



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

WEED CONTROL ACT

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca



WEED CONTROL ACT

CHAPTER W-2.1

1. Definitions

In this Act

- (a) “**Advisory Committee**” means the Committee established under section 13;
- (b) “**destroy**” means, with reference to noxious weeds, to do whatever is necessary to prevent reproduction and spread of the noxious weeds;
- (c) “**inspector**” means a person designated by the Minister as an inspector under section 10;
- (d) “**Minister**” means the Minister of Agriculture and Land;
- (e) “**noxious weed**” means any organism declared to be a noxious weed under section 2;
- (f) “**owner**” means, in relation to land,
 - (i) any person in whose name the land is assessed under the *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4, or who has the right to use land for a specified purpose, or
 - (ii) any person who is in lawful possession thereof, or who has the right to exercise control of the property;
- (g) “**prescribed**” means prescribed by the regulations;
- (h) “**regulations**” means regulations made under section 14;
- (i) “**screenings**” means seeds and other matter removed in the process of cleaning or grading cereals or forage or other crop seeds. *1987, c.70, s.1; 1993, c.29, s.4; 1997, c.20, s.3; 2004, c.36, s.3; 2009, c.73, s.2; 2012, c.17, s.2; 2015, c.28, s.3; 2019, c.1, s.3.*

2. Declaration of noxious weed

Where the Lieutenant Governor in Council, upon the recommendation of the Advisory Committee, is of the opinion that any plant or its seeds or spores or plant disease is adversely affecting or is likely to adversely affect any person, crop or other desirable plant, animal or property, he may, by order in council, declare that organism to be a noxious weed throughout the province or in any part thereof or during a particular period of time or under other particular circumstances. *1987, c.70, s.2.*

3. Destruction of noxious weed

Every owner shall take measures to destroy any noxious weed on his property in accordance with the regulations. *1987, c.70, s.3.*

4. Handling of screenings and refuse

Every person who has in his possession or under his control screenings or other refuse containing noxious weeds shall

- (a) handle screenings or other refuse in such a manner as to prevent the noxious weeds from escaping or being spread by any means;
- (b) dispose of them in accordance with the regulations. *1987, c.70, s.4.*

5. Powers of Minister

The Minister may, upon the recommendation of the Advisory Committee,

- (a) investigate any matter;
- (b) conduct surveys or take samples;
- (c) establish programs; or
- (d) enter into agreements with any person, cooperative association, agency or government

for the purpose of destroying a noxious weed or preventing damage by a noxious weed. *1987, c.70, s.5.*

6. Duty of inspector

An inspector who finds any noxious weed in or on any property shall consult with the owner as to a satisfactory method of destroying the noxious weed. *1987, c.70, s.6.*

7. Destruction order

Where, after consultation, the owner fails to take the action recommended by the inspector for the destruction of the noxious weed, the inspector may issue an order, in the prescribed form, directing him to destroy the noxious weed. *1987, c.70, s.7.*

8. Service of destruction order

The order to destroy the noxious weed shall be served on the owner by

- (a) being personally delivered to him by the inspector;
- (b) leaving it with an adult person at his place of residence or business; or
- (c) sending it by registered mail to his last known address named therein. *1987, c.70, s.8.*

9. Failure to comply

- (1) Where an owner fails to comply with an order made under section 7, within the time specified therein, the inspector may cause the destruction of the noxious weeds or any material that may cause or contribute to the incidence or spread of any noxious weed.

Expenses statement

- (2) Where he has exercised the powers conferred by subsection (1), the inspector shall serve the owner with a statement of expenses incurred in the destruction and a demand for payment.

Service

- (3) The statement and demand for payment shall be served in the same manner as the order under section 8.

Expenses recoverable as a debt due to the Crown

- (4) If the owner refuses to pay the expenses incurred in the destruction, they may be recovered from him as a debt due to the Crown. *1987, c.70, s.9.*

10. Inspector

- (1) The Minister may designate any person appearing on the Advisory Committee to be qualified as an inspector for the purposes of this Act.

Powers of inspector

- (2) An inspector may enter on any land or premises, other than a private dwelling, where he has reason to believe any noxious weed exists and may investigate, inspect and take specimens of any noxious weed and also of any thing infested or suspected of being infested with any noxious weed. *1987, c.70, s.10.*

11. Appeal to Minister

Any person who is aggrieved by an order made by an inspector under section 7 may, within fourteen days of the date thereof, appeal to the Minister and the Minister may confirm, cancel or vary the order and give such other directions as he considers necessary. *1987, c.70, s.11.*

12. Offences and penalties

Any person who contravenes any of the provisions of this Act or the regulations, or fails to comply with any order issued under the Act, or interferes with an inspector in the performance of his duty, is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 or imprisonment for a term not exceeding thirty days, or both. *1987, c.70, s.12.*

13. Advisory Committee

- (1) The Lieutenant Governor in Council may appoint a committee consisting of not more than five members to be known as the Weed Control Advisory Committee.

Function

- (2) The function of the Advisory Committee is to advise the Minister and the Lieutenant Governor in Council on the administration of this Act. *1987, c.70, s.13.*

14. Regulations

The Lieutenant Governor in Council may make regulations

- (a) prescribing forms and providing for their use;
- (b) prescribing the manner and methods for destroying noxious weeds;
- (c) restricting the sale, purchase, storage, processing or transportation of any material or substance infested with noxious weeds;
- (d) prescribing methods and procedures for the destruction of materials or substances infested with noxious weeds;
- (e) prescribing methods and procedures to be taken to prevent the infestation of property by noxious weeds;
- (f) exempting any person or any property from the application of this Act;

- (g) respecting any other matter necessary to effectively carry out the intent and purpose of this Act. *1987, c.70, s.14.*

15. Repeal

Act repealed. *1987, c.70, s.15.*