



## Article Side

Japanese Knotweed: Legal and Personal Liabilities by [Sedgwick Sadik](#)

Article published on August 23rd 2012 | [Home Improvement](#)

Two hundred years ago, when the Victorians imported a pretty, green leafy ornamental plant from Japan called *Fallopia japonica*, or Knotweed, little did they foresee that it would transform itself into a raging pest, causing millions of pounds of damage to public and private property and imposing huge liabilities on property owners, both personal and legal.

Some of the legal pitfalls of allowing Knotweed to thrive in your property can be:

Criminal sanctions under the 1990 Environment Protection Act if you don't dispose of stem cuttings, leaf compost or rhizome-infested soil, in the prescribed manner. Criminal liabilities under the 1981 Wildlife and Countryside Act, if you allow it to grow though it is still not very clear how "wild" areas are defined under this act. The Town and Country Planning Act can also allow civic authorities to enforce Section 215 to compel property owners to clear Knotweed infested land and re-value sites which have such infestations.

Civil liabilities are much more enforceable, with many property owners being liable to civil suits brought against them by neighbors if they don't clear Knotweed from their gardens or properties. Such actions can be upheld in a court whether the property owner knew about the infestation or not, whether he has taken steps to control the spread or not. Many tenants have found themselves mired in legal action brought against them by landlords who claim that there was no infestation when the property was first rented or leased out. Tenants will also have to bear the cost of eradicating Knotweed from the rented property and also from that of neighboring ones. This could result in massive costs, protracted legal procedures and potential damage to properties.

Sellers of infested property may find themselves facing legal action even years after selling a property if a buyer brings legal action against them claiming that there was Knotweed infestation on the land. Property owners may find themselves being unable to sell, lease or mortgage their property. Banks and financial institutions may refuse to lend money on infested property itself and also if it's close to an infested property. If such property owners knowingly provide false information, they can be criminally prosecuted. Since Knotweed can lie dormant at a depth of 10 meters for more than 20 years, under sub-zero temperatures, the scale of the problem is enormous.

Building societies and developers are now much more wary of buying property without first conducting a thorough survey and this may take time and money. Additionally, the costs and delays of discovering Knotweed after construction has begun can be huge in terms of capital being locked up indefinitely.

Currently though there are good/effective eradication methods, we'll let the Victorians have the last word, with their famous adage: Prevention is better than Cure!

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Article Keywords:

Japanese Knotweed, Knotweed Control

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