

# **Bee Industry Act**

CHAPTER 3 OF THE ACTS OF 2005

*as amended by*

2008, c. 4, s. 3; 2012, c. 55



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CHAPTER 3 OF THE ACTS OF 2005  
amended 2008, c. 4, s. 3; 2012, c. 55

**An Act Respecting the Bee Industry**

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**Short title**

**1** This Act may be cited as the *Bee Industry Act*. 2005, c. 3, s. 1.

**Interpretation**

**2** In this Act,

- (a) “apiary” means any place where bees are kept;
- (b) “Apiculturist” means the person appointed under this Act to be the Apiculturist;
- (c) “beekeeper” means a person who owns bees or has bees in his or her possession;
- (d) “beekeeping equipment” means a manufactured enclosure or part of a manufactured enclosure in which a colony of bees lives or would normally be expected to live, but does not include new bee equipment that has never been in contact with bees;

- (e) “bee” means the insect known as *Apis mellifera L.*;
- (f) “disease” means any disease designated in the regulations as a disease;
- (g) “inspector” means an inspector appointed under this Act;
- (h) “Minister” means the Minister of Agriculture and Fisheries;
- (i) “pest” means any insect or parasite designated in the regulations as a pest;
- (j) “reportable disease” means any disease or pest designated in the regulations as being required to be reported to the Apiculturist. 2005, c. 3, s. 2.

### Registration

**3 (1)** Every beekeeper or person planning to become a beekeeper shall register with the Apiculturist.

**(2)** Where a person registers in accordance with subsection (1), the Apiculturist shall issue a certificate to the person.

**(3)** A certificate issued under subsection (2) expires on December 31st in the year in which it is issued.

**(4)** Every person who acquires bees shall, within ten days of acquiring the bees, register in accordance with subsection (1).

**(5)** Every person who holds a certificate shall, by November 1st in each year, re-register on a form prescribed by the Apiculturist and the Apiculturist shall issue a certificate for the following year.

**(6)** A certificate issued under subsection (5) expires on December 31st of the year for which it is issued.

**(7)** Subject to subsection (4), no person shall own bees or have bees in his or her possession unless that person is registered for the current year with a certificate. 2005, c. 3, s. 3.

### Importation of bees or equipment

**4 (1)** Any person who obtains bees or beekeeping equipment from outside the Province may apply to the Minister for an import permit to import the bees or beekeeping equipment into the Province.

**(2)** The Minister may issue to that person an import permit setting out the conditions under which bees or beekeeping equipment obtained from outside of the Province may be received into the Province or transported within the Province.

(3) No person shall import bees or beekeeping equipment from outside the Province or transport those bees or beekeeping equipment into the Province without an import permit issued under subsection (2). 2005, c. 3, s. 4.

#### **Delegation by Minister**

**4A (1)** The Minister may delegate the Minister's authority to issue a permit pursuant to this Act to any person.

(2) A delegation made pursuant to subsection (1) must be made in writing. 2008, c. 4, s. 3.

#### **Apiculturist**

**5 (1)** The Minister may appoint a person to be the Apiculturist who shall be paid a salary to be determined by the Minister.

(2) The Apiculturist may prescribe forms to be used for the purpose of this Act and the regulations.

(3) The Apiculturist may, with the approval of the Minister, delegate the Apiculturist's duties to an inspector. 2005, c. 3, s. 5.

#### **Bee quarantine districts**

**6 (1)** The Minister may designate the Province or any part of the Province to be a bee quarantine district.

(2) The Minister may issue a permit to a person to move bees or beekeeping equipment into or from a bee quarantine district.

(3) Except where the entire Province is designated as a bee quarantine district, no person shall move bees or beekeeping equipment into or from a bee quarantine district except in accordance with a permit issued under subsection (2). 2005, c. 3, s. 6.

#### **Sale or transfer of bees or equipment**

**7** No person shall sell, barter, give away or otherwise transfer ownership of bees or beekeeping equipment to an unregistered person without notifying the Apiculturist of the name, address and telephone number of the person who is the new owner of the bees or beekeeping equipment. 2005, c. 3, s. 7.

#### **Infected honeycomb or honey**

**8** No person shall expose to bees honeycomb or honey that is infected with a disease or pest. 2005, c. 3, s. 8.

#### **Inspectors**

**9 (1)** The Minister may appoint an inspector for the purpose of this Act and the regulations.

(2) The Apiculturist has the powers of and may perform any of the duties of an inspector.

(3) The Apiculturist may employ such persons as an inspector requires to carry out the duties under this Act.

(4) Persons employed under subsections (1) and (3) shall be paid such amounts as the Minister determines. 2005, c. 3, s. 9.

#### **Power to enter**

**10** (1) An inspector may, at all reasonable times, enter any premises, other than a dwelling house, where the inspector believes on reasonable grounds that bees, beekeeping equipment, books or records pertaining to beekeeping are kept or stored and may

- (a) inspect any bees or beekeeping equipment;
- (b) carry out an inspection to determine whether this Act and the regulations are being complied with;
- (c) inspect any books or records required by this Act or the regulations; and
- (d) take any samples that the inspector considers necessary to determine whether any pest is present or disease exists in bees or whether beekeeping equipment is infected.

(2) Every person shall, where requested to do so by an inspector, provide the inspector with all necessary assistance required to inspect the premises, an apiary, bees or beekeeping equipment.

(3) Every inspector shall, upon entering the premises to carry out the inspector's duty under this Act, if requested, produce the certificate of the inspector's appointment.

(4) No person shall obstruct the Apiculturist or an inspector in the performance of their duties or furnish them with false information. 2005, c. 3, s. 10.

#### **Order by inspector**

**11** (1) Where an inspector has reasonable grounds to believe that

- (a) any pest or disease exists in bees; or
- (b) any beekeeping equipment is infected,

the inspector may, by order in writing, require the beekeeper to

- (c) treat or disinfect the bees or beekeeping equipment in the manner and in the period of time specified in the order; or
- (d) keep the bees or beekeeping equipment at a location required in the order for the period of time specified in the order.

(2) Where, in the opinion of the inspector, bees or beekeeping equipment cannot be properly treated or disinfected in accordance with clause (1)(c), the inspector may order the beekeeper to destroy the bees or the beekeeping equipment in the manner approved by the Apiculturist and within the period of time specified in the order.

(3) Where a beekeeper fails to carry out an order made under subsection (1) or (2), the inspector may carry out the order.

(4) Where required by the Apiculturist, the beekeeper who is the subject of an order under subsection (1) or (2) that is carried out by an inspector under subsection (3) shall pay the costs incurred in carrying out the order. 2005, c. 3, s. 11.

#### **Transfer of bees to moveable frame hives**

12 (1) An inspector shall order a beekeeper that has bees in a box or immovable frame hive to transfer the bees to moveable frame hives within the period of time specified in the order.

(2) Where a beekeeper fails to comply with an order under subsection (1), the inspector may destroy, or order the destruction of, the hives. 2005, c. 3, s. 12.

#### **Order respecting disposal**

13 (1) Where dead colonies of bees or honeycomb are exposed in a manner that is accessible to bees, or where colonies of bees are abandoned or not regularly and properly attended to, an inspector may order the beekeeper to dispose of the colonies or honeycombs in the manner and within the period of time specified in the order.

(2) Where a beekeeper fails to comply with an order under subsection (1), the inspector may dispose of the bees or honeycomb.

(3) Where required by the Apiculturist, the beekeeper who is the subject of an order under subsection (1) that is carried out by an inspector under subsection (2), shall pay the costs incurred in carrying out the order. 2005, c. 3, s. 13.

#### **Order by justice of the peace**

14 Where a beekeeper

- (a) fails to carry out the directions of an inspector;
- (b) fails to comply with an order of an inspector; or
- (c) obstructs an inspector in carrying out the inspector's duties,

a justice of the peace may, upon the laying of an information by an inspector, order that the bees and beekeeping equipment be seized and destroyed. 2005, c. 3, s. 14.

**Disinfection**

**15** An inspector and any person assisting the inspector shall, after inspecting infected bees or beekeeping equipment or handling diseased bees and before leaving the premises or proceeding to another apiary, disinfect themselves, their clothing and any appliances used. 2005, c. 3, s. 15.

**Duty respecting reportable disease**

**16 (1)** Every beekeeper who is aware of or suspects that a reportable disease is present in the beekeeper's bees or beekeeping equipment shall immediately notify the Apiculturist.

**(2)** No beekeeper referred to in subsection (1) shall allow the removal of the bees or beekeeping equipment from the beekeeper's premises until the bees or beekeeping equipment have been inspected. 2005, c. 3, s. 16.

**Regulations**

- 17 (1)** The Governor in Council may make regulations
- (a) providing for a register of beekeepers;
  - (b) respecting a permit, an import permit or a certificate issued under this Act;
  - (c) designating any disease to be a disease within the meaning of this Act;
  - (d) designating any insect or parasite to be a pest within the meaning of this Act;
  - (e) designating any reportable disease;
  - (f) prescribing the requirements for reporting diseases or pests;
  - (g) respecting orders;
  - (h) prescribing the books and records to be kept by beekeepers and persons who sell bees;
  - (i) respecting information the apiculturist may require of beekeepers and persons who sell bees;
  - (j) prescribing the standards and requirements for acquiring and keeping bees in a bee quarantine district;
  - (k) respecting the use of the sperm and eggs of a bee;
  - (ka) prescribing fees for the purpose of this Act;
  - (l) defining any word or expression used but not defined in this Act or further defining any word used in this Act;
  - (m) for any purpose the Governor in Council considers necessary or advisable for carrying out the intent and purpose of this Act.

(2) The Minister may make a regulation designating a bee quarantine district.

(3) The exercise by the Governor in Council of the authority contained in subsection (1) and the Minister of the authority contained in subsection (2) is regulations within the meaning of the *Regulations Act*. 2005, c. 3, s. 17; 2012, c. 55, s. 1.

#### **Offence and penalty**

**18** Every person who violates any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than ten thousand dollars or imprisonment for a period not exceeding six months. 2005, c. 3, s. 18.

#### **Agriculture and Marketing Act amended**

**19** *amendments.*

#### **Former Act repealed**

**20** Chapter 3 of the Acts of 1990, the *Bee Industry Act*, is repealed. 2005, c. 3, s. 20.

#### **Proclamation**

**21** This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2005, c. 3, s. 21.

Proclaimed - June 22, 2007  
In force - June 22, 2007

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