

POLICY NOTE

THE BEE DISEASES AND PESTS CONTROL (SCOTLAND) (AMENDMENT) ORDER 2023

SSI 2023/114

The above instrument was made in exercise of the powers conferred by section 1 of the Bees Act 1980 (a). The instrument is subject to *negative procedure*.

Summary Box

This instrument will introduce a power allowing the Scottish Ministers to declare special measures on the importation into Scotland of bees, combs, bee products, hives, appliances or any other thing which has or may have been exposed to infection with any notifiable pest or notifiable disease. The power may be exercised where the Scottish Ministers have reasonable grounds for suspecting the existence of a notifiable disease or pest in the whole or part of a country or territory outside of Great Britain, and where it is necessary to prevent the introduction of the notifiable pest or notifiable disease from that country or territory.

Policy Objectives

1. The general conditions for the importation of bees into Great Britain are laid down by Commission Regulation (EU) 206/2010 which lists the countries from which bees may be imported. The Trade in Animals and Related Products (Scotland) Regulations 2012 sets out requirements for animals and products (including bees and bee products) to be imported into Scotland and details the controls that imported animals and products are subject to. The Bee Diseases and Pests Control (Scotland) Order 2007 makes provision in relation to notifiable pests and notifiable diseases of bees, including post-importation requirements for imported bees.
2. When there is an outbreak of a notifiable disease or notifiable pest of bees in a country or territory outside of Great Britain, it is important that the Scottish Ministers are able to act quickly and effectively to prevent the introduction of that disease or pest into Scotland. Per article 2 of the Bee Diseases and Pests Control (Scotland) Order 2007, “notifiable disease” means American foul brood or European foul brood, and “notifiable pest” means the small hive beetle (*Aethina tumida*) or any species of the Tropilaelaps mite. This instrument will allow the Scottish Ministers to declare special measures prohibiting the importation into Scotland of bees, combs, bee products, hives, appliances (including containers or any other equipment used in connection with keeping or transporting bees) or any other thing which has or may have been exposed to infection. Special measures may also impose conditions to be observed before, during or after importation, and provide for exemptions from a prohibition of importation under the authority of a licence issued by the Scottish Ministers. The Scottish Ministers may also declare such other measures as they

consider necessary to prevent the introduction of a notifiable pest or notifiable disease.

3. Outbreaks of notifiable disease and notifiable pests do occur in countries from which bees may be imported, and are currently dealt with by way of special measures under regulation 25(1) of the Trade in Animals and Related Products (Scotland) Regulations 2012. Under regulation 25 of the Trade in Animals and Related Products (Scotland) Regulations 2012, the Scottish Ministers may declare special measures suspending the entry into Scotland of any animal or product in certain circumstances, including where the Scottish Ministers have reasonable grounds for suspecting the existence of a disease, zoonosis, phenomenon or circumstance in a country or territory outside of Great Britain, and where the animals or products originating from the whole or part of that country or territory are liable to pose risk to human or animal health. For example since 16 January 2023 the Scottish Ministers have put in place special measures under regulation 25 of the Trade in Animals and Related Products (Scotland) Regulations 2012 suspending the import of bees and certain bee products from the region of Calabria, Italy in response to an ongoing outbreak of small hive beetle (a notifiable bee pest) in the area. Small hive beetle is a serious pest of honey bees and is notifiable in the EU and the UK. It is native to Africa but has become endemic in other countries. It is not known to be present in the UK but it is considered that the UK would be a suitable environment for the pest to become established. Whilst the UK does not have a significant export trade in bees and bee products, domestic production could be severely impacted if the small hive beetle were to become established.
4. The new power to declare special measures that will be introduced by this instrument is considered to be a more effective tool for preventing the introduction of a bee pest or disease than the existing power to declare special measures under regulation 25 of the Trade in Animals and Related Products (Scotland) Regulations 2012. The new power allows special measures to be declared in relation to the importation of bees, bee products, hives, appliances (including containers or any other equipment used in connection with keeping or transporting bees) or any other thing which has or may have been exposed to infection.
5. Enforcement of special measures declared under the Trade in Animals and Related Products (Scotland) Regulations 2012 is carried out per regulation 27 of those Regulations by different enforcement authorities depending on whether the enforcement relates to “animals” or “products” and depending on where the enforcement is taking place. In contrast, the new power to declare special measures will be introduced by way of amendment to the Bee Diseases and Pests Control (Scotland) Order 2007 which is enforced by “authorised persons”, defined in section 3 of the Bees Act 1980 as “a person generally or specially authorised in writing by the responsible Minister”. This will allow the Scottish Ministers to authorise such persons as they consider appropriate for the enforcement of any special measures declared under this new power, which may include people with specialist knowledge of bee health and beekeeping. This flexibility will be particularly useful for imported

beekeeping equipment which is not required to enter Great Britain via a border control post.

6. The new power will therefore provide a more effective means by which the small hive beetle outbreak in Calabria, and future outbreaks in other countries and territories, may be dealt with.

Consultation

7. There is no statutory duty to consult, and policy officials have concluded that a consultation is not necessary.

Impact Assessments

8. There is no, or no significant, impact on business, charities or voluntary bodies.

Financial Effects

9. The Cabinet Secretary for Rural Affairs and Islands confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
March 2023