

Weeds (Amendment) Bill

Clauses considered

5.1. Mrs Beecroft to move.

The Speaker: Item 5, Bill for consideration of clauses.

We turn to the Weeds (Amendment) Bill and I call on the mover, Mrs Beecroft to move clauses.

Mrs Beecroft: Thank you, Mr Speaker.

Clause 1: this clause will give the Act resulting from the Bill its short title.

I move that clause 1 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

I beg to second and reserve my remarks.

The Speaker: I put the question that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2.

Mrs Beecroft: Clause 2 provides that the resulting Act will expire on the day following its promulgation. The amendments made by the Bill will have been inserted into the Weeds Act 1957 on the date on which Royal Assent is announced.

I move that clause 2 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

I beg to second and reserve my remarks.

The Speaker: I put the question that clause 2 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

Mrs Beecroft: Clause 3 introduces the amendments to the Weeds Act 1957.

I move that clause 3 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

I beg to second and reserve my remarks.

The Speaker: I put the question that clause 3 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

Mrs Beecroft: Clause 4 repeals section 1 of the Weeds Act 1957. Section 1 is no longer relevant to current practice in relation to the management of weeds. If the current provisions of the 1957 Act were followed to the letter, it would mean that all injurious weeds listed must be removed by a specific date each year, therefore resulting in a complete extermination of those weeds. This duty is considered unachievable and contrary to sound environmental practice and convention.

I move that clause 4 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 5.

Mrs Beecroft: Clause 5 substitutes section 2 of the 1957 Act. This new section is consequent to the removal of section 1 from the Act. The inclusion of this particular section is to enable the Department the ability to focus on issuing notices to occupiers of any land to cut down and destroy specified injurious weeds within a set timeframe specified in the notice.

The issuing of notices is easier to enforce and will only be used in cases of severe infestation, which will impact on agricultural land. This focus is expected to achieve the reduction of risk to animals on agricultural land.

I move that clause 5 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the motion that clause 5 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 6, please.

Mrs Beecroft: Clause 6 amends section 3 of the 1957 Act in order to improve the wording of that section and to introduce clarity in respect of the fine that may be imposed following summary conviction.

I move that clause 6 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 6 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 7.

Mrs Beecroft: Clause 7 amends section 5, to provide that, where an inspection is necessary under the 1957 Act, that inspection may only take place at what could be considered a reasonable time and with reasonable notice extended prior to that inspection.

I move that clause 7 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 7 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 8.

Mrs Beecroft: Clause 8 makes an amendment to the marginal note in section 6 of the 1957 Act, in order to reflect the actual content of that section. The heading to that section will read 'Proceedings', rather than 'Recovery of penalties' as currently recorded.

I move that clause 8 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 8 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 9, please.

Mrs Beecroft: Clause 9 inserts two new sections 7A and 7B. The newly inserted section 7A provides for the Department to produce a code of practice containing guidance on the prevention of spread of ragwort. Ragwort poisoning may have a devastating effect on horses, as well as being damaging to the welfare of cattle and other

livestock. Ragwort in the correct place, however, where no such risk exists, contributes widely to the biodiversity and flora and fauna of the Manx countryside.

The code is currently being prepared with input from stakeholders, including horse owners and the Manx National Farmers' Union and is intended as a means to educate in relation to managing the growth of ragwort, rather than its complete eradication. Any code made under the provisions of the resultant Act will require laying before Tynwald and will be admissible as evidence in court for the determination of any questions relating to any prosecutions taken under the Act.

The newly inserted section 7B enables the Department by order to amend the existing definition in injurious weeds.

Mrs Beecroft: This is to address any future introductions of additional or new injurious weeds into the Isle of Man. Any order made under this section may be made by the Department with reasonable haste and submitted to Tynwald for approval at the next available sitting. This will allow the Department to act in a timely manner, when further injurious weeds are identified. I move that clause 9 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 9 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Finally, clause 10.

Mr Watterson: Big finish, Mrs Beecroft.

The Speaker: Mrs Beecroft.

Mrs Beecroft: Clause 10 makes a number of minor amendments to the 1957 Act, in particular, it inserts a definition of 'Department' into section 9. This particular definition previously sat in the now amended section 2.

A further amendment is made to remove a reference in the definition injurious weeds to giant hogweed. This invasive plant is now dealt with under the provisions of the Wildlife Act 1990, where it is an offence to plant or grow giant hogweed. The provision within the Wildlife Act supersede those of the Weeds Act 1957, enabling giant hogweed to be dealt with on any land, rather than just agricultural land, as provided for in the 1957 Act. Giant hogweed is non-native to the Isle of Man and tends to grow along water courses. It has been the subject of an ongoing Department eradication programme in recent years.

This clause also repeals two redundant Orders which have previously amended the 1957 Act.

I move that clause 10 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 10 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.