Council Headquarters Waverley Court, 4 East Market Street	EDINBURGH	EH8 8BG
Clackmannanshire Council	Greenfield	ALLOA	FK10 2AD
Comhairle nan Eilean Siar	Council Offices Sandwick Road	STORNOWAY	HS1 2BW
Dumfries and Galloway Council	Council Offices English Street	DUMFRIES	DG1 2DD
Dundee City Council	21 City Square	DUNDEE	DD1 3BY
East Ayrshire Council	Council Headquarters London Road	KILMARNOCK	KA3 7BU
East Dunbartonshire Council	Tom Johnston House Civic Way, Kirkintilloch	GLASGOW	G66 4TJ
East Lothian Council	John Muir House	HADDINGTON	EH41 3HA
East Renfrewshire Council	Council Offices Eastwood Park, Rouken Glen Road	GLASGOW	G46 6UG
Falkirk Council	Municipal Buildings	FALKIRK	FK1 5RS
Fife Council	Fife House North Street	GLENROTHES	KY7 5LT
Glasgow City Council	City Chambers George Square	GLASGOW	G2 1DU
Highland Council	Glenurquhart Road	INVERNESS	IV3 5NX
Inverclyde Council	Municipal Buildings	GREENOCK	PA15 1LY

Midlothian Council	Midlothian House Buccleuch Street	DALKEITH	EH22 1DJ
Moray Council	Council Offices High Street	ELGIN	IV30 1BX
North Ayrshire Council	Cunninghame House	IRVINE	KA12 8EE
North Lanarkshire Council	PO Box 14 Civic Centre	MOTHERWELL	ML1 1TW
Orkney Islands Council	Council Offices School Place	KIRKWALL	KW15 1NY
Perth and Kinross Council	Council Buildings 2 High Street	PERTH	PH1 5PH
Renfrewshire Council	Headquarters (North Building) Room 1.2, Cotton Street	PAISLEY	PA1 1BU
Scottish Borders Council	Council Headquarters Newtown St Boswells	MELROSE	TD6 OSA
Shetland Islands Council	Town Hall	LERWICK	ZE1 0HB
South Ayrshire Council	County Buildings Wellington Square	AYR	KA7 1DR
South Lanarkshire Council	Council Offices Almada Street	HAMILTON	ML3 OAA
Stirling Council	Viewforth	STIRLING	FK8 2ET
West Dunbartonshire Council	Council Offices Garshake Road	DUMBARTON	G82 3PU
West Lothian Council	West Lothian House Almondvale Boulevard	LIVINGSTON	EH54 6QG

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