1982 No. 352

BEE DISEASES

Bee Disease (Varroasis) Control Order (Northern Ireland) 1982

Made	*27th October 1982*
Coming into operation	*1st December 1982*

The Department of Agriculture, in exercise of the powers conferred on it by Article 3(1), (2), (3) and (4) of and the Schedule to the Bees (Northern Ireland) Order 1980(a), 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 (Varroasis) Control Order (Northern Ireland) 1982 and shall come into operation on 1st December 1982.

Interpretation

2. In this Order—

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

"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;

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

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

Notification of disease

3.—(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 Varroasis 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 Varroasis is not present in them;

(*b*) a report on the examination of a sample submitted from them under paragraph (2) confirms that Varroasis is not present in them and notification of that fact has been received under Article 5; or

(*c*) a notice has been served on the said owner or person in charge under Article 4(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.

(a) S.I. 1980/869 (N.I. 7). Brought into operation on 25th June 1980 by S.R. 1980 No. 210 (C. 6)

Precautions against spread of infection

4.—(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;

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

(2) Where by reason of information received under Article 3(1) or otherwise an authorised person has reasonable grounds for supposing that Varroasis 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

5. Upon receiving the report on the examination of a sample submitted under Article 3(2) or 4(1)(*a*) the Department shall as soon as is reasonably possible send a copy of the report to the owner or person in charge of the hive from which the sample was taken and if the report does not confirm the presence of Varroasis the Department shall at the same time serve on such owner or person in charge a notice withdrawing any notice served under Article 4(2).

Presence of Varroasis

6.—(1) If the report on the examination of a sample submitted under Article 3(2) or 4(1)(*a*) confirms the presence of Varroasis 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 Varroasis;

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

(*c*) declare by notice published in accordance with Article 9(2) an area specified in the notice, in which the presence of Varroasis 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 Varroasis.

(4) Where the report on the examination of a sample submitted under Article 3(2) or 4(1)(*a*) confirms the presence of Varroasis then any notice served under Article 4(2) shall remain in force until such date as the Department shall by subsequent notice determine.

Provision of facilities and obligations of beekeepers

7.—(1) No person shall 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 4(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.

(3) Any person upon whom a notice is served under this Order or who is subject to the provisions of a notice declaring an area to be an infected area within the meaning of Article 6 shall comply in all respects with the provisions of that notice.

Default procedures

8. Where any action required to be taken by any person under any notice served on him under this Order has not been taken within the time specified in the notice for the taking of that action then an authorised person may himself take that action and the reasonable expenses incurred in the taking of that action shall, without prejudice to any proceedings arising in connection with a contravention of this Order, be recoverable on demand by the Department as a civil debt from that person.

Notices

9.—(1) A notice shall be in writing and if required to be served on any person shall be deemed to be properly served if delivered personally to him or left at or posted to his place of abode or business last known to the Department; and any notice so served may be varied or revoked in the same manner.

(2) A notice declaring an area to be an infected area within the meaning of Article 6 shall be published in such newspapers or periodicals or in such other manner as the Department shall consider necessary to bring it to the attention of those persons likely to be affected by its terms and may be varied or revoked by the Department by a further notice published, so far as is practicable, in the same manner.

Exemptions

10. Any person who in the opinion of the Department is concerned or connected with research into, or with any course of training relating to, pests or diseases affecting bees may be exempted from any of the provisions of this Order by a licence issued by the Department and in accordance with any terms and conditions subject to which the licence is issued.

Licences

11.—(1) A general licence shall be issued by the publication of it in such newspapers or periodicals or in such other manner as the Department shall consider necessary to bring it to the attention of those persons likely to be affected by its terms.

(2) A general licence may be varied, revoked or suspended by a notice published, so far as practicable, in the same manner and to the same extent as the licence.