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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 506**

**The Bee Diseases and Pests Control (Scotland) Order 2007**

**Prohibition on removal**

4.—(1) Where notification has been given under article 3(1), 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,

except for the purpose of submitting a sample under paragraph (2).

(2) The owner or person in charge of a hive may submit to the Scottish Ministers 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 if it is a notifiable pest; or
- (c) soil from the area surrounding the hive to establish if 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 applies 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) applies until—

- (a) an authorised person has served a notice confirming that that authorised person 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 Scottish Ministers under paragraph (2) confirm that the material sampled is not infected by a notifiable disease or a notifiable pest or is not a notifiable pest.

(5) Any person who gives notification under article 3(2) must not remove, or permit the 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, except for the purpose of submitting a sample under paragraph (6).

(6) Any person who gives notification under article 3(2) may submit to the Scottish Ministers for laboratory tests samples of—

- (a) any bee pest to establish if it is a notifiable pest; or
- (b) any other thing, including soil, to establish 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 applies 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) applies until—

- (a) an authorised person has served a notice confirming that that authorised person is satisfied that the notifiable pest is not present; or

- (b) the person who gave notification has been informed that the test results on samples submitted to the Scottish Ministers 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 in a way which prevents as far as possible the risk of the spread of infection during transit.