Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Bee Diseases and Pests Control (Wales) Order 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2006 No. 1710 (W.172)

BEE DISEASES, WALES

The Bee Diseases and Pests Control (Wales) Order 2006

Made - - - -	*27 June 2006*
Coming into force - -	*1 July 2006*

The National Assembly for Wales in exercise of the powers conferred by section 1 of the Bees Act 1980(**1**) and now vested in it makes the following Order—

Title, commencement and application

1. The title of this Order is the Bee Diseases and Pests Control (Wales) Order 2006, it comes into force on 1 July 2006 and applies in relation to Wales.

Commencement Information

I1 Art. 1 in force at 1.7.2006, see **art. 1**

Interpretation

2.—(1) In this Order—

"appliances" ("*offer*") means containers or any other equipment used in connection with keeping or transporting bees;

"bee pest" ("*pla gwenyn*") means any beetle, mite or similar organism that may be injurious to bees and that is in any stage of its life cycle;

"field test kit" ("*pecyn profi yn y maes*") means a portable test kit that is used for the purpose of confirming the presence of a disease without the need to send samples to a laboratory;

"hive" ("*cwch*") means any thing that contains or has at any time contained, a colony of bees;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales? CQ?;

(**1**) 1980 c. 12. In respect of section 1 of the 1980 Act, the functions of the Secretary of State for Wales were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales ("the National Assembly") by virtue of S.I. 1999/672. The functions of the Secretary of State for Scotland were transferred to the Minister for Agriculture Fisheries and Food by S.I. 1999 / 3141. The functions of the Minister for Agriculture Fisheries and Food were transferred to the Secretary of State by S.I. 2002/794 and the functions of Secretary of State were, in so far as exercisable in relation to Wales, transferred to the National Assembly by S.I. 2004/3044.

"notifiable disease" ("*clefyd hysbysadwy*") means American foul brood or European foul brood;

"notifiable pest" means the small hive beetle (*Aethina tumida*) or any species of the *Tropilaelaps* mite;

"premises" ("*mangre*") includes any place with or without buildings; and

"vehicle" ("*cerbyd*") includes any vessel, boat, hovercraft or aircraft.

(2) A notice under this Order—

(a) must be in writing;

(b) may be suspended, amended or revoked by further notice at any time; and

(c) may be subject to conditions.

(3) Paragraph (2)(c) does not apply to a notice under article 10.

(4) A licence under this Order must be in writing, may be general or specific, may contain conditions and may be suspended, amended or revoked by notice at any time.

(5) A general licence issued under this Order must be brought to the attention of those persons whom it is likely to affect by its publication in such newspapers or periodicals or in such other manner as the National Assembly considers necessary.

Commencement Information

I2 Art. 2 in force at 1.7.2006, see **art. 1**

Notification of suspicion of a disease or pest

3.—(1) An owner or person in charge of a hive who knows or suspects that—

(a) any bees from the hive are infected with a notifiable disease;

(b) a notifiable pest is present in the hive; or

(c) a notifiable pest is present on or in the same premises or vehicle as the hive,

must immediately notify that fact to the National Assembly.

(2) Any other person who—

(a) has in his or her possession or charge; or

(b) discovers in the course of his or her occupation,

a bee pest that he or she knows or suspects is a notifiable pest must immediately notify that fact to the National Assembly.

Commencement Information

I3 Art. 3 in force at 1.7.2006, see **art. 1**

Prohibition on removal

4.—(1) Where notification has been given under article 3, the owner or person in charge of the hive must not remove, or permit to be removed, from the premises or vehicle on or in which the hive is situated—

(a) any hive, bees, combs, bee products, bee pests, hive debris or appliances; or

(b) any other thing liable to spread the notifiable disease or the notifiable pest.

(2) The owner or person in charge of a hive may, notwithstanding the provisions of paragraph 4 of the Schedule, submit to the National Assembly for laboratory tests samples of—

(a) any parts of the hive, bees, combs, bee products or hive debris, to establish whether they are infected with a notifiable disease or a notifiable pest;

(b) any bee pest to establish whether it is a notifiable pest; and

(c) soil from the area surrounding the hive to establish whether it is infected with a notifiable pest.

(3) If a notice is served under article 6(1) or (2), the prohibition on removal in that notice will apply in place of the prohibition on removal in paragraph 4 of the Schedule.

(4) In the absence of a notice served under article 6(1) or (2), the prohibition on removal in paragraph 4 of the Schedule will apply until—

(a) an authorised person has confirmed by notice that he or she is satisfied that the bees are not infected with the notifiable disease or that the notifiable pest is not present in the hive or on or in the same premises or vehicle as the hive; or

(b) the owner or person in charge of the hive has been informed that the test results on samples submitted to the National Assembly under paragraph (2) confirm that the material sampled is free from infection or is not a notifiable pest.

(5) Any person who gives notification under article 3(2) is not permitted to, remove, or allow removal of, any bee pest or any other thing by which the notifiable pest is liable to be spread from the premises or vehicle on or in which it is situated.

(6) Any person who gives notification under article 3(2) may, notwithstanding the provisions of paragraph (5), submit to the National Assembly for laboratory tests samples of—

(a) any bee pest to see if it is a notifiable pest; and

(b) any other thing, including soil, to see if it is infected with a notifiable pest.

(7) If a notice is served under article 6(1) or (2), the prohibition on removal in that notice will apply in place of the prohibition on removal in paragraph (5).

(8) In the absence of a notice served under article 6(1) or (2), the prohibition on removal in paragraph (5) will apply until—

(a) an authorised person has confirmed by notice that he or she is satisfied that the notifiable pest is not present; or

(b) the person who gave notification under article 3(2) has been informed that the test results on samples submitted to the National Assembly under paragraph (6) confirm that the material sampled is not a notifiable pest or is not infected with a notifiable pest.

(9) Any sample submitted under paragraph (2) or (6) must be packed so as to prevent as far as possible the risk of the spread of infection during transit.

Commencement Information

I4 Art. 4 in force at 1.7.2006, see **art. 1**

Marking of hives and appliances

5.—(1) An authorised person may mark any hive or appliance for identification purposes.

(2) No person is permitted to interfere with any identifying mark made under paragraph (1) or permit such a mark to be interfered with.

Commencement Information
I5 Art. 5 in force at 1.7.2006, see **art. 1**

Notices prohibiting removal

6.—(1) Where an authorised person has reasonable grounds for suspecting that a notifiable disease or a notifiable pest is present on or in any premises or vehicle, he or she must serve on the owner or person in charge of—

(a) any hive, bees, combs, bee products, bee pests, hive debris or appliances situated on or in the premises or vehicle; or

(b) any other thing liable to spread the notifiable disease or the notifiable pest situated on or in the premises or vehicle,

a notice prohibiting their removal and the removal of any bee pests contained in or affecting them, except under the authority of a licence issued by the National Assembly.

(2) Where an authorised person is obstructed in the exercise of his or her power of entry under section 2 of the Act, he or she may serve on the person appearing to him or her to be the owner or occupier of the premises or the owner or person in charge of the vehicle a notice prohibiting the removal from the premises or vehicle of—

(a) any hive, bees, combs, bee products, bee pests, hive debris or appliances; or

(b) any other thing liable to spread a notifiable disease or a notifiable pest.

(3) A notice served pursuant to paragraph (2) must be revoked if an authorised person is subsequently able to act without obstruction in the exercise of his or her power of entry under section 2 of the Act on or in the premises or vehicle.

(4) In this article "the Act" ("*y Ddeddf*") means the Bees Act 1980.

Commencement Information
I6 Art. 6 in force at 1.7.2006, see **art. 1**

Disease control measures

7.—(1) The presence of a notifiable disease may be confirmed by an authorised person on the basis of a laboratory test result or a field test kit result.

(2) Where the presence of American foul brood has been confirmed in a hive, an authorised person—

(a) must serve on the owner or person in charge of the hive a notice requiring the destruction in accordance with the notice of any bees, combs or bee products from the hive;

(b) may serve on the owner or person in charge of the hive a notice requiring the destruction or treatment in accordance with the notice of the hive, debris from the hive and any appliances or other things liable to spread the disease;

(c) may serve on any other person who is the owner or person in charge of any appliances or other things liable to spread the disease a notice requiring their destruction or treatment in accordance with the notice.

(3) Where the presence of European foul brood has been confirmed in a hive, an authorised person—

(a) must serve on the owner or person in charge of the hive a notice requiring the destruction or treatment in accordance with the notice of any bees, combs or bee products from the hive;

(b) may serve on the owner or person in charge of the hive a notice requiring the destruction or treatment in accordance with the notice of the hive, debris from the hive and any appliances or other things liable to spread the disease;

(c) may serve on any other person who is the owner or person in charge of any appliances or other things liable to spread the disease a notice requiring their destruction or treatment in accordance with the notice.

(4) If, once any treatment required by a notice served under this article has been carried out, an authorised person confirms by way of a laboratory test result or a field test kit result that the notifiable disease remains, an authorised person may serve further notices under this article.

Commencement Information

I7 Art. 7 in force at 1.7.2006, see **art. 1**

Pest control measures

8.—(1) The presence of a notifiable pest may be confirmed by an authorised person on the basis of a laboratory test result or an examination.

(2) Where the presence of a notifiable pest has been confirmed in a hive or on or in the same premises or vehicle as a hive, an authorised person—

(a) must serve on the owner or person in charge of the hive a notice requiring the destruction or treatment in accordance with the notice of the hive, any bees, combs, bee products, bee pests or debris from the hive, and any appliances or other things by which the notifiable pest is liable to be spread;

(b) may serve on the owner or occupier of the premises on which the hive is situated a notice requiring the treatment in accordance with the notice of the soil surrounding the hive;

(c) may serve on any other person who is the owner or person in charge of any appliances or other things by which the notifiable pest is liable to be spread a notice requiring their destruction or treatment in accordance with the notice.

(3) Where the presence of a notifiable pest is confirmed on or in any other premises or vehicle, an authorised person may serve a notice requiring the destruction or treatment in accordance with the notice of any bee pests and of any other things by which the notifiable pest is liable to be spread on—

(a) any person who has a bee pest in his or her possession or charge;

(b) the owner or occupier of the premises, or the owner or person in charge of the vehicle.

(4) If, once any treatment required by a notice served under this article has been carried out, an authorised person confirms on the basis of a laboratory test result or an examination that the notifiable pest remains, an authorised person may serve further notices under this article.

Commencement Information

I8 Art. 8 in force at 1.7.2006, see **art. 1**

Notices served under article 7 or 8

9. A notice served under article 7 or 8 must specify—