

THE WEEDS ERADICATION ACT 1969

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Schedule: Weeds

THE WEEDS ERADICATION ACT 1969

No. 18 of 1969

[Date of Assent: 23rd April, 1969]

[Date of Commencement: 16th May, 1969]

Gazette 23

ACT

To amend and consolidate the law relating to the eradication of injurious weeds, and to provide for incidental or connected matters.

Enacted by the Parliament of Lesotho.

Short title

1. This Act may be cited as the Weeds Eradication Act, 1969.

Interpretation

2. In this Act and in the regulations, unless the context otherwise requires—

“Chief” has the same meaning as is ascribed thereto in subsection (1) of section 2 of the Chieftainship Act 1968;

“eradicate” in relation to a weed means to destroy that weed in such a manner that neither the weed nor any seed nor any portion thereof remains in a viable condition;

“Minister” means the Minister responsible for agriculture;

“officer” means any member of the Lesotho Mounted Police and any officer of the Ministry of Agriculture, and includes an officer in the public service who, under the general or special authority of the Minister, exercises the powers and performs the duties of an officer under this Act; and

“weed” means a plant that is, under section 3, a weed for the purpose of this Act.

Declaration of plants to be weeds

3. (1) The plants named in the Schedule are weeds for the purpose of this Act.

(2) The Minister may by Notice in the *Gazette*—

(a) amend the Schedule by removing from it the name of a plant; or

(b) amend the Schedule, or revoke and replace the Schedule, for the purpose of declaring an injurious plant to be a weed.

(3) A reference to the Schedule is a reference to the Schedule as amended or replaced under this section.

4. (1) Every person who occupies land, or who is allocated land, shall eradicate all weeds growing on that land.

Duty to eradicate weeds

(2) A chief or an officer may require any person who occupies land, or who is allocated land, on which weeds are growing to eradicate those weeds within a period specified by the chief or officer and, if that person fails without reasonable excuse to eradicate those weeds within that period or within such further period as the chief or officer may allow, he is guilty of an offence and liable on conviction to the penalty prescribed in section 10.

(3) Every chief shall summon *matsema* for the purpose of eradicating all weeds growing on land within his area which is not occupied by or allocated to any person.

(1) For the purpose of obtaining information as to the presence or absence of a weed on any land, a chief or an officer may without warrant enter upon that land at any time.

Information as to the presence of weeds and power to enter on land

(2) Any person who occupies that land, or who is allocated that land, shall render personally, or cause to be rendered, to that chief or to that officer such assistance as the chief or officer may reasonably require of him for the said purpose. Such person who fails without reasonable excuse to render or cause to be rendered such assistance is guilty of an offence and liable on conviction to the penalty prescribed in section 10.

6. (1) If a person who occupies land, or who is allocated land, has been required under subsection (2) of section 4 to eradicate weeds growing on that land within a specified period and he has failed without reasonable excuse to eradicate those weeds within that period (or within such further period as may be allowed under that subsection), the Minister may cause those weeds to be eradicated by an officer. That officer may for the purpose of that eradication take and have with him upon the land the labourers, animals, vehicles, implements, appliances, chemicals or other things that are necessary for that purpose for so long as may be necessary to complete the eradication.

Eradication of weeds by officers

(2) The Minister may recover the costs reasonably incurred under subsection (1) from any person who has failed without reasonable excuse to eradicate those weeds within the period specified in a requirement to him under subsection (2) of section 4 (or within such further period as may have been allowed under that subsection).

7. A person who resists, hinders, disturbs, obstructs, knowingly misleads or otherwise interferes with or impedes a chief or an officer acting lawfully in the exercise of a power or in the performance of a duty conferred or imposed on him by or under this Act or a regulation made under this Act, is guilty of an offence and liable on conviction to the penalty prescribed in section 10.

Offence to obstruct etc.

8. A person who without reasonable excuse places or causes or permits to be placed any weed or portion of weed in a river, water course or water furrow or on any public road, stock-path or footpath is guilty of an offence and liable on conviction to the penalty prescribed in section 10.

Offence to place weed in river, road, etc.

Repetition of offence

9. If a failure or refusal in respect of which a person has been convicted under any provision of this Act or of a regulation made under this Act is not remedied within fourteen days after that conviction, that person, if he is at the material time the person who occupies the land or who is allocated the land, is guilty of a further offence under that provision and is liable on conviction to the penalty prescribed in respect of an offence against that provision.

Penalties and compensation

10. (1) A person who commits an offence under subsection (2) of section 4, subsection (2) of section 5, section 7, or section 8 is liable on conviction to the imposition of a penalty which, in relation to a first conviction for an offence, may be a fine not exceeding fifty rands or, in default of payment thereof, imprisonment for a period not exceeding three months, and, in relation to a subsequent conviction for a similar offence or for a repetition of the offence, may be a fine not exceeding one hundred rands or, in default of payment thereof, imprisonment for a period not exceeding six months.

(2) Upon the imposition of a fine by a court under subsection (1), the court is empowered to order that, in addition to the imposition of the fine, compensation not exceeding one rand shall be paid to any chief who has taken the case to court.

Power to make regulations

11. The Minister may by Notice in the *Gazette* make regulations for carrying out the principles, purposes and provisions of this Act, and in particular but without prejudice to the generality of the foregoing—

- (a) conferring powers and duties on chiefs and officers;
- (b) empowering chiefs and officers to require persons to do, or to omit to do, things to which this Act relates;
- (c) constituting offences with regard to the contravention of, or failure to comply with, a provision of the following—
 - (i) a regulation; and
 - (ii) a requirement of a chief or of an officer under a regulation;
- (d) prescribing punishments, not exceeding those in this Act, that may be imposed on a person on conviction of an offence constituted in a regulation.

Repeals

12. The laws set forth below are hereby repealed:—

The Paramout Chief's Rule Number 26 of the Rules commonly known as Part II of the Laws of Lerotholi (Revised Edition, 1959).

The Paramout Chief's Order Number 3 of the Orders commonly known as Part III of the Laws of Lerotholi (Revised Edition, 1959).

The Weeds Proclamation, Number 47 of 1951.

SCHEDULE

English Name	Sesuto Name	Botanical Name
Spear Thistle	Tsoangtsoang or Hlabahlabane	Cirsium Vulgare (Savi) Airy-Shaw
Burr Weed	Mokaola or Hlabahlabane	Xanthium Spinosum Linn
Cockle Burr	Hlabahlabane	Xanthium Pungens Wallr.
Wild Oats	Belete Habore	Aven Fatua
Thorny Apple	Letjoi	Datura Stramonium
Black Bindweed	Seharane Moraran	Polyganum Convolvulus
Dodder		Cuscuta sp.