

## TITLE 19

## Chapter 19:07

PREVIOUS CHAPTER**NOXIOUS WEEDS ACT**

Acts 22/1926, 37/1938 (s. 3), 29/1951 (s. 2), 61/1966 (s. 78), 57/1972 (s. 13), 28/1979, 20/1982, 8/1988 (s. 164); R.G.N.s 153/1963, 628/1963, 214/1964, 217/1970, 343/1976; 885/1978; S.I. 170/1986.

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## SCHEDULE: Noxious Weeds.

AN ACT to make provision for the eradication of noxious weeds.

[Date of commencement: 1st August, 1927.]

## 1 Short title

This Act may be cited as the Noxious Weeds Act [Chapter 19:07].

## 2 Interpretation

“clear” means to dig up or pull up and burn noxious weeds, or to employ other means of destruction authorized by the Minister;

“local authority” means a city council, municipal council, town council or rural district council;

“Minister” means the Minister of Agriculture or any other Minister to whom the President may from time to time assign the administration of this Act;

“noxious weed” means, in relation to—

- (a) the whole of Zimbabwe, the plants specified in Part I of the Schedule;
- (b) any area specified in Part II of the Schedule, the plant specified

opposite thereto in that Part;

“owner”, in relation to unoccupied land, includes—

(a) in the case of a company or an association, the manager or, if his name is not known, any director of the company or association;

(b) in the case of a partnership, the manager or, if his name is not known, any member of the partnership;

“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 such location;

(c) in the case of State land over which grazing or other rights have been granted, the holder of such rights;

(d) in the case of land in Communal Land, the occupier or the person who has the use of such land, or the chief or headman who has jurisdiction over the land, or all or any of the inhabitants of the nearest village;

(e) in the case of commonage or town lands or roads or other areas, the local authority under whose control or within whose jurisdiction such land, road or other area is situate;

“weeds inspector” means any person appointed by the Minister to perform the duties of a weeds inspector under this Act.

### 3 Duty of persons responsible to clear noxious weeds

(1) It shall be the duty of every person responsible under this Act to clear or cause to be cleared any noxious weeds growing or occurring on the land in respect of which he is responsible. It shall further be the duty of any person to report forthwith to the nearest known weeds inspector the occurrences of any noxious weeds on any land in respect of which such person is responsible.

(2) Any person contravening subsection (1) shall be guilty of an offence and liable to a fine not exceeding fifty dollars or, in default of payment, to imprisonment for a period not exceeding one month.

### 4 Power to enter upon land

A weeds inspector may at all reasonable times enter upon any land, whether enclosed or not, for the purpose of ascertaining if any noxious weeds are growing thereon.

### 5 Notice to be served on persons responsible for infected land

If a weeds inspector finds any noxious weed growing or occurring upon land, he may by notice in writing served upon the person responsible require him to clear such land within a reasonable time to be specified in the notice, and it shall thereupon be the duty of the person responsible to do so. Such notice shall indicate the particular noxious weed occurring upon the land and as nearly as practicable the portion or portions of the land on which the said noxious weed occurs.

### 6 Manner in which notices may be served

Any notice under this Act shall be in writing, signed by the person giving such notice. Such notice shall be deemed to be duly served—

(a) if served personally upon the person responsible; or

(b) if left addressed to the person responsible at his usual or last known place of abode; or

(c) if posted in a prepaid registered letter addressed to the person responsible at his last known place of abode or business.

### 7 Penalty for failure to comply with notice

Any person who fails to comply with a notice served upon him in terms of section five shall be guilty of an offence and liable—

(a) if the notice required him to clear land of a noxious weed specified in Part III of the Schedule, to a fine not exceeding two thousand dollars or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;

(b) if the notice required him to clear land of a noxious weed, other than a noxious weed specified in Part III of the Schedule, to a fine not exceeding two hundred dollars or, in default of payment, to imprisonment for a period not exceeding

three months.

8 Weeds inspector may clear land at expense of person responsible

If the person responsible fails to clear the land as aforesaid, or if such notice cannot be served in the manner prescribed by section six, a weeds inspector may, upon receiving written authority from the Minister, enter upon the land with or without assistance and eradicate any noxious weeds found thereon; but nothing herein contained shall relieve the person responsible from any penalty he may have incurred under this Act, and the Minister may recover the cost, charges and expenses of clearing the land aforesaid by action in any competent court.

9 Penalty for obstruction of weeds inspector in exercise of his duty

Any person who obstructs or hinders a weeds inspector in the exercise of his duty under this Act shall be liable to the penalty prescribed by paragraph (b) of section seven.

10 Noxious weeds not to be placed in any watercourse or on any road or land

(1) No person shall place or cause or permit to be placed—

- (a) in any river, stream or irrigation canal or any other watercourse; or
- (b) on any road or land;

any noxious weed or the seed of any noxious weed.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable—

(a) if the offence involves a noxious weed or the seed of a noxious weed specified in Part III of the Schedule, to the penalties prescribed by paragraph (a) of section seven; or

(b) if the offence involves any noxious weed or the seed of any noxious weed, other than a noxious weed specified in Part III of the Schedule, to the penalties prescribed by paragraph (b) of section seven.

11 Power to take samples of seed and treatment of plant, seed or grain offered for sale

Any weeds inspector may at all reasonable times enter any premises where any plant, seed or grain is offered for sale and may take samples thereof, and should such weeds inspector find offered for sale any plant, seed or grain which is likely to propagate or spread the growth of noxious weeds, such plant, seed or grain shall, when considered necessary by the inspector, be treated by or at the expense of the consignee or vendor, in the manner prescribed by or to the satisfaction of the inspector, and if not so treated, or if such treatment is deemed ineffectual, the Minister may cause such plant, seed or grain to be destroyed.

12 Penalty for offering for sale infected seed

(1) No person shall knowingly sell, offer or expose for sale any plant, seed or grain which is likely to propagate or spread the growth of noxious weeds.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable—

(a) if the offence involves the likely propagation or spread of a noxious weed specified in Part III of the Schedule, to the penalties prescribed by paragraph (a) of section seven; or

(b) if the offence involves the likely propagation or spread of any noxious weed, other than a noxious weed specified in Part III of the Schedule, to the penalties prescribed by paragraph (b) of section seven.

13 Local authorities authorized to make by-laws ad hoc

(1) Every local authority shall have power to make by-laws compelling occupiers of land within the area of the local authority to keep their land free from noxious weeds, and in respect of villages the President shall have like powers.

(2) Contravention of such by-laws shall be punishable in the same way as in the case of the ordinary by-laws of the local authority.

14 Responsible persons in any district may petition Minister to have plant declared noxious weed

Any person responsible in any district or portion of a district may petition the Minister to declare any plant to be a noxious weed for the purposes of this Act in such district or portion of a district. On receipt of such petition the Minister shall cause notice to be given in the Gazette setting forth the nature of the petition and calling upon any persons responsible in the said district or portion of a district to lodge, in writing, within a reasonable time to be fixed by such notice, any objections to the said petition being acceded to. Thereupon, on the expiry of the period fixed for receiving objections, the Minister shall take the same into consideration and may grant or refuse the petition.

15 Alteration of Schedule

The Minister may at any time, by statutory instrument, add to or amend the Schedule or replace the whole or any part thereof.

16 Regulations

(1) The Minister may make regulations—

- (a) for the prevention of the introduction and spread of noxious weeds or the seeds thereof;
- (b) prescribing the authority and duties of weed inspectors;
- (c) generally, for the better carrying out of the objects and purposes of this Act.

(2) Any person who contravenes regulations in terms of subsection (1) shall be guilty of an offence and liable—

- (a) in the case of a contravention of regulations referred to in paragraph (a) of subsection (1) involving a noxious weed or the seed of a noxious weed specified in Part III of the Schedule, to the penalties prescribed by paragraph (a) of section seven; or
- (b) in any other case, to the penalties prescribed by paragraph (b) of section seven.

SCHEDULE (Sections 2 and 15)

NOXIOUS WEEDS

PART I

NOXIOUS WEEDS THROUGHOUT ZIMBABWE

Botanical name Common name

*Avena fatua* L. Wild oat

*Azolla filiculoides* Lam Water lettuce

*Cuscuta* spp. Dodder

*Eichhornia crassipes* Solms Water-hyacinth

*Harrisia martinii* (Labouret) Britton Moonflower cactus

*Lantana camara* L. Cherry-pie

*Opuntia aurantiaca* Lindl. Jointed cactus or jointed prickly pear

*Pistia Stratiotes* L. Azolla

PART II

NOXIOUS WEEDS IN CERTAIN AREAS

Botanical name Common name Area

*Salvinia auriculata* Aubl. Water-fern Throughout Zimbabwe except on the

waters of Lake Kariba

Salvinia molesta D.S. Michell Kariba weed or water-fern Throughout  
Zimbabwe except on the waters of Lake Kariba

### PART III

NOXIOUS WEEDS SPECIFIED FOR THE PURPOSES OF SECTION 7 (A)

Avena fatua L. — specified in Part I

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