STATUTORY RULES OF NORTHERN IRELAND

2007 No. 246

BEE DISEASES

The Bee Diseases and Pests Control Order (Northern Ireland) 2007

Made - - - -	*18th April 2007*
Coming into operation	*21st May 2007*

The Department of Agriculture and Rural Development(**1**), in exercise of the powers conferred by Article 3 of The Bees (Northern Ireland) Order 1980(**2**) makes the following Order:

Citation and commencement

1. This Order may be cited as The Bee Diseases and Pests Control Order (Northern Ireland) 2007 and comes into operation on 21st May 2007.

General interpretation

2.—(1) In this Order—

"appliances" means containers and any other equipment used in connection with keeping or transporting bees;

"bee pest" 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" means a portable test kit that confirms the presence of a disease without the need to send samples to a laboratory;

"hive" means any thing that contains or has at any time contained a colony of bees;

"hive debris" includes dead bees, parasites, wax and pollen;

"notifiable disease" 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" includes any place with or without buildings; and

"vehicle" includes any vessel, boat, hovercraft or aircraft.

(2) A notice under this Order—

(**1**) Formerly the Department of Agriculture for Northern Ireland; *see* S.I. 1999/283 (N.I. 1), Article 3(4)
(**2**) S.I. 1980/869 (N.I. 7)

(a) shall 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 shall 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 shall 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 Department considers necessary.

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,

shall as soon as is reasonably possible notify that fact to the Department.

(2) Any other person who—

(a) has in his possession or charge; or

(b) discovers in the course of his occupation,

a bee pest that he knows or suspects is a notifiable pest shall immediately notify that fact to the Department.

Prohibition on removal

4.—(1) Where notification has been given under Article 3(1), the owner or person in charge of the hive shall 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 (1), submit to the Department 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 shall apply in place of the prohibition on removal in paragraph (1).

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

(a) an authorised person has confirmed by notice that he 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 Department 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) shall not remove, or permit to be removed, 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 Department 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 shall 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) shall apply until—

(a) an authorised person has confirmed by notice that he 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 Department 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) shall be packed so as to prevent as far as possible the risk of the spread of infection during transit.

Marking of hives and appliances

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

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

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 shall 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 Department.

(2) Where an authorised person is obstructed in the exercise of his power of entry under Article 4 of the Order, he may serve on the person appearing to him 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) shall be revoked if an authorised person is subsequently able to act without obstruction in the exercise of his power of entry under Article 4 of the Order on or in the premises or vehicle.

(4) In this Article "the Order" means The Bees (Northern Ireland) Order 1980.

Disease control measures

7.—(1) The presence of a notifiable disease shall be confirmed by an authorised person on the basis of either 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) shall 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) shall 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.

Pest control measures

8.—(1) The presence of a notifiable pest shall be confirmed by an authorised person on the basis of a either 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) shall 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.