
 STATUTORY INSTRUMENTS

1982 No. 107

BEE DISEASES

The Bee Diseases Control Order 1982

<i>Made - - - -</i>	1st February 1982
<i>Laid before Parliament</i>	9th February 1982
<i>Coming into Operation</i>	2nd March 1982

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1 and 5(4) of the Bees Act 1980 (a) and of all other powers enabling them in that behalf, hereby make the following order:—

Citation, extent and commencement

1. This order, which may be cited as the Bee Diseases Control Order 1982, shall apply to Great Britain and shall come into operation on 2nd March 1982.

Interpretation

2. In this order, unless the context otherwise requires:—

“the Act” means the Bees Act 1980;

“American foul brood” means the disease of the brood of bees caused by the organism *Bacillus larvae*;

“appliances” means containers and other appliances and apparatus used in connection with keeping or transporting bees;

“approved laboratory” means a laboratory generally or specially approved for the purposes of this order by the responsible Minister;

“authorised person” means a person generally or specially authorised in writing by the responsible Minister;

“bee product” means any natural product of the activities of bees (such as, for example, honey or beeswax) in its natural state;

“bees” includes bees in any stage of their life cycle;

“European foul brood” means the disease of the brood of bees caused by the organism *Streptococcus pluton*;

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

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

“responsible Minister” means—

(a) in relation to England, the Minister of Agriculture, Fisheries and Food, and

(b) in relation to Scotland and Wales, the Secretary of State;

“Varroasis” means infestation of bees by the mite *Varroa Jacobsoni*.

(a) 1980 c.12.

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 American foul brood, European foul brood or Varroasis shall with all practical speed give notice of that fact to the responsible Minister 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 Varroasis is not present in them;

(b) a report on the examination of a sample submitted from them under paragraph (2) below confirms that American foul brood, European foul brood or Varroasis is not present in them and notification of that fact has been received under Article 5(2); 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) above an owner or person in charge of any hive may submit samples of any combs or, in the case of suspected Varroasis, samples of any bees, combs or hive debris, to an approved laboratory in order to see if they are free from infection and any sample so submitted shall be packed so as to prevent as far as possible the risk of the spread of infection during transit.

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 and shall submit any sample so taken to an approved laboratory;

(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 American foul brood, European foul brood or 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 any 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 responsible Minister and in accordance with the terms and conditions (if any) subject to which the licence is issued.

Reports on Samples

5.—(1) The report on the examination of a sample submitted under Article 3(2) or 4(1)(a) shall be sent by the person in charge of the approved laboratory to the responsible Minister with all practical speed.

(2) Upon receiving the report on the examination of a sample submitted under Article 3(2) or 4(1)(a) the responsible Minister shall with all practical speed 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 American foul brood, European foul brood or Varroasis the responsible Minister shall at the same time serve on such owner or person in charge a notice withdrawing any notice served under Article 4(2).

American foul brood

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

(2) If, following an examination by him, 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) below 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 the option of the said owner or person in charge 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) above 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) above then any notice served under Article 4(2) shall remain in force until such date as the responsible Minister shall by subsequent notice determine.

European foul brood

7.—(1) If the report on the examination of a sample submitted under Article 3(2) or 4(1)(a) confirms the presence of European foul brood the responsible Minister 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 the option of the said owner or person in charge, 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 person likely to have come into contact with bees from the hive (referred to in this subparagraph 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 responsible Minister may serve a further notice on the owner or person in charge of the said 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 the option of the said owner or person in charge, either to destroy by fire the said 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.

(2) Where any bees have been treated in accordance with paragraph (1) above 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 no person shall remove any combs or bee-products from any of the said hives.

(3) The responsible Minister may exempt any person from the requirements contained in paragraph (2) above 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) above 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) above then any notice served under Article 4(2) shall remain in force until such date as the responsible Minister shall by subsequent notice determine.

Varroasis

8.—(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 responsible Minister 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 an authorised person 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 11(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) above 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) above may provide that all or any of the provisions specified in the schedule hereto 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 responsible Minister 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 responsible Minister shall by subsequent notice determine.

Provision of facilities and obligations of beekeepers

9.—(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) No person except an authorised person carrying out the treatment of bees under Article 7(4) shall treat any bees with any substance which may have the effect of disguising the presence of, or rendering difficult the detection of, American foul brood or European foul brood.

(4) Any person may be excepted from the prohibition contained in paragraph (3) above by a licence (which may be general or specific) issued by the responsible Minister and in accordance with the terms and conditions (if any) subject to which the licence is issued.

(5) 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 8 shall comply in all respects with the provisions of that notice.

Default Procedures

10. 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 responsible Minister as a civil debt from that person.

Notices

11.—(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 responsible Minister; 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 8 shall be published in such newspapers or periodicals or in such other manner as the responsible Minister 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 responsible Minister by a further notice published, so far as is practicable, in the same manner.

Exemptions

12. Any person who in the opinion of the responsible Minister 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 responsible Minister and in accordance with any terms and conditions subject to which the licence is issued.

Licences

13.—(1) A general licence shall be issued by the publication of it in such newspapers or periodicals or in such other manner as the responsible Minister 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.

(3) A specific licence may be varied, revoked or suspended by a notice in writing served on the person to whom the licence was issued.

Revocation

14. The Foul Brood Disease of Bees Order 1967 (a) is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th January 1982.

(L.S.)

Peter Walker,
Minister of Agriculture,
Fisheries and Food.

George Younger,
Secretary of State for Scotland.

27th January 1982.

Nicholas Edwards,
Secretary of State for Wales.

1st February 1982.

Article 8(3)

SCHEDULE

(Provisions which may apply in an infected area)

1. The responsible Minister may serve on the owner or person in charge a notice requiring the destruction, treatment or isolation of any hive, bees, combs, quilts, bee-products or appliances. Where the notice requires destruction or treatment it shall specify the method of destruction or treatment and, in the case of treatment, the substance to be used. The notice shall also specify a reasonable period within which the destruction or treatment is to be carried out. Where the notice requires isolation it shall specify the period of isolation.

2. Any movement into, from or within an infected area of any hive, bees, combs, quilts, bee-products or appliances shall be prohibited except under the authority of a licence, which may be general or specific, issued by the responsible Minister and in accordance with the terms and conditions (if any) subject to which the licence is issued.

3. An owner or person in charge of any hive, bees, combs, quilts, bee-products or appliances shall notify the responsible Minister as soon as he is reasonably able to do so of his name and address and the location of all the hives, bees, combs, quilts, bee-products or appliances belonging to him or in his charge.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies to Great Britain, revokes the Foul Brood Disease of Bees Order 1967 and relates to three types of bee disease – American Foul Brood, European Foul Brood and Varroasis. It provides for the submission of samples of bees, combs or hive debris by authorised persons, and for the submission of samples of combs (or, in the case of suspected Varroasis, of bees, combs or hive debris) by beekeepers, to an approved laboratory in order to see if the sample is free from infection. If the laboratory report confirms the presence of disease certain measures can be taken.

1. In the case of American Foul Brood the responsible Minister may serve on the beekeeper from whose hive the sample was taken a notice requiring the destruction by fire of any bees, combs, honey and quilts from the hive and, at the option of the beekeeper, the destruction or treatment of the hive itself and of any infected beekeeping appliances. Such a notice may also be served by an authorised person on a beekeeper without the necessity of first obtaining a positive report from an approved laboratory if the beekeeper agrees that American Foul Brood is present in the hive and signifies his agreement by signing a copy of the notice.

2. In the case of European Foul Brood the responsible Minister may serve on the beekeeper from whose hive the sample was taken a notice requiring either—

(a) the destruction by fire of any bees, combs, honey and quilts from the hive and, at the option of the beekeeper, the destruction or treatment of the hive itself and of any infected beekeeping appliances; or

(b) the treatment of the bees from the hive.

Provision is also made for the treatment of bees which appear to have been in contact with any bees from the hive; and for the isolation of any treated bees together with their associated combs and hives for a period of 8 weeks following the treatment. Exemptions can be made from the latter requirement by licence.

3. (a) In the case of Varroasis the responsible Minister may serve on the beekeeper from whose hive the sample was taken a notice requiring the destruction, treatment or isolation of the hive, of any bees, combs, quilts or bee-products from it, and of any infected beekeeping appliances. Such a notice may also be served on any beekeeper whose hives, combs, quilts, bee-products or appliances appear to an authorised person to have been exposed to Varroasis.

(b) In the case of Varroasis the responsible Minister may also, by a published notice, declare an area in which the presence of Varroasis has been confirmed to be an infected area. In an infected area the responsible Minister may serve on any beekeeper a notice requiring the destruction, treatment or isolation of his hive, bees, combs, quilts, bee-products or appliances; the movement of such things into, from or within the infected area may be prohibited (unless licensed); and beekeepers may be obliged to provide certain information to the responsible Minister concerning the whereabouts of such things belonging to them or in their charge.

The Order also provides for the serving of notices by authorised persons on beekeepers where the authorised person suspects disease or where he is refused entry to any premises on which he suspects that any hive, bees, combs, quilts, bee-products or appliances are present, prohibiting the movement of such things without a licence; for the marking of hives or appliances for identification purposes by authorised persons; and for the taking by an authorised person of measures required to be taken by a beekeeper in the event of default by the beekeeper.

Beekeepers are further required:—

- (1) if they suspect disease, to notify the responsible Minister and not to move any hives, bees, combs, quilts, bee-products or appliances from the premises on which they are situated;
- (2) not to interfere with any form of identifying mark made by an authorised person;
- (3) to provide reasonable facilities and information to an authorised person; and
- (4) unless licensed not to treat their bees with certain drugs that disguise the presence of disease.

The Minister may, by licence, exempt educational or research establishments from the provisions of the Order.

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