

Weeds (Amendment) Bill 2013
First Reading approved

1. Mr Turner to move:

That the Weeds (Amendment) Bill 2013 be read a first time.

The President: We have a very short Order Paper, Hon. Members. I call on the Hon. Member, Mr Turner, to take the First Reading of the Weeds (Amendment) Bill 2013.

Mr Turner: Thank you, Madam President.

First of all, I hope that Members received an e-mail circulated yesterday from the Department of the Code, which I shall be referring to during the course of the passage of this legislation, as it is central to what this Bill is going to be about.

The President: Clarify, Hon. Members, if you have received that because I do not think I have.

Mr Butt: Yes.

Mr Downie: I do not. I have not had it.

Mr Crowe: It arrived this morning, Madam President. *(Interjections)*

Mr Turner: It was sent out a while ago and I asked for it to be recirculated. I can –

The President: I just want to be satisfied that Hon. Members have had the chance to see the document that Mr Turner is referring to.

Mr Turner: Okay. We will certainly make sure that everybody has got a copy of that. As I said, it has been circulated before, but we decided to recirculate it to Council Members.

So the Bill itself makes a number of amendments to the Weeds Act 1957 and it is intended to introduce clarity in relation to the management and destruction of injurious weeds. In particular, the Bill introduces provisions enabling the Department, which is the Department of Environment, Food and Agriculture, to produce a Code of Practice on the management of ragwort, a subject close to those who own horses and also to farmers.

The Code is intended as an educational tool to assist individuals to manage the growth of ragwort on the Island, rather than eradicate it completely, which is what is expected under the current Act.

The current duty imposed within the 1957 Act has been identified as both unachievable and contrary to sound environmental practice. The change recognises the fact that injurious weeds do have a role to play in the biodiversity and the flora and fauna of the Manx countryside. The amendments will mean that the focus of the injurious weed management will be in relation to animal welfare on agricultural land.

Madam President, I beg to move that the Bill be read a first time.

Mr Butt: I beg to second, Madam President, and reserve my remarks.

The President: The Hon. Member, Mr Downie.

Mr Downie: Thank you, Madam President.

I have not seen the Code. I know the e-mails have been a bit slow lately and so perhaps that is the reason why, but if you will bear with me.

I am supportive of the Bill, but one of the things that I am concerned about is that under the existing powers that the Department has got, we appear not to have had any prosecutions for years and there is no doubt about it in my mind that when you go to the countryside and look at the amount of ragwort, which is growing freely with docks, thistles and all the other things that we are supposed to control in the name of good husbandry, health and agriculture, we are clearly failing in this regard.

For the purposes of the record, I think one of the biggest issues for me is that where Government have land, we just seem to let whatever wants to grow on it grow. A lot of the ragwort is spread by its ability to get into the hedgerows and then at certain times of the year we find it is spreading everywhere. I would like to ask the mover to give me a view about that, his Department's view, and whether they think they are doing enough with the legislation they have got at the present time.

The other things that causes me concern are things that have been introduced to the Isle of Man and have

now got completely out of control. If you walk up through the River Glass you will see that there are hundreds of yards of that river now affected by Japanese knotweed that is going to cost millions of pounds to eradicate, and if we are not careful it will close off Tromode dam and get into the slower parts of the water courses.

The point I am making is that we know we have problems in some areas with these introduced species, but we seem to be doing very little about it. With all the volunteer groups available on the Island and people who are prepared to give their time and go out and take on eradication schemes and so on, I would have thought that the Department, with a little bit of ingenuity and organisational skills, could be trying to eradicate some of these problems, rather than doing what they want to do now, which I understand is...

I would assume that parts of the Island, where horses and other animals may not be at risk, we can still have ragwort and other species which are beneficial to the wildlife, but there has to be a balance here. I think it starts with the reinforcement measure that the Department have and the fact that, to my knowledge, we have not seen any prosecutions or any... I do not whether they can still serve improvement notices and so on. It just seems to be a thing that is talked about, but nothing ever seems to happen.

I am sorry to be critical, but I think that is key to what we are trying to do with legislation here and it is a waste of time, in my opinion, introducing legislation if we are not going to act on some of the very good pieces of legislation we have at the current time.

The President: The Hon. Member, Mr Crowe.

Mr Crowe: Thank you, Madam President.

Can I just draw Member's attention to the explanatory memorandum at 3.9.1 which is interesting because I think currently there is a date – I think it is 31st August every year – where farmers have to eradicate cushag from their fields, but according to this it will change in that it will only be eradicated in areas where there is a threat of illness on horses or other animals. So the Code of Practice would allow ragwort or cushag to grow anywhere else, I would take it, if that was the Code of Practice. Perhaps the hon. mover can just clarify that point on 3.9.1.

The other thing the Hon. Member, Mr Downie, mentioned with the Japanese knotweed, I am just wondering if it is such a big issue or becoming a big issue. Does the Department provide financial support for the eradication of Japanese knotweed if it is starting to take effect or is it getting worse than it has been in the past, Madam President?

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

I would just briefly say that I support the First Reading of this Bill.

In relation to the non-native species which are referred to, which are not covered in this Bill, when I was last in the Agriculture Department, two or three years ago, there were active steps being made to eradicate those non-native species, i.e. the hogweed etc. I just wonder if the mover has any information, having been there more recently than I was, as to what they are actually doing now with those non-native species, which are not part of this Bill?

The President: The mover to reply.

Mr Turner: Thank you, Madam President.

If I start first of all with the points raised by the Hon. Member, Mr Downie. He is absolutely right when he says it is a waste of time bringing in legislation if it is not going to be enforced. I think this is the purpose of this amendment because the Department were fighting a losing battle with the amount of these injurious weeds, in particular the likes of the cushag, which is what is at the centre of this particular Amendment Bill.

If we look at the way the law is at the moment, cushag growing past the date in August – whether it be in somebody's garden on a hedgerow or anywhere – quite simply, that is the offence; whereas vast amounts of this will not be a problem to anybody. If the Department was chasing around trying to prosecute every single person who had a sprig of cushag growing, you would an army of people to try and deal with that. This is a really practical measure designed to concentrate on the areas where they are a problem and that is why the Code, which has been developed in consultation with the Manx Horse Council, the NFU, Wildflowers of Mann and also Highways have got together... and other interested parties have put together this Code to get some sensible enforcement of the provisions.

I think it is important that we concentrate on...again, the purpose of this is the injurious weeds, which can cause injury to the likes of horses and livestock; whereas we have had references to invasive species and non-native species. The non-native invasive species are considered to be different to the injurious weeds and they are already listed in the Wildlife Act. So there are other provisions to deal with the problems that Mr Crowe and Mr

Downie have already mentioned.

I know the question was asked about prosecutions and the way the system works at the moment is when an area is identified, the officers will go and speak to the landowner and issue an instruction to get rid of the particular offending plant or weed. The information I have is that generally it is then disposed of. I am certainly not aware of the prosecutions. It would be interesting to know, maybe at a later reading, how many prosecutions they have; but I think once it becomes known, landowners, generally, will dispose when they have been served with that notice. If they obviously decline to follow the instructions, then they will risk prosecution.

I think I have already mentioned the point about the invasive species, which is a different provision and is covered in separate legislation, such as Japanese knotweed, but again I have been told that although it is invasive, it is not actually poisonous... was the thing with the Japanese knotweed.

There are duties in other provisions, such as the Countryside Care Scheme for the good maintenance of the land. Again, the Code – for which I apologise if Members have not got a copy of that and hopefully if they check their e-mail that will have come in – was subject to consultation and Members did receive a copy some time ago. It has been recirculated, but I do understand that with the volume of e-mail that we get on a daily basis it is difficult to keep track of these things, especially if it is something that Members have received a few weeks or months ago, but it is worth a read.

I think it is a very sensible provision, this Code, and also as we go through the Bill we will see that the Code is actually enforceable in any proceedings. There is some quite interesting wording in the actual drafting, wording I have not seen before, which means that the Code is actually admissible in proceedings, which is quite interesting. It has the full backing of many of the organisations and I hope Members will support this short but nevertheless practical piece of legislation.

So with that, Madam President, I look forward to the debate at later stages and I beg to move the First Reading.

The President: The motion is that the Bill be read the first time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That concludes the consideration of the business for today, Hon. Members. Council will now adjourn. The adjournment will be until 10.30 a.m. on 7th May.