

Zambia

Noxious Weeds Act, 1953

Chapter 231

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Noxious Weeds Act, 1953

Chapter 231

Commenced on 7 December 1953

[This is the version of this document at 31 December 1996.]

[59 of 1953; 19 of 1959; 35 of 1963; 59 of 1963; 69 of 1965; 46 of 1969; Government Notice 277 of 1964; 497 of 1964; Statutory Instrument 30 of 1964; Act No. 13 of 1994]

An Act to provide for the eradication of noxious weeds; and to provide for matters incidental thereto.

1. Short title

This Act may be cited as the Noxious Weeds Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**Chairman**" means the Chairman of the Natural Resources Board established by the Natural Resources Act;

[Cap. 197]

"**eradicate**", in relation to any noxious weed, means dig up and burn or pull up and burn, or employ such other method of destruction as may be authorised either generally or specially by the Chairman;

"**inspector**" means any person authorised in writing by the Chairman to perform the duties and exercise the powers of an inspector under the provisions of this Act;

"**local authority**" means a local authority established under the local government act

"**noxious weed**" means any plant declared to be a noxious weed under the provisions of section three;

[Cap. 281]

"**occupier**"; in relation to land, means—

- (a) a person lawfully occupying such land;
- (b) in the case of unoccupied alienated land, the registered owner thereof;
- (c) in the case of a mining area, as defined in section two of the Mines and Minerals Act, the registered holder thereof;
- (d) in the case of State Land over which grazing or other rights have been granted, the holder of such rights;
- (e) in the case of land under the control of or vested in a local authority, the local authority concerned;

"**specified area**" means an area in respect of which any plant has been declared to be a noxious weed under the provisions of section three.

[As amended by No. 35 of 1963, No. 69 of 1965 and No. 46 of 1969]

3. Declaration of noxious weeds

The Minister may, from time to time by statutory notice, declare any plant to be a noxious weed in any area which may be specified in such notice, and may at any time vary or revoke such notice.

[As amended by No. 35 of 1963]

4. Duty of occupiers to report the occurrence of and to eradicate noxious weeds

(1) It shall be the duty of every occupier of land within any specified area—

- (a) to report forthwith to an inspector or to the Chairman the presence of any noxious weed within the boundaries of such land; and
- (b) to take reasonable steps to eradicate such noxious weed occurring within the boundaries of such land.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence:

Provided that it shall be a defence for the occupier to prove that he did not know, and did not have reasonable cause to know, of the presence of such noxious weed within the boundaries of the land occupied by him.

[As amended by No. 35 of 1963 and S.I. No. 30 of 1964]

5. Duty of rural councils

Where all or any part of a specified area is situate in the area of a rural council, the rural council shall—

- (a) report the presence of any noxious weed within such area or part thereof to an inspector; and
- (b) cause such noxious weed to be eradicated.

[No. 69 of 1965]

6. Power of inspector to enter on land

An inspector may, at all reasonable times, enter upon any land within any specified area for the purposes of ascertaining whether any noxious weed exists within the boundaries of such land.

[As amended by No. 35 of 1963]

7. Power of inspector to issue notice

- (1) An inspector may, by notice in writing, require the occupier of any land within the boundaries of which a noxious weed is growing to eradicate such noxious weed within such reasonable time as may be specified in such notice.
- (2) A notice given under the provisions of subsection (1) shall state the particular noxious weed which has been found within the boundaries of the land and, so far as practicable, the place or places within such boundaries at which the noxious weed has been found.
- (3) Any notice given to an occupier under the provisions of subsection (1) shall be in writing and shall be served—
 - (a) personally upon the occupier; or
 - (b) by leaving it addressed to the occupier at his usual or last known place of abode; or
 - (c) by registered letter addressed to the occupier at his usual or last known place of abode.

- (4) Any person who fails without reasonable cause to comply with the requirements of any notice given under the provisions of this section shall be guilty of an offence.

[As amended by No. 35 of 1963]

8. Power of inspector to eradicate noxious weeds

- (1) If an occupier fails to eradicate any noxious weeds within the time specified in a notice given under section seven, an inspector may, upon receiving a written authority from the Chairman in that behalf and after giving fourteen days' written notice to the occupier, enter upon the land for the purpose of eradicating any noxious weed found within the boundaries thereof, and for the purpose aforesaid may take with him upon the land such labourers, animals, vehicles, instruments, appliances, chemicals or other things as may, in his opinion, be necessary for the said purpose.
- (2) In the exercise of the rights conferred by subsection (1), as little damage as possible shall be caused to the land and compensation shall be paid by the Minister for any unnecessary damage. The amount of compensation, if not mutually agreed upon, shall be determined by arbitration.

[As amended by No. 35 of 1963]

9. Eradications of noxious weeds at public expense

- (1) If the Minister is satisfied that the occupier of any land within a specified area is unable to eradicate any noxious weed occurring within the boundaries of such land, the Minister may, out of funds provided for the purpose by Parliament—
 - (a) cause such noxious weed to be eradicated by an inspector at the public expense and recover from the occupier the whole or such portion of the expense incurred in respect of such eradication as the Minister may determine; or
 - (b) render, upon such conditions, as to payment, repayment or otherwise, as the Minister may determine, such financial or other assistance in connection with the eradication of noxious weeds by the occupier as is, in the opinion of the Minister, required by such occupier.
- (2) An inspector referred to in paragraph (a) of subsection (1) shall have the same powers as an inspector referred to in subsection (1) of section eight.

[As amended by No. 35 of 1963 and G.N. No. 277 of 64]

10. Local authorities may incur expenditure

Notwithstanding the provisions of any other written law, a local authority is hereby empowered to incur such expenditure as may be necessary for the purpose of eradicating any noxious weed which such local authority, as the occupier of the land within the boundaries of which it is growing, is required by or under this Act to eradicate.

[As amended by No. 35 of 1963]

11. Power to prohibit importation, etc., of noxious weeds or seeds

- (1) The Minister may, by regulation, prohibit or restrict the importation, distribution, conveyance or sale of any noxious weed or any part thereof or of any seed with which the seed of any particular noxious weeds has become mixed, and such regulations may prescribe the powers and duties of officers in relation to the enforcement of such regulations.
- (2) Any person who contravenes or fails to comply with the provisions of any regulation made under subsection (1) shall be guilty of an offence.

[As amended by No. 35 of 1963 and G.N. No. 277 of 1964]

12. Jurisdiction of subordinate courts

- (1) Any of the following amounts shall be deemed to be civil debts recoverable from an occupier at the suit of the Chairman:
 - (a) all reasonable expenses incurred in the exercise of the powers conferred by section eight;
 - (b) all reasonable expenses recoverable from the occupier by virtue of paragraph (a) of subsection (1) of section nine;
 - (c) any reasonable amount to be paid or repaid by the occupier in consideration of any assistance rendered under paragraph (b) of subsection (1) of section nine.
- (2) A subordinate court of the first or second class shall have jurisdiction to determine any action for the recovery from an occupier within the areas of its jurisdiction of any of the amounts referred to in subsection (1), notwithstanding anything to the contrary contained in the Subordinate Courts Act and whether or not such amounts exceed the amount ordinarily within the jurisdiction of such court.

[Cap. 28]

- (3) The recovery of any amount under the provisions of this section shall not relieve an occupier of any penalty incurred by reason of any contravention of or failure to comply with any of the provisions of this Act.

[As amended by No. 35 of 1963]

13. Obstruction of inspector

Any person who wilfully obstructs or interferes with any inspector, or with the assistant or agent of any inspector, in the execution of any duty or exercise of any power imposed or conferred by the provisions of this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

14. General penalty

Any person who is guilty of an offence against the provisions of this Act, for which no other penalty is provided, shall on conviction be liable to a fine not exceeding one thousand five hundred penalty units.

[As amended by Act [No. 13 of 1994](#)]