



Statutory Document No. 517/08

THE BEES ACT 1989

**THE BEE DISEASES AND PESTS CONTROL
(ISLE OF MAN) ORDER 2008**

Approved by Tynwald: 16th July 2008

Coming into operation: 1st August 2008

In exercise of the powers conferred on the Department of Agriculture, Fisheries and Forestry by section 1 of, and the Schedule to, the Bees Act 1989(a), and of all other enabling powers, the following Order is hereby made:-

1. Title, commencement and application

This Order may be cited as the Bee Diseases and Pests Control (Isle of Man) Order 2008 and comes into force on 1st August 2008.

2. Interpretation

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;

“Department” means the Department of Agriculture, Fisheries and Forestry;

“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;

“bee holding” means any place with or without buildings in which bees are kept held or handled;

“bee holding number” means the numeric code which is allotted to the bee holding by the Department;

Price: £2.00 Price Code: B

“keeper” means the owner or person in charge of any bees even on a temporary basis;

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

“notifiable pest” means Varroa destructor formerly called jacobsoni, 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 Department considers necessary.

3. Notification of suspicion of a disease or pest

(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; or
- (b) a notifiable pest is present in the hive; or
- (c) a notifiable pest is present on or in the same bee holding or vehicle as the hive,

shall immediately notify that fact to the Department.

(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 Department.

4. Prohibition on removal

(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 bee holding 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 Department 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 bee holding 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 Department 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 bee holding 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 Department 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 Department 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.

5. Marking of hives and appliances

(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.

6. Notices prohibiting removal

(1) Where an authorised person has reasonable grounds for suspecting that a notifiable disease or a notifiable pest is present on or in any bee holding 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 bee holding or vehicle; or
- (b) any other thing liable to spread the notifiable disease or the notifiable pest situated on or in the bee holding 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 Department.

(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 bee holding or the owner or person in charge of the vehicle a notice prohibiting the removal from the bee holding 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 bee holding or vehicle.

(4) In this article "the Act" means the Bees Act 1989.

7. Disease control measures

(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.

8. Pest control measures

(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 bee holding 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 bee holding 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 bee holding 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 bee holding, 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.

9. Disease and Pest surveillance

An authorised person may take samples of any bees, combs or hive debris in order to ascertain if they are free from notifiable disease and notifiable pests.

10. Notices served under article 7 or 8

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.

11. Declaration of infected area

(1) The Department may by notice declare an area in which he 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 Schedule 2 apply in all or part of the infected area, and that different provisions apply in different parts of the infected area, as the Department considers necessary to prevent the spread of the pest.

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

12. Notification and Records

The Department may make and maintain a database in respect of bee holdings and of any associated information compiled from notifications required to be made under this Order.

13. Notification of holdings

(1) Subject to paragraph (2), the keeper of bees on a bee holding shall ensure that the Department is notified in writing of –

- (a) the address of the bee holding;
- (b) the name and address of the owner or occupier of the bee holding;
- (c) the identification number of the bee holding (if known to the person giving the notification);
- (d) the extent of the bee holding, and

(e) the number of hives on the bee holding

in such form as the Department may approve.

(2) The particulars required by paragraph (1) in respect of any bee holding must be notified to the Department within 28 days of this Order coming into force.

(3) In the case of a bee holding established after this Order comes into operation, the keeper of bees on the holding shall comply with the requirement of paragraph (1) within seven days of the movement of bees onto the holding.

(4) The keeper of bees on a bee holding shall ensure that the Department is notified in writing of any change to the particulars required to be notified under subparagraphs (1) (a) to (d) above within one month of such change, or within seven days of the transport of any bees or equipment onto or off a new holding.

(5) The keeper of any bees on the bee holding shall give the notified particulars to an authorised officer if requested to do so.

14. Records of bees

(1) The keeper of bees on a holding shall ensure that a record is made containing the information set out in Schedule 1, in respect of –

- (a) each transport of bees to or from the holding;
- (b) each transport of bee equipment to or from the holding.

(2) A record under this article which relates –

- (a) to the transport of bees shall be made within three days of the movement;
- (b) to the transport of bee equipment or bee food shall be made within three days of the movement; and
- (c) to the creation of new hives on the holding from existing hives shall be made within three days of the creation of the new hive.

(3) The reference in the form set out in Schedule 1 to a hive's identification mark is to the number of that hive.

15. Retention and production of records under article 14

(1) The person who makes or made any record under article 14, or the person in charge of the record, if different, shall retain it for a period of ten years.

(2) Any person who is for the time being in charge of any record required to be retained under this article shall, on demand made by an inspector at any reasonable time, produce the record and allow a copy of it or an extract from it to be taken.

(3) Where a record required to be retained under this article is retained in electronic or magnetic form, references in paragraph (2) –

- (a) to production of the record are, if the inspector so requires, references to its production in written form; and
- (b) to taking of copies of the record are references to the taking thereof in written form.

16. Provision of facilities and other obligations

(1) The owner or person in charge of any hive, bees, combs, bee products or appliances and the owner or occupier of any bee holding and the owner or person in charge of any vehicle on or in which there is suspected to be a notifiable pest 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 bee holding 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 Department 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 11 shall comply with the provisions of that notice.

17. Action in default

(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.

18. Service of notices

(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 Department.

19. Exemptions

The Department 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.

Revocations

20. The Foul Brood Diseases of Bees Order 1975**(a)** is hereby revoked.

(a) 03/09/75.

SCHEDULE 1 Article 14

INFORMATION FOR INCLUSION IN A RECORD

General

1. Name and address of person keeping record.
2. Bee Holding number.
3. Address of bee holding, if different from the address given at 1.

Manner of entry into the holding

4.
 - (a) hive number if appropriate, description of equipment;
 - (b) date acquired;
 - (c) life stage when acquired;
 - (d) the bee holding number of the holding from which it was moved or in the case of a feral swarm its location;
 - (e) in the case of the creation of a new hive on the holding from the existing hives on that holding the date of creation and the hive numbers as appropriate.

Manner of disposal from holding

5. In the case of disposal, sale or destruction or loss–
 - (a) hive number or description of equipment;
 - (b) date of disposal, sale, loss or destruction;
 - (c) the address and bee holding number of the holding to which it is moved.

SCHEDULE 2 Article 11

Provisions that may apply in an infected area

1. An authorised person may serve on the owner or person in charge of any hive, bees, combs, bee products, hive debris or appliances found to have been exposed to infection with the notifiable pest a notice complying with article 10 requiring their destruction or treatment in accordance with the notice.
2. An authorised person may serve on the owner or occupier of any bee holding on which a hive found to have been exposed to infection is situated a notice complying with article 10 requiring the treatment in accordance with the notice of the soil surrounding the hive.
3. No person shall move, or permit to be moved, any hive, bees, bee pests, combs, bee products, hive debris, appliances or other things by which the notifiable pest is liable to be spread into or out of the infected area, except under the authority of a licence granted by the Department.
4. No person shall remove, or permit to be removed, any hive, bees, bee pests, combs, bee products, hive debris, appliances or other things by which the notifiable pest is liable to be spread from the bee holding or vehicle on or in which they are situated, except under the authority of a licence granted by the Department.
5. The owner or person in charge of any hive, bees, combs, bee products or appliances shall notify the Department as soon as is reasonably practicable of his name and address and the location of any hive, bees, combs, bee products or appliances in his possession or charge.

Made 13th June 2008

Phil Gawne

Minister for Agriculture, Fisheries and Forestry

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the The Foul Brood Diseases of Bees Order 1975. 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 Department. 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 *Varroa destructor* formerly called *Jacobsoni* (Varroosis), the small hive beetle (*Aethina tumida*) or 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 Department may declare by notice an area to be an infected area if it is satisfied that a notifiable pest is present in that area (article 11). The Department 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 9 - an authorised person may take samples of any bees, combs or hive debris in order to ascertain if they are free from notifiable disease and notifiable pests.

Article 16 requires the provision of facilities and the giving of information to authorised persons in certain circumstances. Article 16 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 17 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 2 (6) of the Bees Act 1989 (c.7.), any person who intentionally obstructs a person acting in exercise of his power of entry shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,000.