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NOXIOUS WEEDS ORDINANCE.

Western Samoa.

No. 2, 1926.



An Ordinance

made by the Administrator of the Territory of Western Samoa, with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Act, 1921.

1. This Ordinance may be cited as "THE Noxious Weeds Ordinance, 1926."
2. In this Ordinance, if not inconsistent with the context "clear" and all reference thereto mean cutting down and keeping cut down, or grubbing and pulling up the stem or root of any noxious weed so as to prevent any part thereof flowering. "Inspector" means any Inspector appointed under this Ordinance and includes any person authorised for the time being to carry out the duties of an Inspector. "Noxious weeds" means the plants mentioned in the first schedule hereto. "Occupier" means every person in occupation of land and includes the owner of any land which is unoccupied or whereof the occupier is unknown or cannot be found.
3. Where land abuts on a road or is intersected by a road, the boundaries of the land on each side of the road shall, for the purposes of this Ordinance relating to the clearing of noxious weeds, be deemed to extend to the centre of the road, and the occupier of the land shall accordingly be deemed to be the occupier of so much of the road as is within such extended boundaries.

Boundary of road
fringe to
clear half width
of road.

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4. The Administrator may from time to time by notice published in the Western Samoa Gazette extend the first schedule hereto by including therein any plants other than those mentioned therein.

Adminis-
trator may extend first
schedule.

5. Every occupier of land shall do all things necessary to effectually clear the same of noxious weeds to the satisfaction of the Inspector.

Occupier is
to keep land clear
of weeds.

6. (1) An Inspector may at all reasonable times enter upon any land, whether enclosed or not, for the purpose of ascertaining if the requirements of the last preceding section have been complied with by the occupier.

Inspector may
enter land to
see if weeds
exist.

(2) In any case where default is made by the occupier in complying with any of the requirements of that section the Inspector may, by notice to the occupier in the form in the second schedule hereto or to the like effect, specify the requirements as to which default has been made and to request him to comply with them by doing the necessary work within the period specified in the notice; and it shall be the duty of the occupier to do so.

Notice to be
sent to the
occupier of the
land.

(3) If the occupier fails or neglects to duly comply with such notice, he commits an offence against this Ordinance and the Inspector may enter upon the said land and do the work at the expense in all things of the occupier; but nothing herein shall relieve the occupier from any fine he may have incurred by reason of his default, failure or neglect.

Inspector may
do work at oc-
cupier's ex-
pense and re-
cover cost.

(4) The amount of all such expenses shall be recoverable by the Inspector or such other person as the Administrator authorises in that behalf from the occupier, with costs, by action in the High Court.

7. Every person commits an offence who obstructs or hinders any Inspector or any person duly employed or authorised, in the exercise of any power or function conferred on him by or under this Ordinance.

Obstructing or
hindering Ins-
pector.

8. Every person who commits an offence against any of the provisions of this Ordinance is liable to a fine not exceeding Ten pounds and not less than ten shillings.

Fine for
offences.

9. Proceedings for the recovery of any fine under this Ordinance shall be commenced only on information or complaint of an Inspector, or of such other person as the Administrator authorises in that behalf, and all such proceedings shall be heard or determined by a Judge or Commissioner of the High Court.

Information to
be given to Pro-
ceedings.

10. Any notice under this Ordinance may be served either by delivering the same personally to the person upon whom the same is to be served, or by leaving the same or by posting the same addressed to him at his usual or last known place of abode in Samoa, or by affixing the same in some conspicuous place on the land to which the notice relates.

Notice.
How served.

11. The Administrator may from time to time, as he thinks fit, appoint Inspectors under this Ordinance, and define their powers and functions, and also make such regulations as he deems necessary in order to give full effect to the provisions of this Ordinance.

Inspectors
and Regula-
tions.

12. All previous enactments relating to noxious weeds are hereby repealed.

Repeal.

FIRST SCHEDULE.

8. 2.

Lantana
Milkweed (Asclepias)
Prickly pear

NEW GUINEA KANA (~~1888~~ NIUKINI) GAZETTE 130. PAGE 866.

SECOND SCHEDULE.

Chair Smitten Road (Munira) GAZ 142 pg 770

Notice to occupier to clear land of Noxious Weeds.

The "Noxious Weeds Ordinance, 1920" 60

To _____

Take notice that in respect of the land occupied by you and hereunder described default has been made in duly complying with the requirements of the said Ordinance as mentioned below: and I hereby call upon you to commence the necessary work within _____ days from the date of this notice and thereafter continue the same until the said requirements are effectively complied with.

LAND

Description of weeds to be cleared.

Dated this _____ day of _____ 19*26* 19.

*Director, of Agriculture
Inspector.
Gardens & Fisheries
(or person authorized by him)*

Assented to this twenty-second day of
April, 1926.

[L.S.] GEO. S. RICHARDSON,
Administrator.

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