



Jersey

DISEASES OF ANIMALS (BEES) (JERSEY) ORDER 2013

Arrangement

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DISEASES OF ANIMALS (BEES) (JERSEY) ORDER 2013

*Made**5th June 2013**Coming into force**12th June 2013*

THE MINISTER FOR PLANNING AND ENVIRONMENT, in pursuance of Articles 28 and 42 of the Diseases of Animals (Jersey) Law 1956¹, orders as follows –

1 Interpretation

(1) In this Order –

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

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

“approved laboratory” means a laboratory approved for the purposes of this Order by the Minister;

“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;

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

“bees” has the same meaning as in Article 28 of the Law;

“European foul brood” means the disease of the brood of bees caused by the organism *Melissococcus plutonius*;

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

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

“hive owner” means the person who owns a hive;

“infection” means, in relation to a bee pest, infestation;

“land” includes any building;

“Law” means the Diseases of Animals (Jersey) Law 1956²;

“licence” means a licence granted by the Minister;

“notifiable disease” shall be construed in accordance with Article 2(1);

“notifiable pest” shall be construed in accordance with Article 2(2);

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

2 Notifiable diseases and pests

- (1) The following diseases are notifiable –
 - (a) American foul brood;
 - (b) European foul brood.
- (2) The following pests are notifiable –
 - (a) small hive beetle (*Aethina tumida*);
 - (b) any species of the *Tropilaelaps* mite.

3 Requirement for registration of owner and hives

- (1) A person must, within 28 days of becoming a hive owner, provide the Minister with the person’s name, address and telephone number.
- (2) A hive owner must, within 28 days of a request being made by the Minister, provide the Minister with the following information in respect of each hive owned by the hive owner –
 - (a) the location of the hive; and
 - (b) if the hive is tended by a person other than the hive owner, the name, address and telephone number of that person.
- (3) The hive owner must inform the Minister of any change in the information described in paragraph (1) or provided in accordance with paragraph (2), within the period of 28 days following the change.
- (4) Information required by this Article must be provided in writing, on a form provided by the Minister for the purpose.

4 Notifiable disease or pest in, or suspected in, hive

- (1) A hive owner or person who tends 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 on the same land or in the same vessel as the hive,shall immediately notify that fact to the Minister.
- (2) If the hive owner and the person who tends the hive are not the same person, whichever of them gives notice under paragraph (1) shall inform the other of them that the notice has been given.

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- (3) Where a notice has been given under paragraph (1) in respect of a hive, the hive owner and, if different, the person who tends the hive shall not remove, or permit to be removed, from the land on which or the vessel in which the hive is situated –
 - (a) any hive, bees, bee pests, bee products, combs, hive debris or appliances; or
 - (b) any other thing liable to spread the notifiable disease or notifiable pest.
 - (4) Paragraph (3) does not prevent the hive owner or person who tends the hive submitting to the Minister, for laboratory tests, samples of –
 - (a) any parts of the hive, bees, bee products, combs or hive debris to establish whether they are infected with a notifiable disease or 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.
 - (5) A sample submitted under paragraph (4) shall be packed so as to prevent, as far as possible, the risk of the spread of disease or pest during transit.
 - (6) The prohibition in paragraph (3) in respect of a hive shall remain in force until –
 - (a) a notice is served under Article 7(1) or (4) that prohibits the removal of the hive; or
 - (b) if no such notice is served, until –
 - (i) an inspector has confirmed by notice to the person who gave the notice under paragraph (1), that the inspector is satisfied that the bees are not infected with a notifiable disease or that a notifiable pest is not present in the hive or on the same land or in the same vessel as the hive, or
 - (ii) a person who has submitted samples under paragraph (4) has been informed that the test results for those samples confirm that the material sampled is free from a notifiable disease or is free from, or is not, a notifiable pest.

5 Notifiable pest on, or suspected on, any land or vessel

- (1) Any person who has in his or her possession or charge, or discovers in the course of his or her occupation, a bee pest that the person knows or suspects is a notifiable pest shall immediately notify that fact to the Minister.
- (2) A person who gives notice under paragraph (1) shall not remove, or permit to be removed, from the land on which or the vessel in which the suspected notifiable pest is situated, any bee pest or anything by which the suspected notifiable pest is liable to be spread.
- (3) Paragraph (2) does not prevent the person submitting to the Minister, for laboratory tests, samples of –

- (a) any bee pest, to establish whether it is a notifiable pest; and
 - (b) any other thing, including soil, to establish if it is infected with a notifiable pest.
- (4) A sample submitted under paragraph (3) shall be packed so as to prevent, as far as possible, the risk of the spread of pest during transit.
- (5) The prohibition in paragraph (2) in respect of land or a vessel shall remain in force until –
 - (a) a notice is served under Article 7(1) or (4) in respect of the land or vessel; or
 - (b) if no such notice is served, until –
 - (i) an inspector has confirmed by notice given to the person who gave notice under paragraph (1) that the inspector is satisfied that the suspected notifiable pest is not present on the land or in the vessel, or
 - (ii) a person who has submitted samples under paragraph (3) has been informed that the test results for any samples submitted to an approved laboratory confirm that the material sampled is not a notifiable pest or is not infected with a notifiable pest.

6 Inspector's powers to conduct tests, take samples and mark hives

- (1) An inspector may conduct a field test upon, or take samples of, any bees, bee products, combs, quilts and hive debris to ascertain whether they are free from infection with any notifiable disease or notifiable pest.
- (2) An inspector may mark any hive or appliance for identification purposes.
- (3) A person who is not an inspector shall not interfere with a mark made under paragraph (2) or permit such a mark to be interfered with.

7 Inspector's powers to prohibit movement where notifiable disease or pest suspected

- (1) Where an inspector has reasonable grounds for supposing that any notifiable disease or notifiable pest is present on land or in a vessel, the inspector shall serve a notice on the owner of, or person who tends, any hive on the land or in the vessel.
- (2) A notice served under paragraph (1) shall prohibit the removal, unless authorized by licence, of –
 - (a) any hive, bees, bee products, combs, hive debris or appliances situated on the land or in the vessel;
 - (b) any other thing that is situated on the land or in the vessel and is liable to spread a notifiable disease or notifiable pest; or
 - (c) any bee pests contained in or affecting anything mentioned in sub-paragraph (a) or (b).

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- (3) A notice served under paragraph (1) shall cease to have effect if a report on samples taken by the inspector under Article 6(1) does not confirm the presence of any notifiable disease or notifiable pest.
 - (4) Where an inspector is unable to gain entry to any land on which or vessel in which the inspector has reasonable grounds for supposing that any notifiable disease or notifiable pest is present, the inspector may serve a notice on –
 - (a) the person appearing to be the owner or occupier of the land or vessel; or
 - (b) the owner of, or person who tends, any hive on the land or in the vessel.
 - (5) A notice served under paragraph (4) shall prohibit the removal from the land or vessel of –
 - (a) any hive, bees, bee products, combs, hive debris or appliances; and
 - (b) any other thing that is liable to spread a notifiable disease or notifiable pest.
 - (6) A notice served under paragraph (4) shall cease to have effect upon an inspector gaining entry to the land or vessel but may be replaced by a notice served under paragraph (1).

8 Testing and reports on samples

- (1) The Minister shall arrange for any sample submitted under Article 4(4) or 5(3) to be tested by an approved laboratory.
- (2) An inspector shall arrange for any sample taken under Article 6(1) to be tested by an approved laboratory.
- (3) An approved laboratory shall, as soon as possible, send its report on a sample submitted under this Article to the Minister or the inspector who arranged the test.
- (4) The Minister, upon receiving the report on a sample submitted under Article 4(4) or 5(3), shall send a copy of the report to the person who submitted the sample.

9 Measures where notifiable disease confirmed in hive

- (1) The presence of a notifiable disease in a hive may be confirmed by a report under Article 8 or on the basis of the result of a field test conducted by an inspector.
- (2) Where the presence of American foul brood has been confirmed in a hive, the Minister –
 - (a) shall serve on the person who tends the hive a notice requiring the destruction, in accordance with the notice, of any bees, bee products or combs from the hive;
 - (b) may serve on the person who tends the hive a notice requiring the destruction or treatment, in accordance with the notice, of the hive,

- hive debris and any appliances or other things liable to spread the disease; and
- (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 the destruction or treatment of the appliances or other things, in accordance with the notice.
- (3) Where the presence of European foul brood has been confirmed in a hive, the Minister –
- (a) shall serve on the person who tends the hive a notice requiring the destruction or treatment, in accordance with the notice, of any bees, bee products or combs from the hive;
 - (b) may serve on the person who tends the hive a notice requiring the destruction or treatment, in accordance with the notice, of the hive, hive debris and any appliances or other things liable to spread the disease; and
 - (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 the destruction or treatment of the appliances or other things, in accordance with the notice.
- (4) If, once any action required by a notice under this Article has been completed, a further sample submitted to an approved laboratory or a further field test conducted by an inspector confirms that the notifiable disease is still present, the Minister may serve a further notice under this Article.

10 Measures where notifiable pest confirmed

- (1) The presence of a notifiable pest may be confirmed by a report under Article 8 or by examination by an inspector.
- (2) Where the presence of a notifiable pest has been confirmed in a hive or on the same premises as a hive, the Minister –
 - (a) shall serve on the person who tends the hive a notice requiring the destruction or treatment of the hive, any bees, bee pests, bee products, combs, hive debris 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 land on which the hive is situated a notice requiring the treatment of the soil surrounding the hive; and
 - (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 the destruction or treatment of the appliances or other things.
- (3) Where the presence of a notifiable pest has been confirmed on any land or in any vessel, the Minister may serve a notice requiring the destruction or treatment 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 or her possession or charge;

- (b) the owner or occupier of the land or the owner or person in charge of the vessel.
- (4) If, once any action required by a notice under this Article has been completed, a further sample submitted to an approved laboratory or a further examination by an inspector confirms that the notifiable pest is still present, a further notice may be served under this Article.

11 Declaration of area infected by notifiable disease or pest

- (1) The Minister may by notice declare an area specified in the notice, in which the presence of a notifiable disease or notifiable pest has been confirmed, to be an infected area.
- (2) A notice under paragraph (1) may apply all or any of the powers, prohibition and requirement described in Article 12 in the whole or in different parts of the infected area, as the Minister considers necessary to prevent the spread of the notifiable disease or notifiable pest.
- (3) A notice under paragraph (1) shall be published in such manner as the Minister considers appropriate to bring it to the attention of persons likely to be affected by it.
- (4) A person shall comply with the provisions of a notice under paragraph (1).

12 Powers and prohibitions that may be applied in infected area

The powers, prohibition and requirement referred to in Article 11(2) are that –

- (a) an inspector may serve on a person who tends a hive or on the owner of any hive, bees, bee products, combs, hive debris or any appliance or other things found to have been exposed to infection with the notifiable disease or notifiable pest, a notice requiring their destruction or treatment;
- (b) an inspector may serve on the owner or occupier of any land on which a hive found to have been exposed to infection is situated, a notice requiring the treatment of the soil surrounding the hive;
- (c) no person shall move, or permit to be moved, any hive, bees, bee pests, bee products, combs, hive debris, appliances or other things by which the notifiable disease or notifiable pest to which the declaration relates is liable to be spread, from the land on which or the vessel in which they are situated, unless authorized by licence.

13 Notices under Article 9, 10 or 12

- (1) A notice under Article 9 or 10 or 12 may require any destruction or treatment –
 - (a) to be carried out –
 - (i) by a specified person,

- (ii) in the presence, or under the supervision of, an inspector, if the destruction or treatment is not to be carried out by an inspector, and
 - (iii) in such manner as is specified in the notice; and
- (b) to have taken place by a date specified in the notice.
- (2) A notice under Article 9, 10 or 12 may require any treatment to be carried out –
 - (a) using a substance specified in the notice;
 - (b) using a method or action specified in the notice; and
 - (c) over a period of time specified in the notice.

14 Importation of bees

- (1) Bees may not be imported into Jersey.
- (2) Paragraph (1) does not prevent the importation of bees –
 - (a) from another place in the British Islands, in accordance with a licence granted under Article 15(2);
 - (b) from another Member State, in accordance with paragraph (3);
 - (c) from a third country or territory, in accordance with paragraph (4), and, in every case, in accordance with paragraph (6).
- (3) A consignment imported from a Member State must satisfy the requirements of Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC (OJ L 268, 14.9.1992, p.54) as amended up to 1st March 2012³.
- (4) A consignment may only be imported from a country or territory that is not a Member State if –
 - (a) the country or territory is listed in Part 1 of Annex II to the Commission Regulation; and
 - (b) the consignment consists of one or more queen bees, each of which is transported in a separate cage and accompanied by a maximum of 20 attendants, in accordance with Article 7(3) of the Commission Regulation;
 - (c) the consignment is accompanied by a veterinary certificate, in accordance with Article 7(4)(a) of the Commission Regulation;
 - (d) before the queen bees are introduced to local colonies, the consignee transfers the queen bees to new cages, in accordance with Article 13(1) of the Commission Regulation; and
 - (e) the cages, attendants and other material that accompanied the queen bees from the third country or territory of origin –
 - (i) are sent to an approved laboratory for examination for the presence of any notifiable pest, and
 - (ii) after such examination, are destroyed.

- (5) In paragraph (4) –

“Commission Regulation” means Commission Regulation (EU) No. 206/2010 of 12 March 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 (OJ L 73, 20.3.2010, p.1) as amended up to 28th March 2013⁴;

“consignee” means the consignee as indicated on the veterinary certificate accompanying the consignment in accordance with Article 7(4)(a) of the Commission Regulation.

- (6) Every consignee of bees must notify the Minister, using a form provided by the Minister for the purpose, at least 24 hours in advance, of the nature of the consignment, its anticipated date of arrival and the place of destination.

15 Licensing

- (1) The Minister may by licence authorize any act that would, apart from the licence, be prohibited by a notice under Article 7(1) or 12(c).
- (2) The Minister may by licence authorize the importation of bees from another place in the British Islands.
- (3) A licence under this Article may be –
- (a) granted to a particular person, to persons of a class or to all persons; and
 - (b) be granted subject to conditions specified in the licence or unconditionally.
- (4) A licence under this Article may be revoked, suspended or varied at any time by the Minister.
- (5) The Minister shall, on a website maintained by the States of Jersey, publish any licence that is granted under this Article to all persons.

16 Service of notices

- (1) Any notice served under this Order shall be properly served on any person if it is –
- (a) delivered to the person personally;
 - (b) left at or posted to the person’s home or place of business last known to the Minister; or
 - (c) where the conditions in paragraph (2) are satisfied – e-mailed to the person at the e-mail address provided by the person under paragraph (2).
- (2) The conditions for service by e-mail are that the recipient –
- (a) has indicated, in writing, to the Minister that he or she is willing to accept services of notices under this Order by e-mail and has not withdrawn such indication; and

- (b) has provided, in writing, to the Minister an e-mail address for this purpose.

17 Revocations

The Bee Diseases Control (Jersey) Order 1992⁵ and the Diseases of Animals (Bees) (Jersey) Order 2003⁶ are revoked.

18 Transitional arrangement for Article 3

- (1) A person who, in accordance with the previous registration requirement, has notified the Minister, before commencement, of the location of a hive that the person owns, shall be taken to have complied with Article 3(1) of this Order in relation to the hive.
- (2) Article 3(1) shall apply to a person who, upon commencement, owns a hive but has not notified the Minister of its location, in accordance with the previous registration requirement, as if the requirement to provide the information described in Article 3(1) were a requirement to provide that information within the period of 28 days following commencement.
- (3) In this Article –
- “commencement” means the day this Order comes into force;
- “previous registration requirement” is the requirement in paragraph 3 of the Schedule to the Bee Diseases Control (Jersey) Order 1992⁷ as applied by the declaration made under Article 5(1)(b) of that Order on 3rd June 2010.

19 Citation and commencement

This Order may be cited as the Diseases of Animals (Bees) (Jersey) Order 2013 and shall come into force 7 days after it is made.

DEPUTY R.C. DUHAMEL OF ST. SAVIOUR

Minister for Planning and Environment

¹ *chapter 02.400*

² *chapter 02.400*

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0065:EN:NOT>

⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32010R0206:EN:NOT>

⁵ *R&O.8437 (chapter 02.400.06)*

⁶ *R&O.3/2003 (chapter 02.400.16)*

⁷ *chapter 02.400.06*