
EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Bee Diseases Control Order 1982 (S.I. [1982/107](#)) and revokes the Importation of Bees Order 1997 (S.I. [1997/310](#)) in so far as those instruments relate to Scotland.

Article 3 provides for notification of the presence or suspected presence of a notifiable disease or a notifiable pest to the Scottish Ministers.

Article 4 prohibits the movement of hives and other things liable to spread a notifiable disease or notifiable pest and article 5 provides that hives and appliances may be marked for identification purposes.

Article 6(1) provides for the service of a notice prohibiting the movement of certain items if an authorised person has reasonable grounds for suspecting the presence of a notifiable disease or a notifiable pest or if an authorised person is obstructed in the exercise of a power of entry.

Articles 7 and 8 contain measures that apply if the presence of a notifiable disease or a notifiable pest is confirmed.

Article 9 relates to the specific provisions of notices served under articles 7 or 8.

Article 10 gives the Scottish Ministers a power to issue a notice declaring an area to be an infected area if they are satisfied that a notifiable pest is present in that area. The notice may specify that all or any of the provisions in the Schedule apply in all or part of the infected area.

Article 11 implements the provisions of Commission Decision [2003/881/EC](#) applying to bees after they have been imported into Scotland from a third country. The conditions of import in Commission Decision [2003/881/EC](#) are implemented in the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 (S.S.I. [2007/194](#)).

Article 12 relates to the provision of facilities and information to authorised persons.

Article 13 prohibits treatment which would impede detection of a notifiable disease.

Article 14 requires compliance with all notices issued under this Order.

Article 15 provides that where a notice is not complied with, an authorised person may take the action required under the notice and the costs incurred are recoverable from the person in default.

Article 16 describes the method of serving notices.

Article 17 relates to offences by corporate bodies.

Article 18 clarifies the position regarding the civil and criminal liability of authorised persons.

Article 19 allows for exemption from the provisions of the Order for research purposes.

In accordance with section 1(7) of the Bees Act 1980, breach of any provision of the Order or of any condition imposed by any licence issued under the Order is an offence. A person in breach of any such provision shall be liable to the penalty set out in that section.

A regulatory impact assessment has not been produced for this instrument because it has no impact on the costs of business.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Bee Diseases and Pests Control (Scotland) Order 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 2 words inserted by [S.S.I. 2011/326 art. 2\(2\)](#)
- art. 2(3) words inserted by [S.S.I. 2023/114 art. 2\(2\)](#)
- art. 11 inserted by [S.S.I. 2011/326 art. 2\(3\)](#)
- art. 16(3) words inserted by [S.S.I. 2023/114 art. 2\(4\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 2A inserted by [S.S.I. 2021/91 art. 2](#)
- art. 11A inserted by [S.S.I. 2023/114 art. 2\(3\)](#)