STATUTORY RULES OF NORTHERN IRELAND

1998 No. 191

PESTS

Bee Disease Control Order (Northern Ireland) 1998

Made - - - -	*19th May 1998*
Coming into operation	*22nd June 1998*

The Department of Agriculture, in exercise of the powers conferred on it by Article 3(1), (2), (3) and (4) of, and paragraphs 2, 3, 4, 6, 7, 8, 9 and 11 of the Schedule to, the Bees (Northern Ireland) Order 1980(**1**), and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Bee Disease Control Order (Northern Ireland) 1998 and shall come into operation on 22nd June 1998.

Revocation

2. The Bee Disease (Varroasis) Control Order (Northern Ireland) 1982(**2**) is hereby revoked.

Interpretation

3. In this Order—

"American foul brood" means the disease of the brood of bees caused by the organism *Paenibacillus larvae*;

"appliance" means any container or other appliance or apparatus used in connection with keeping or transporting bees;

"European foul brood" means the disease of the brood of bees caused by the organism *Melissococcus pluton*;

"hive" means any receptacle which contains or has at any time contained a colony of bees;

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

"notice" means a notice in writing;

"quilt" means any form of cloth material used to cover a bee colony in a hive;

"Varroosis" means infestation of bees by the mite *Varroa jacobsoni*.

(**1**) S.I.1980/869 (N.I. 7)
(**2**) S.R. 1982 No. 352

Notification of disease

4.—(1) An owner or person in charge of any hive who knows or has reasonable grounds for supposing that any bees from it are infected with American foul brood, European foul brood or Varroosis shall as soon as is reasonably possible give notice of that fact to the Department and shall not remove, or permit to be removed, any hive, bees, combs, quilts, bee-products or appliances from the premises or other place on or in which the hive is situated until—

(a) an authorised person has examined them and has confirmed in writing that he is satisfied that American foul brood, European foul brood or Varroosis is not present in them;

(b) a report on the examination of a sample submitted from them under paragraph (2) confirms that American foul brood, European foul brood or Varroosis is not present in them and notification of that fact has been received under Article 6; or

(c) a notice has been served on the owner or person in charge under Article 5(2), whereupon the prohibition on removal contained in that notice shall replace the prohibition on removal arising under this paragraph.

(2) Notwithstanding the provisions of paragraph (1) an owner or person in charge of any hive may submit samples of any bees, combs or hive debris to the Department in order to see if they are free from infection and any sample so submitted shall as far as possible be packed so as to prevent the risk of the spread of infection during transit.

Precautions against spread of infection

5.—(1) An authorised person may—

(a) take samples of any bees, combs or hive debris in order to see if they are free from infection and shall submit any sample so taken to the Department;

(b) mark any hive or appliance for identification purposes.

(2) Where by reason of information received under Article 4(1) or otherwise an authorised person has reasonable grounds for supposing that American foul brood, European foul brood or Varroosis is present on or in any premises or other place, or where an authorised person is refused entry to any premises or other place on or in which he has reasonable grounds for supposing there are hives, bees, combs, quilts, bee-products or appliances, he shall serve on the owner or person in charge of any hive, bees, combs, quilts, bee-products or appliances on or in those premises or other place a notice prohibiting their removal except under the authority of a licence issued by the Department and in accordance with the terms and conditions (if any) subject to which the licence is issued.

Reports on samples

6. After the examination of a sample submitted under Article 4(2) or 5(1)(*a*) the Department shall as soon as is reasonably possible notify the owner or person in charge of the hive from which the sample was taken of the result of the examination and if the presence of American foul brood, European foul brood or Varroosis is not confirmed the Department shall at the same time serve on that owner or person in charge a notice withdrawing any notice served under Article 5(2).

American foul brood

7.—(1) If the report on the examination of a sample submitted under Article 4(2) or 5(1)(*a*) confirms the presence of American foul brood the Department may serve on the owner or person in charge of the hive from which the sample was taken a notice under paragraph (3).

(2) If, following an examination, an authorised person is satisfied that American foul brood is present in any hive and if the owner or person in charge of the hive agrees, then the authorised person may serve on the owner or person in charge a notice under paragraph (3) and the owner or person

in charge shall signify his agreement by signing a copy of that notice which shall be retained by the authorised person.

(3) A notice under this paragraph shall require the owner or person in charge of the hive within such reasonable time as shall be specified in the notice—

(a) to destroy by fire any bees, combs (together with any honey contained in them) and quilts from the hive; and

(b) at his option either to destroy by fire the hive and any appliances which appear to an authorised person to be infected with or to have been exposed to infection with American foul brood or to treat the same in such manner and with such substance as shall be specified in the notice.

(4) Any form of destruction or treatment required to be carried out by a notice served under paragraph (3) shall be carried out by the person on whom the notice is served or by his duly authorised agent in the presence of an authorised person.

(5) Where a notice is served under paragraph (3) then any notice served under Article 5(2) shall remain in force until such date as the Department shall by subsequent notice determine.

European foul brood

8.—(1) If the report on the examination of a sample submitted under Article 4(2) or 5(1)(*a*) confirms the presence of European foul brood the Department may—

(a) serve on the owner or person in charge of the hive from which the sample was taken a notice requiring him within such reasonable time as shall be specified in the notice either—

(i) to destroy by fire any bees, combs (together with any honey contained in them) and quilts from the hive and, at his option, either to destroy by fire the hive and any appliances which appear to an authorised person to be infected with or to have been exposed to infection with European foul brood or to treat the same in such manner and with such substance as shall be specified in the notice; or

(ii) to treat any bees from the hive in such manner and with such substance as shall be specified in the notice;

(b) serve on the owner or person in charge of any bees which appear to an authorised officer likely to have come into contact with bees from the hive (referred to in this sub-paragraph as "contact bees") a notice requiring the treatment of the contact bees by such method, with such substance and within such reasonable time as shall be specified in the notice; and should any of the bees in a hive containing contact bees die before the treatment can be administered the Department may serve a further notice on the owner or person in charge of that hive requiring him, within such reasonable time as shall be specified in the notice, to destroy or treat the dead and remaining bees, their associated combs (together with any honey contained in them) and quilts and, at his option, either to destroy by fire that hive and any appliances which appear to an authorised officer to be infected with or to have been exposed to infection with European foul brood or to treat the same in such manner and with such substance as shall be specified in the notice.

(2) Where any bees have been treated in accordance with paragraph (1) such bees together with their associated combs and hives shall for a period of eight weeks following the termination of such treatment be retained in the custody or under the control of the owner or the person in charge of the hives containing the said bees at the time when such treatment was carried out and during that period a person shall not remove any combs or bee-products from any of the said hives.

(3) The Department may exempt any person from the requirements contained in paragraph (2) by a licence and in accordance with the terms and conditions (if any) subject to which the licence is issued.

(4) Any form of destruction or treatment required to be carried out by a notice served under paragraph (1) shall be carried out by the person on whom the notice is served or by his duly authorised agent in the presence of an authorised person; but the treatment of any bees shall be carried out by an authorised person.

(5) Where a notice is served under paragraph (1) then any notice served under Article 5(2) shall remain in force until such date as the Department shall by subsequent notice determine.

Presence of Varroosis

9.—(1) If the report on the examination of a sample submitted under Article 4(2) or 5(1)(*a*) confirms the presence of Varroosis the Department may—

(a) serve on the owner or person in charge of the hive from which the sample was taken a notice requiring the destruction, treatment or isolation of any of the following—

(i) the hive;

(ii) any bees, combs, quilts or bee-products from the hive;

(iii) any appliances belonging to him or in his charge which appear to be infected with Varroosis;

(b) serve on the owner or person in charge of the hive, bees, combs, quilts, bee-products or appliances which appear to an authorised person to be infected or to have been exposed to infection with Varroosis a notice requiring the destruction, treatment or isolation of such things;

(c) declare by notice published in accordance with Article 12 an area specified in the notice, in which the presence of Varroosis has been confirmed, to be an infected area.

(2) A notice under paragraph (1)(*a*) or (*b*) requiring destruction or treatment—

(a) shall specify the method of destruction or treatment and, in the case of treatment, the substance to be used;

(b) shall specify a reasonable period within which the destruction or treatment is to be carried out; and

(c) may require such destruction or treatment to be carried out by or in the presence of an authorised person;

and a notice requiring isolation shall specify the period of isolation.

(3) A notice under paragraph (1)(*c*) may provide that all or any of the provisions specified in the Schedule shall apply in the infected area or in such parts thereof as are specified in the notice; and such a notice may provide for the application of different provisions to different parts of the infected area as the Department considers necessary to prevent the spread of Varroosis.

(4) Where the report on the examination of a sample submitted under Article 4(2) or 5(1)(*a*) confirms the presence of Varroosis then any notice served under Article 5(2) shall remain in force until such date as the Department shall by subsequent notice determine.

Provision of facilities and obligations of beekeepers

10.—(1) A person shall not in any way interfere with or cause or knowingly permit to be interfered with any form of identifying mark made by an authorised person under Article 5(1)(*b*).

(2) The owner or person in charge of any hive, bees, combs, quilts, bee-products or appliances shall, so far as he is able, make available all such facilities and give such information (including information concerning the whereabouts and number of hives, bees, combs, quilts, bee-products and appliances belonging to him or in his charge) to an authorised person as that authorised person shall reasonably require for the purposes of this Order.