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## **ALIEN AND INVASIVE PLANT SPECIES IN SOUTH AFRICA**

On 1 October 2014 the Alien and Invasive Species Regulations (the Regulations) to the National Environment Management: Biodiversity Act (No 10 of 2004) came into effect

The Regulations aim to prevent the introduction and spread of alien and invasive species across South Africa. Invasive alien species are species that have been introduced into an area, and are able to out-compete and displace indigenous or useful alien species

The Minister of Environmental Affairs Mrs Edna Molewa revealed that the Department has budgeted R200 million over the next three years to build up its capacity to regulate invasive alien species

The Regulations call on land owners and sellers of land to assist the Department of Environmental Affairs to conserve our indigenous fauna

Non-adherence by land owners and sellers can result in fines of up to R5 million and or a period of imprisonment of up to 10 years

South Africa has tens of thousands of alien species, most of which are not necessarily a problem. However, a relatively small percentage of these have become invasive

As top priority, the AIS Regulations are aimed at *preventing the introduction of more species* that may be potentially invasive into the country

The regulations identifies 383 plant species as invasive in four different categories

In one research study by Professor Michael Samways of Stellenbosch University, it was shown that the shading of water bodies by just one invasive alien plant, the black wattle (*Acacia mearnsii*), could cause the extinction of more than half of the dragonfly and damselfly species that are only found in South Africa

The second priority is on *early detection of and rapid response* to emerging invasive species. These are in Category 1a and requires immediate control, including by all landowners

The third priority is to address the *established invasive species* that are most destructive which is category 1b. The need here is to ensure that coherent control programs are run

One of the invasive species listed as category 1b in the Regulations is a Famine weed (*Parthenium hysterophorus*), which is an inconspicuous, daisy-like plant from South America that is spreading across northern KwaZulu-Natal. It has the potential to invade all but the driest parts of South Africa, and most of Africa. Fields of famine weed, as the name implies, will wreak economic, ecological and health havoc. Neither South Africa's stock nor game species can survive in these invaded areas. Crop production will be unaffordable. Allergies and skin lesions in humans will abound, and respiratory diseases will worsen. It is truly a Frankenstein plant, an unwanted and relentless gatecrasher in our country

For more information on Alien Invasive Species, go to

[https://www.environment.gov.za/sites/default/files/gazetted\\_notices/nemba10of2004\\_alienandinvasive\\_speciesrelist.pdf](https://www.environment.gov.za/sites/default/files/gazetted_notices/nemba10of2004_alienandinvasive_speciesrelist.pdf)

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Alien and Invasive species are listed in four different categories

#### **Category 1a:**

Invasive species which must be **combatted or eradicated**. A person in control of this category of invasive species may not import or introduce these specimens unless issued with a permit issued in terms of the regulations, must take steps to combat and eradicate and must allow authorised officials from the Department of Environmental Affairs to enter onto the land, to monitor, assist and implement the combatting and eradication of those species

#### **Category 1b:**

Invasive species requiring compulsory control. A person in control of this category of invasive species must **control** the species and where an Invasive Species Management Programme has been developed, the person must control the listed invasive species in accordance with this programme and allow officials from the Department of Environmental Affairs to enter onto the land, to monitor, assist and implement the control of those species

#### **Category 2:**

Invasive species regulated by **area**. These species require a permit to carry out a restricted activity within an area specified in the Notice or an area specified within the permit

A landowner on whose land this category of invasive species occurs or a person in possession of a permit, must ensure that the specimens of the species do not spread outside of the land or area specified in the permit/notice

If an Invasive Species Management Programme has been developed, the person must control the listed invasive species in accordance with this programme

This category invasive species that occurs outside the specified area, are considered to be a category 1b invasive species

#### **Category 3:**

Invasive species regulated by **activity**. An individual plant permit is required to undertake any of the following restricted activities (import, possess, grow, breed, move, sell, buy or accept as a gift) involving a Category 3 species.

Category 3 plants that occur in riparian zones are considered to be category 1b invasive species and must be managed accordingly

Obligations of land owners with regards to alien invasive species

A person in control of a Category 1 b Listed Invasive Species must control the listed invasive species in compliance with sections 75(1), (2) and (3) of the Act.

A person who is the owner of land on which a listed invasive species occurs must **notify** any relevant competent authority, in writing, of the listed invasive species occurring on that land and take **steps** to control and eradicate the listed invasive species and to prevent it from spreading and **allow** an authorised official from the Department of Environmental Affairs (DEA) to enter onto land to monitor, assist with or implement the combatting or eradication of the listed invasive species

In terms of Section 29(3) of the Act, the seller of immovable property must, prior to the conclusion of the relevant sale agreement, notify the purchaser of the property in writing of the presence of listed invasive species on that property. This section only imposes an obligation to notify the purchaser, not to remove

Once the notification has been made the landowner is still liable to control and eradicate alien invasive species and/or to obtain permits as the case may be due to the other provisions in the regulations

Penalties for failure to comply with the AIS regulations

Section 35 deals with the penalties and section 35(2) provides that any person who contravenes or fails to comply is guilty of an offence and upon conviction liable to –

- 1) A fine not exceeding R5 000 000 and in the case of a second or subsequent conviction to a fine not exceeding R10 000, or
- 2) imprisonment for a period not exceeding 10 years or
- 3) to both such fine and imprisonment

How to deal with on the sale of land

Sale agreements should incorporate a provision in terms whereof the purchaser acknowledges having acquainted himself with the vegetation on the property

If an estate agent makes enquiries with regards to the presence of alien and invasive species on the property in terms of a property condition report, the following is suggested

The seller declares that in terms of the Alien and Invasive Species Regulations to the National Environmental; Management: Biodiversity Act 2004, to the best of his knowledge there are no Invasive Alien Species on the property

OR

The seller declares that in terms of the Alien and Invasive Species Regulations to the National Environmental; Management: Biodiversity Act 2004, the following listed Invasive Alien Species on the property

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The purchaser acknowledges that he must apply for a permit for all Category 2 Alien and Invasive Species in his own name in terms of the Alien and Invasive Species Regulations to the National Environmental; Management: Biodiversity Act 2004, one the property has been transferred

The purchaser declares having inspected the property and accepts the property including the vegetation thereon

*Although care has been taken to ensure the accuracy of the above information, FN Inc and its members, employees, agents and representatives cannot be held liable for any loss suffered, as a result of the use of this information.*

*Updated May 2017*