Most of us have been ignoring the “Alien Plant Law”, but we can’t do it anymore. Last year, the first home-owner was fined for breaking the law, and this was only the beginning.

The National Environmental Management Biodiversity Act was legislated in 2004, and the Regulations and the Alien and Invasive Species Lists were finally published in 2014. And with that, the National Environmental Management Biodiversity Act suddenly had teeth.

Home owners who don’t take heed of these laws are at risk of being fined, and in the Ethekwini Municipality, officials are already holding owners to account.

What’s the fuss about?

Alien fauna and flora place a heavy burden on our local eco-systems, and this law is designed to help address this problem. There are 4 different classifications, and the action you need to take is laid out in these categories.

Category 1a: Prohibited Listed Invasive Species

You need to take immediate steps to eradicate plants in this category. If you’re caught with these species on your property, you may be liable for a fine – which is what happened to Granada Home Builders in 2017.

Category 1b: Prohibited Listed Invasive Species

These are allowed only if you control these in accordance with the law.

Category 2 Prohibited Listed Invasive Species

Plants in this category require a permit and are subject to restrictions.

Category 3 are Listed Invasive Species that are exempted.

To complicate matters, the various categories differ by type of property and by province, but you can find the full list of Alien and Invasive Species on the Department of Environmental Affairs website www.environment.gov.za.

Take Action

You can’t ignore this legislation any longer, particularly if you are selling your property. Right now, industry is, for the most part, inserting a clause in the Sale Agreement to state that the Seller is not aware of any listed invasive species and the Purchaser accepts the property as is. But this does not comply with the law.

The law clearly states that if you sell a property which has an alien invasive with a permit, the new owner must apply for a permit. *

It also states that the Seller must inform the Buyer, in writing, of the presence of listed invasive species on that property – before the sale agreement is concluded. **

So both buyers and sellers need to be aware of any alien invasive species on the property and take action.

We recommend that both parties arrange for an expert to inspect the property and provide a formal report. If you need any assistance with this, please feel free to contact us.

* See:
https://www.sanbi.org/documents/national-environmental-management-biodiversity-act-no-10-of-2004/ for the act
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