
STATUTORY INSTRUMENTS

2006 No. 342

The Bee Diseases and Pests Control (England) Order 2006

Title, commencement and application **E+W+S**

1.—(1) This Order may be cited as the Bee Diseases and Pests Control (England) Order 2006 and comes into force on 17th March 2006.

(2) This Order applies in relation to England only.

Interpretation **E+W+S**

2.—(1) In this Order—

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

“bee pest” means any beetle, mite or similar organism that may be injurious to bees and that is in any stage of its life cycle;

“field test kit” means a portable test kit that confirms the presence of a disease without the need to send samples to a laboratory;

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

“notifiable disease” means American foul brood or European foul brood;

“notifiable pest” means the small hive beetle (*Aethina tumida*) or any species of the *Tropilaelaps* mite;

“premises” includes any place with or without buildings; and

“vehicle” includes any vessel, boat, hovercraft or aircraft.

(2) A notice under this Order—

(a) shall be in writing;

(b) may be suspended, amended or revoked by further notice at any time; and

(c) may be subject to conditions.

(3) Paragraph (2)(c) does not apply to a notice under article 10.

(4) A licence under this Order shall be in writing, may be general or specific, may contain conditions and may be suspended, amended or revoked by notice at any time.

(5) A general licence issued under this Order shall be brought to the attention of those persons whom it is likely to affect by its publication in such newspapers or periodicals or in such other manner as the Secretary of State considers necessary.

Notification of suspicion of a disease or pest **E+W+S**

3.—(1) An owner or person in charge of a hive who knows or suspects that—

(a) any bees from the hive are infected with a notifiable disease;

(b) a notifiable pest is present in the hive; or

(c) a notifiable pest is present on or in the same premises or vehicle as the hive,

shall immediately notify that fact to the Secretary of State.

- (2) Any other person who—
- (a) has in his possession or charge; or
 - (b) discovers in the course of his occupation,

a bee pest that he knows or suspects is a notifiable pest shall immediately notify that fact to the Secretary of State.

[^{F1} Reporting of Varroa mite (Varroosis) **E+W+S**]

3A.—(1) An owner or person in charge of a hive who knows that any species of the Varroa mite (Varroosis) is present within that hive must give notice of that fact to the Secretary of State as soon as is practicable.

(2) Any other person who discovers in the course of his occupation the presence of the Varroa mite (Varroosis) in a hive, must give notice of that fact to the Secretary of State as soon as is practicable.

(3) A person who gives notice under this article in respect of a hive is not required to give further notices in respect of other hives at the same location.]

<p>F1 Art. 3A inserted (21.4.2021) by The Bee Diseases and Pests Control (England) (Amendment) Order 2021 (S.I. 2021/420), arts. 1, 2</p>
--

Prohibition on removal **E+W+S**

4.—(1) Where notification has been given under article 3(1), the owner or person in charge of the hive shall 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.

(2) The owner or person in charge of a hive may, notwithstanding the provisions of paragraph (1), submit to the Secretary of State 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 whether it is a notifiable pest; and
- (c) soil from the area surrounding the hive to establish whether 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 shall apply 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) shall apply until—

- (a) an authorised person has confirmed by notice that he 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 Secretary of State under paragraph (2) confirm that the material sampled is free from infection or is not a notifiable pest.

(5) Any person who gives notification under article 3(2) shall not remove, or permit to be removed, 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.

(6) Any person who gives notification under article 3(2) may, notwithstanding the provisions of paragraph (5), submit to the Secretary of State for laboratory tests samples of—

- (a) any bee pest to see if it is a notifiable pest; and
- (b) any other thing, including soil, to see 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 shall apply 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) shall apply until—

- (a) an authorised person has confirmed by notice that he is satisfied that the notifiable pest is not present; or
- (b) the person who gave notification under article 3(2) has been informed that the test results on samples submitted to the Secretary of State 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) shall be packed so as to prevent as far as possible the risk of the spread of infection during transit.

Marking of hives and appliances **E+W+S**

5.—(1) An authorised person may mark any hive or appliance for identification purposes.

(2) No person shall in any way interfere with any identifying mark made under paragraph (1) or permit such a mark to be interfered with.

Notices prohibiting removal **E+W+S**

6.—(1) Where an authorised person has reasonable grounds for suspecting that a notifiable disease or a notifiable pest is present on or in any premises or vehicle, he shall serve on the owner or person in charge of—

- (a) any hive, bees, combs, bee products, bee pests, hive debris or appliances situated on or in the premises or vehicle; or
- (b) any other thing liable to spread the notifiable disease or the notifiable pest situated on or in the premises or vehicle,

a notice prohibiting their removal and the removal of any bee pests contained in or affecting them, except under the authority of a licence issued by the Secretary of State.

(2) Where an authorised person is obstructed in the exercise of his power of entry under section 2 of the Act, he may serve on the person appearing to him to be the owner or occupier of the premises or the owner or person in charge of the vehicle a notice prohibiting the removal from the premises or vehicle of—

- (a) any hive, bees, combs, bee products, bee pests, hive debris or appliances; or
- (b) any other thing liable to spread a notifiable disease or a notifiable pest.

(3) A notice served pursuant to paragraph (2) shall be revoked if an authorised person is subsequently able to act without obstruction in the exercise of his power of entry under section 2 of the Act on or in the premises or vehicle.

(4) In this article “the Act” means the Bees Act 1980.

Disease control measures **E+W+S**

7.—(1) The presence of a notifiable disease may be confirmed by an authorised person on the basis of a laboratory test result or a field test kit result.

- (2) Where the presence of American foul brood has been confirmed in a hive, an authorised person—
- (a) shall serve on the owner or person in charge of the hive a notice requiring the destruction in accordance with the notice of any bees, combs or bee products from the hive;
 - (b) may serve on the owner or person in charge of the hive a notice requiring the destruction or treatment in accordance with the notice of the hive, debris from the hive and any appliances or other things liable to spread the disease;
 - (c) may serve on any other person who is the owner or person in charge of any appliances or other things liable to spread the disease a notice requiring their destruction or treatment in accordance with the notice.
- (3) Where the presence of European foul brood has been confirmed in a hive, an authorised person—
- (a) shall serve on the owner or person in charge of the hive a notice requiring the destruction or treatment in accordance with the notice of any bees, combs or bee products from the hive;
 - (b) may serve on the owner or person in charge of the hive a notice requiring the destruction or treatment in accordance with the notice of the hive, debris from the hive and any appliances or other things liable to spread the disease;
 - (c) may serve on any other person who is the owner or person in charge of any appliances or other things liable to spread the disease a notice requiring their destruction or treatment in accordance with the notice.
- (4) If, once any treatment required by a notice served under this article has been carried out, an authorised person confirms by way of a laboratory test result or a field test kit result that the notifiable disease remains, an authorised person may serve further notices under this article.

Pest control measures E+W+S

- 8.—**(1) The presence of a notifiable pest may be confirmed by an authorised person on the basis of a laboratory test result or an examination.
- (2) Where the presence of a notifiable pest has been confirmed in a hive or on or in the same premises or vehicle as a hive, an authorised person—
- (a) shall serve on the owner or person in charge of the hive a notice requiring the destruction or treatment in accordance with the notice of the hive, any bees, combs, bee products, bee pests or debris from the hive, and any appliances or other things by which the notifiable pest is liable to be spread;
 - (b) may serve on the owner or occupier of the premises on which the hive is situated a notice requiring the treatment in accordance with the notice of the soil surrounding the hive;
 - (c) may serve on any other person who is the owner or person in charge of any appliances or other things by which the notifiable pest is liable to be spread a notice requiring their destruction or treatment in accordance with the notice.
- (3) Where the presence of a notifiable pest is confirmed on or in any other premises or vehicle, an authorised person may serve a notice requiring the destruction or treatment in accordance with the notice of any bee pests and of any other things by which the notifiable pest is liable to be spread on—
- (a) any person who has a bee pest in his possession or charge;
 - (b) the owner or occupier of the premises, or the owner or person in charge of the vehicle.
- (4) If, once any treatment required by a notice served under this article has been carried out, an authorised person confirms on the basis of a laboratory test result or an examination that the notifiable pest remains, an authorised person may serve further notices under this article.

Notices served under article 7 or 8 **E+W+S**

9. A notice served under article 7 or 8 shall specify—

- (a) the method of destruction or treatment, which may, in the case of treatment, include the use of a particular substance or any other action intended to control the disease or pest; and
- (b) the date by which destruction or treatment must take place, or the period during which treatment must take place,

and may specify that the destruction or treatment is to be carried out by an authorised person, in the presence of an authorised person or under the supervision of an authorised person.

Declaration of infected area **E+W+S**

10.—(1) The Secretary of State may by notice declare an area in which she is satisfied that a notifiable pest is present to be an infected area.

(2) The notice may provide that all or any of the provisions specified in the Schedule apply in all or part of the infected area, and that different provisions apply in different parts of the infected area, as the Secretary of State considers necessary to prevent the spread of the pest.

(3) The Secretary of State shall publish any notice issued under paragraph (1) and any notice amending or revoking such a notice in such manner as she considers appropriate to bring it to the attention of persons likely to be affected by it.

Imported bees **E+W+S**

[^{F2}11.—(1) Where consignments of queen bees mentioned in Article 7(3)(a) of Commission Regulation (EU) No 206/2010 arrive at the designated place of final destination from a third country or territory mentioned in Article 7(1) of that Regulation, the consignee must—

- (a) transfer them to new cages in accordance with Article 13(1) of that Regulation; and
- (b) send the cages, attendants and other material that accompanied those bees from the third country of origin to a laboratory in accordance with Article 13(2) of that Regulation.

(2) Where consignments of bumble bees mentioned in Article 7(3)(b) of Commission Regulation (EU) No 206/2010 are introduced into England from a third country or territory mentioned in Article 7(1) of that Regulation, the owner or person in charge of those bees must destroy the container and material that accompanied them from the third country of origin in accordance with the third paragraph of Article 13(3) of that Regulation.

(3) The Secretary of State is the competent authority for the purposes of Article 13(1) and (2) of that Regulation.

(4) For the purposes of this article—

- (a) “Commission Regulation (EU) No 206/2010” means Commission Regulation (EU) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements;
- (b) “the consignee” means the consignee as indicated on the veterinary certificate accompanying the bees in accordance with Article 7(4)(a) of Commission Regulation (EU) No 206/2010; and
- (c) “designated place of final destination” has the same meaning in this article as it has in Article 13 of Commission Regulation (EU) No 206/2010.]

F2 Art. 11 substituted (25.10.2010) by [Bee Diseases and Pests Control \(England\) \(Amendment\) Order 2010 \(S.I. 2010/2363\)](#), arts. 1, **2(2)**

Provision of facilities and other obligations **E+W+S**

12.—(1) The owner or person in charge of any hive, bees, combs, bee products or appliances and the owner or occupier of any premises and the owner or person in charge of any vehicle on or in which there is suspected to be a notifiable pest [^{F3}or notifiable disease] shall—

- (a) make available all such facilities, and
- (b) give such information (including information concerning the number, location and any movements of hives, bees, combs, bee products or appliances that are or have been in his possession or charge and information concerning the location of any bee pests on the premises or vehicle),

to an authorised person as that authorised person shall reasonably require for the purposes of this Order.

(2) No person may treat bees with a substance which may have the effect of disguising the presence of, or rendering difficult the detection of, a notifiable disease unless he is carrying out the treatment of bees in accordance with a notice served under article 7.

(3) The Secretary of State may by licence exempt any person from the prohibition contained in paragraph (2).

(4) 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 10 shall comply with the provisions of that notice.

F3 Words in art. 12(1) inserted (25.10.2010) by [Bee Diseases and Pests Control \(England\) \(Amendment\) Order 2010 \(S.I. 2010/2363\)](#), arts. 1, **2(3)**

Action in default **E+W+S**

13.—(1) Where any person has not complied with a notice served upon him under this Order, an authorised person may arrange for it to be complied with.

(2) The person upon whom the notice is served shall be liable for any costs incurred under paragraph (1).

(3) Any action taken by an authorised person under paragraph (1) and any recovery of costs under paragraph (2) shall be without prejudice to any proceedings for an offence arising out of contravention of a notice served under this Order.

Service of notices **E+W+S**

14.—(1) Any notice served under this Order shall be properly served on any person if—

- (a) delivered to him personally;
- (b) left at or posted to his home or place of business last known to the Secretary of State; or
- (c) where the conditions in paragraph (2) are fulfilled, sent to him by e-mail.

(2) A notice served on any person by e-mail shall only be properly served on him if he—

- (a) has indicated in writing to the Secretary of State (and has not withdrawn the indication) that he is willing to accept service of notices under this Order by e-mail; and
- (b) has provided in writing to the Secretary of State an e-mail address for this purpose.

Exemptions **E+W+S**

15. The Secretary of State may by licence exempt any person who is involved in research into, or in any course of training relating to, pests or diseases affecting bees from any of the provisions of this Order, apart from the provisions of article 11.

Revocations **E+W+S**

16. The Bee Diseases Control Order 1982(1) and the Importation of Bees Order 1997(2) are revoked in so far as they apply in relation to England.

Bach
Parliamentary Under Secretary of State
Department for Environment Food and Rural
Affairs

(1) S.I.1982/107.
(2) S.I. 1997/310.

Changes to legislation:

There are currently no known outstanding effects for the The Bee Diseases and Pests Control (England) Order 2006.