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Helping to prevent the spread of invasive non-native species

Horticultural Code of Practice

Advice and guidance on the responsible use, control and disposal of invasive non-native plants, for people using plants in the horticultural trade, gardening, or related activities.



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This document is available on the GB non-native species secretariat website:
<https://secure.fera.defra.gov.uk/nonnativespecies/index.cfm?pageid=299>

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Introduction to the Code

In 2005 'Helping to prevent the spread of invasive non-native species – Horticultural code of practice' was published. This gave advice and guidance on the responsible use, control and disposal of invasive non-native plants for everyone engaged in horticulture, gardening and related activities that involve the use of plants. But much has changed in the short period since its publication – not least the publication of the GB Invasive Non-Native Species Framework Strategy in May 2008 and more recently, the publication of a code of conduct on horticulture and invasive alien plants produced in joint collaboration by the Council of Europe and the European and Mediterranean Plant Protection Organization (EPPO).

The amount of help and guidance available has also become more comprehensive as our understanding of non-native species has improved. And there have also been legislative changes including a major review of Schedule 9 to the Wildlife and Countryside Act, 1981 and a new provision in section 14ZB of the Act for the Secretary of State (in relation to England) and the Welsh Ministers (in relation to Wales) to issue or approve a code of practice relating to invasive non-native species. For these reasons the Code of Practice has been revised, updated and re-launched with the help of key representative trade and user organisations.

At Whom the Code is Aimed

This code is aimed at everyone engaged in horticulture, gardening and related activities that involve the use of plants in England and Wales.

The Code of Practice and the Law

The Wildlife and Countryside Act 1981 is the principal legislation which regulates the release of non-native species. Section 14(2) of the Act prohibits the planting or spreading of certain invasive non-native plants into the wild in Great Britain; it is an offence under section 14(2) to “plant or otherwise cause to grow in the wild” any plants listed in Part II of Schedule 9 to the Act. In December 2009 the Secretary of State and the Welsh Ministers published new Guidance on section 14 of the Wildlife and Countryside Act 1981.

The aim of this Horticultural Code of Practice is to highlight the problems which invasive non-native plants can cause and to advise all those involved in horticulture (from supply to end-use) what basic steps they can take to help minimise their impact. It provides practical guidance to help ensure compliance with the provisions of section 14 of the Wildlife and Countryside Act 1981, in particular, by summarising important things you should consider. The code has been issued by the Secretary of State and the Welsh Ministers under section 14ZB of the Act. Failure to comply with a provision of this Code is not a criminal offence in itself, nor does it create a civil liability. However, if proceedings were brought under section 14 of the Act, the court must take the Code into account if it is relevant to the specific case and will take into consideration the extent to which its advice was or was not followed. Failure to comply with a relevant provision of the code might be viewed by the court as tending to establish liability (just as compliance with a provision

might be viewed as negating liability). Note, however, that the advice contained in this code covers far more than the strict provisions of section 14(2) of the 1981 Act.

The code should not be used in isolation: a wealth of additional information on identifying and dealing with invasive non-native plants is available elsewhere. Some key sources of information are listed in Annex A. For ease of reference, key documents that should be read in conjunction with this code are held on the dedicated section of the GB Non-Native Species Secretariat's website:

<https://secure.fera.gov.uk/nonnativespecies/index.cfm?pageid=299> .

The code complements the “Be Plantwise” campaign which is supported by the horticultural and aquatics sectors (<http://beplantwise.direct.gov.uk/index.html>).

The Code of Practice

All Users

1. Dispose of plant waste responsibly – never fly-tip.

Plant material should always be disposed of responsibly. Fly-tipping is illegal. Much can be composted or taken to municipal recycling centres. Please note that Japanese Knotweed and Giant Hogweed, and soil containing parts of these plants, are regarded as “controlled waste” and there are legal restrictions on their handling and disposal. They should be dealt with appropriately on site, and should never be composted or taken to municipal recycling centres. Particular care should be taken to ensure that aquatic plants – both as whole plants or viable fragments - do not end up in watercourses – rivers, ponds, canals etc.

2. Know exactly what you are growing and buying.

Avoid using plants known to be invasive. Consider alternatives, and when using native plants, use those of local origin if possible. Don't pass the problem on. Consider a non-native plant's invasive qualities when you exchange plants with friends, or grow plants from imported seeds. Ask your retailer or supplier whether any of the plants or seeds which you are interested in buying are invasive. If you are unsure whether a plant has invasive qualities, it is good practice to take a precautionary approach – follow the guidance contained in the Code of Practice to help keep plants ‘in the garden’. You should be aware that many species have several different names (synonyms) as a consequence of their having been described more than once or as a result of changes in taxonomy such as transfer from one genus to another.

3. Take advice on the best control techniques.

Invasive plants can be difficult to control, but timely action (such as dead-heading immediately after flowering for species like buddleia which spread by seed) will reduce the scale of the problem. For plants with strong rhizome systems, such as Japanese Knotweed, use root barrier fabrics to contain their spread.

4. Control invasive non-native plants safely.

Care should be taken when using herbicides and machinery, particularly near water. Manufacturers' instructions and recommendations on mixing and using herbicides must always be followed. The range of herbicides available to the amateur gardener is limited, but nevertheless the guidance on safe use still applies.

5. Be aware of relevant legislation.

Legislation regarding non-native plants and their safe control and disposal should be followed at all times. See in particular section 14 of, and Schedule 9, Part II to, the Wildlife and Countryside Act 1981 (prohibition on growing plants in Schedule 9 Part II in the wild) and section 14ZA of that Act (power to ban plants in Schedule 9, Part II, from sale). In relation to the disposal of Japanese Knotweed and Giant Hogweed, see sections 33 and 34 of the Environmental Protection Act 1990 (offences relating to controlled waste).

Suppliers and Retailers

6. Know what you are supplying or selling; label plants clearly and accurately.

Invasive non-native plants are not good garden or pond plants. There are usually many alternative plants that are better suited. Where potentially invasive non-native plants are sold, advise the customer of this, ensure that such plants are clearly and correctly named and labelled and give an indication of growth rates. Identify the dangers to the wider environment if these plants were to escape from gardens or ponds. Avoid selling non-native plants which are known to be invasive, and are already posing a threat to native biodiversity. Under section 14 of the Wildlife and Countryside Act 1981 it is illegal to plant or cause to grow in the wild any plant which is included in Part II of Schedule 9.

When trading plants you must be both clear and honest on all packaging and labelling. If you are misleading in any way you could find yourself committing a criminal offence under the Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277). These regulations make it an offence to give consumers misleading information on packaging and labels. Information relating to these Regulations, as well as details of your local trading standards department, can be found on the Trading Standards website (see Annex A.)

Always use the correct Latin names in conjunction with the common name to avoid confusion. If you are not certain of the correct Latin name you should not be selling the plant. If you are unsure what the plant is, do not sell it.

7. Provide substitutes for invasive plants.

You should make native or non-invasive alternatives available for plant species that are known to be invasive. If needed, you should seek advice about this from trade associations, conservation bodies, or other growers or retailers. Ideal alternatives should have similar characteristics to the invasive alien plant they replace but not cause harm to native biodiversity and the environment.

8. Provide advice on disposal.

You should make sure that customers are made aware of the need to dispose of waste responsibly, are given advice on composting, and are made aware of any relevant legal obligations.

Buyers & importers

9. Beware of hitch-hiking pests on plants and in soil.

Plant Health Regulations relate to pathogens (plant diseases) and pests and not to potentially invasive plants or seeds transported unintentionally. It is therefore good practice to quarantine imported plant material, especially from new sources.

Topsoil should be free of weeds and all viable propagules of invasive non-native species, such as rhizomes, seeds, corms etc. Always ask for a representative sample and seek guidance on the source and inspect it on delivery.

A code of practice is available aimed at preventing the spread of non-indigenous flatworms. The Code is a practical guide to help producers and traders of nursery stock to detect and thereby to limit the spread of non-indigenous flatworms, notably the New Zealand flatworm, *Arthurdendyus triangulatus*, and the Australian flatworm, *Australoplana sanguinea*.

Annex A

Sources of further information

There is a wealth of information available electronically. The following are some of the key sources of information.

Non-Native Species Secretariat

www.nonnativespecies.org

Department for Environment Food and Rural Affairs

www.defra.gov.uk

Welsh Assembly Government

www.wales.gov.uk

The Environment Agency

www.environment-agency.gov.uk

The Health and Safety Executive

www.hse.gov.uk

Chemicals Regulation Directorate (Pesticides)

www.pesticides.gov.uk

Garden Centre Association

www.gca.org.uk

The Horticultural Trades Association

www.the-hta.org.uk

Ornamental and Aquatic Trades Association (OATA)

www.ornamentalfish.org

The Royal Horticultural Society

www.rhs.org.uk

Royal Botanic Gardens, Kew

www.rbgkew.org

Directgov

www.direct.gov.uk (see in particular <http://beplantwise.direct.gov.uk/index.html>)

Trading Standards

www.tradingstandards.gov.uk

Plant Life

www.plantlife.org.uk

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