
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). It also revokes the Importation of Bees Order 1997 (S.I. 1997/310).

Article 3 of the Order makes provision for the notification of the presence or suspected presence of a notifiable disease or a notifiable pest to the Secretary of State. The giving of such notification triggers a prohibition on the movement of things that might spread the disease or pest (article 4). Under the Order American foul brood and European foul brood are notifiable diseases, and small hive beetle and any species of the *Tropilaelaps* mite are notifiable pests.

Where an authorised person has reasonable grounds for suspecting the presence of a notifiable disease or a notifiable pest, he must serve a notice prohibiting the movement of certain items (article 6(1)). If an authorised person is obstructed in the exercise of his power of entry he may serve a notice prohibiting movement of certain items (article 6(2)).

Article 7 sets out the measures that apply on confirmation of the presence of a notifiable disease. Article 8 sets out the measures that apply on confirmation of the presence of a notifiable pest.

The Secretary of State may declare by notice an area to be an infected area if she is satisfied that a notifiable pest is present in that area (article 10). The Secretary of State may specify in the notice that all or any of the provisions in the Schedule apply in some or all of the infected area.

Article 11 implements for England the provisions of Commission Decision 2003/881/EC (OJNo. L328, 17.12.2003, p. 26) as amended by Commission Decision 2005/60/EC (OJ No. L25, 28.1.2005, p. 64) that apply to bees after they have been imported into England from a third country. The Animals and Animal Products (Import and Export) (England) Regulations 2005 (S.I. 2005/2002) implement for England the import conditions contained in Commission Decision 2003/881/EC.

Article 12 requires the provision of facilities and the giving of information to authorised persons in certain circumstances. Article 12 also prohibits the use of substances that may disguise the presence of or render difficult the detection of a notifiable disease other than in accordance with a notice requiring treatment under article 7.

Article 13 provides that where any person has not complied with a notice served under the Order, an authorised person may arrange for it to be complied with at the expense of the person upon whom the notice is served.

In accordance with section 1(7) of the Bees Act 1980 (c. 12), breach of any provision of the Order or of any condition imposed by any licence issued under the Order constitutes an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale (currently £5000).

A regulatory impact assessment has been prepared for this Order and has been placed in the Library of each House of Parliament. Copies may be obtained from the Plant Health Division of the Department for Environment, Food and Rural Affairs, Room 354, Foss House, Kings Pool, 1-2 Peasholme Green, York YO1 7PX.

Changes to legislation:

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