STATUTORY INSTRUMENTS

1967 No. 292

BEE DISEASES

The Foul Brood Disease of Bees Order 1967

Made - - -	*23rd February* 1967
Coming into Operation	*1st April* 1967

The Minister of Agriculture, Fisheries and Food, by virtue and in exercise of the powers vested in him by section 11 of the Agriculture (Miscellaneous Provisions) Act 1941**(a)** and of all other powers enabling him in that behalf, and after consultation with the Advisory Committee appointed for the purposes of the said section 11 of the Act aforesaid, hereby makes the following Order:—

Citation and Commencement

1. This Order may be cited as the Foul Brood Disease of Bees Order 1967 and shall come into operation on 1st April 1967.

Revocation of Previous Order

2. The Foul Brood Disease of Bees Order 1957**(b)** is hereby revoked.

Interpretation

3.—(1) In this Order—

"Advisory Committee" means the Advisory Committee appointed by the Minister for the purposes of section 11 of the Agriculture (Miscellaneous Provisions) Act 1941;

"American Foul Brood" means the disease of the brood of bees commonly known under that name;

"appointed officer" means a person appointed by the Minister for the purposes of this Order;

"bees" means honey bees, and includes such bees in any stage of their life cycle;

"combs" means combs used for the rearing of bees and the storage of honey and pollen;

"European Foul Brood" means the disease of the brood of bees commonly known under that name;

"foul brood disease" means one of those diseases of the brood of bees commonly known as American Foul Brood and European Foul Brood;

"hive" means a bee hive and includes any receptacle which is or has at any time been used to house a colony of bees;

"Minister" means the Minister of Agriculture, Fisheries and Food.

(2) The Interpretation Act 1889**(c)** shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

(a) 1941 c. 50. (b) S.I. 1957/250 (1957 I, p.174). (c) 1889 c. 63.

Examination of Bees, Combs and Equipment

4. An appointed officer, upon production if so required of his authority, may enter any premises upon which he has reason to believe that there are any hives, combs, bees, bee-keeping appliances or apparatus and examine any such hives, combs, bees, bee-keeping appliances or apparatus: Provided that an examination of hives and combs inhabited by bees shall be made only during the period of the year beginning with the 1st April and ending with the 30th September.

Samples and Reports

5.—(1) If an appointed officer, in consequence of an examination made in pursuance of Article 4 of this Order, has reason to suspect that foul brood disease is present on any premises he shall—

(*a*) serve on the owner or person in charge of the hives on those premises a notice in writing prohibiting the removal from such premises of any hives, combs, bees, honey, bee-keeping appliances or apparatus except under and in accordance with the conditions of a licence given by the Minister and

(*b*) select and take without payment one or more combs from amongst those present on the said premises and cause the comb or combs so taken to be placed in a container or wrapping which shall be marked for identification and delivered or sent by post for examination to a laboratory maintained by the Minister for the purposes of such examinations or to a laboratory approved by the Minister for such purposes after consultation with the Advisory Committee.

(2) Upon the receipt by the Minister of a report of the examination of a comb or combs taken in accordance with paragraph (1) of this Article he shall send a copy thereof to the person upon whom a notice has been served in accordance with the said paragraph (1) and if the report does not confirm the presence of foul brood disease the Minister shall at the same time serve on such person a notice in writing withdrawing the prohibition imposed by the notice served in accordance with the said paragraph (1).

American Foul Brood

6. If the report of the examination of a comb or combs taken in accordance with Article 5(1) of this Order confirms the presence of American Foul Brood, the Minister may serve upon the owner or the person in charge of the hive or hives from which the comb or combs was or were taken a notice in writing requiring him within such time as may be prescribed in the notice to destroy by fire in the presence of an appointed officer all the bees in the said hive or hives together with their combs and the honey contained therein and their quilts and, at the option of the person on whom the notice is served, either to destroy by fire in the presence of an appointed officer the said hive or hives and such other bee-keeping appliances and apparatus as appear to an appointed officer to be infected with or to have been exposed to infection with American Foul Brood or to treat such hive or hives, appliances and apparatus in the presence of an appointed officer in a manner specified in the notice, being a manner approved by the Minister after consultation with the Advisory Committee.

European Foul Brood

7.—(1) If the report of the examination of a comb or combs taken in accordance with Article 5(1) of this Order confirms the presence of European Foul

Brood, the Minister may serve upon the owner or the person in charge of the hive or hives from which the comb or combs was or were taken a notice in writing requiring him, within such time as may be specified in the notice, to destroy by fire in the presence of an appointed officer all the bees in the said hive or hives together with their combs and the honey contained therein and their quilts and, at the option of the person on whom the notice is served, either to destroy by fire in the presence of an appointed officer the said hive or hives and such other bee-keeping appliances and apparatus as appear to an appointed officer to be infected with or to have been exposed to infection with European Foul Brood or to treat such hive or hives, appliances and apparatus in the presence of an appointed officer in a manner specified in the notice, being a manner approved by the Minister after consultation with the Advisory Committee: Provided that the Minister may, if it appears to him that the circumstances justify his so doing, in the notice aforesaid afford to the person upon whom it is served an opportunity to require, by a counter-notice in writing, given within such time and in such manner as may be specified in the notice served on him, that the bees, or such of them as may be indicated in the counter-notice, shall be treated with an antibiotic in accordance with paragraph (2) of this Article in place of the carrying out in relation to such bees of the steps otherwise required by the said notice.

(2) Upon a counter-notice being given in accordance with paragraph (1) of this Article an appointed officer shall, as soon as practicable, take all such steps as are available to him to treat with an antibiotic the bees to which the counter-notice relates and either

(*a*) if such treatment is carried out during either of the months of April or May in any year treat with an antibiotic at the same time all the bees on the same premises which appear to the appointed officer to have been likely to have come into contact with bees infected with European Foul Brood, or

(*b*) if such treatment is carried out at some time of the year other than during the months of April or May, treat with an antibiotic during the months of April or May in the following year all the bees then on the same premises.

(3) Where treatment of bees with an antibiotic is to be or has been carried out in accordance with paragraph (2) of this Article the person served with the notice referred to in paragraph (1) of this Article shall be excused from compliance with the requirements thereof as regards the destruction of the bees to be, or which have been, so treated, and their associated combs, honey and quilts and the destruction or treatment of the hives, appliances, and apparatus associated with such bees.

(4) Subject to paragraph (3) of this Article, where the requirements of a notice served in accordance with paragraph (1) of this Article have been fully complied with, the person upon whom the notice was served may, at any time before the 31st March in the following year, by notice in writing served on the Minister, require the treatment with an antibiotic, during either April or May in the following year or, if practicable, during either April or May in the year in which the destruction aforesaid was carried out, of all the bees then on the same premises and thereupon an appointed officer shall take all such steps as are available to him to carry out the treatment required by the notice last referred to.

(5) Where any bees have been treated with an antibiotic in accordance with paragraph (2) or paragraph (4) of this Article such bees together with their associated combs and hives shall for a period of eight weeks following the termination of each such treatment of the bees 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 the aforesaid period no person shall remove any combs from any of the aforesaid hives or take any honey from any of such combs.

Effective Period of Notice under Article 5(1)(*a*)

8. A notice served in accordance with Article 5(1)(*a*) of this Order shall, unless the prohibition imposed by such notice shall have been withdrawn by a notice served in accordance with Article 5(2) of this Order, remain in force until, and as the case may be,

(*a*) the date when a notice served in accordance with Article 6 of this Order shall have been fully complied with,

(*b*) the 1st October in the year next following the calendar year in which a notice served in accordance with Article 7(1) of this Order has been fully complied with by the destruction of bees, combs, honey and quilts and the destruction or treatment of hives, appliances and apparatus,

(*c*) the date when such notice shall have been withdrawn by a notice served by the Minister upon the owner or the person in charge of the bees after the completion of the treatment of bees with an antibiotic in accordance with Article 7(2) or 7(4) of this Order, or

(*d*) the date when such notice shall have been withdrawn by a notice served by the Minister upon the owner or the person in charge of the bees at any time when, in the opinion of the Minister, the particular circumstances of the case justify his so doing.

Obstruction, Provision of Facilities and Obligations of Beekeepers

9.—(1) No person shall obstruct an appointed officer in the exercise of the powers vested in and the performance of the duties imposed on him by or in pursuance of this Order.

(2) The occupier or the person in charge of any premises upon which there are any hives, combs, bees, bee-keeping appliances or apparatus shall so far as he is able to do so give to an appointed officer all reasonable facilities and all such information as such appointed officer may reasonably require to enable him to exercise the powers and carry out the duties referred to in paragraph (1) of this Article.

(3) The owner or the person in charge of any hives, combs, bees, bee-keeping appliances or apparatus shall comply with the prohibitions and requirements of a notice served upon him in accordance with the provisions of this Order and with the conditions of a licence given to him thereunder.

Default Procedure

10. Where the requirements of a notice served in accordance with Article 6 or 7(1) of this Order have not been complied with within the time specified for compliance the Minister may cause an appointed officer or another person authorised for the purpose to enter any premises and take such steps as may be necessary to secure compliance with the requirements of the said notice.

Service of Notices

11. A notice given in accordance with the provisions of this Order shall be deemed to be served on any person if it is delivered to him personally or left at his last known place of abode or business or sent through the post in a prepaid letter addressed to him there.

Exemptions

12. The owner or person in charge of any bees which are kept for the purposes of research and the premises upon which such bees are kept may be exempted from the provisions of this Order by and in accordance with the provisions of a licence issued by the Minister after consultation with the Advisory Committee.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd February 1967.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies to England and Wales, re-enacts with amendments the Foul Brood Disease of Bees Order 1957. It provides for the examination of bees, combs and bee-keeping equipment by an officer appointed by the Minister of Agriculture, Fisheries and Food and for the taking of sample combs and examining them for foul brood disease. A notice prohibiting the removal of bees, combs, honey and equipment may be served where foul brood disease is suspected and if its presence is confirmed destruction of the infected bees and combs may be required, together with destruction or treatment of the infected equipment.

The principal change introduced by the Order is the provision for the treatment with an antibiotic by the Minister's officer, at the request of the owner of the bees, of any bees infected with European Foul Brood disease, as an alternative to their destruction, followed by a subsequent treatment of other bees on the premises.

The Order prohibits the obstruction of an officer of the Minister in the performance of his duties and provides that where there has been a failure to destroy bees in accordance with a notice served under the Order the Minister may arrange for the work to be done.

Printed in England by St. Clements Fosh & Cross Ltd., London
and published by
HER MAJESTY'S STATIONERY OFFICE: 1967

(27/2220) (C.76) K16 3/67 SCF&C Ltd.

ISBN 0 11 024352 8