

Bee Act

[RSBC 1996] CHAPTER 29

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Definitions

1 In this Act:

"apiary" means a place where bees or beehive or beekeeping equipment is kept;

"bee" means the insect *Apis mellifera*;

"beehive equipment" means hives, supers, hive covers, hive floors, queen excluders, frames, combs, and includes the honey, brood and pollen in the combs;

"beekeeper" means a person who owns or controls bees or beehive or beekeeping equipment;

"beekeeping equipment" means a tool, machine or other device for handling bees, beehive equipment or a bee product;

"cappings" means the covering and adhering honey over comb cells, pollen or brood, that is removed before the honey extracting process;

"colony" means queen, brood and accompanying adult bees;

"comb" means a structure of cells composed of beeswax;

"disease" includes American foulbrood, European foulbrood, chalkbrood, sacbrood, bee moths, the Mediterranean flour moth, nosema, acarine and any other disease or pest included by regulation;

"hive" means beehive equipment inhabited by live bees;

"inspector" means an inspector appointed under the *Ministry of Agriculture and Food Act*.

Beemasters

2 (1) The minister may issue a beemaster certificate to a beekeeper or other person found to be qualified by an examiner appointed by the minister.

(2) A temporary employee appointed as an inspector under the *Public Service Act* must hold a beemaster certificate.

Registration of apiaries

3 A person must not keep bees except in an apiary registered under this Act or for which an application for registration has been made in the preceding 15 days.

Registration of beekeepers and land for apiary

4 (1) A person must not own or possess bees or beehive equipment unless the person is registered under this Act or has applied for registration within the preceding 15 days.

(2) A person must not allow bees to be kept on land owned or occupied by the person unless the land is registered under this Act as the location of an apiary.

(3) An inspector who has reasonable cause to believe that a person is contravening this section may seize and destroy or otherwise dispose of bees or beehive equipment in the possession of or owned by the person.

Certificate of registration

5 (1) Subject to this Act and the regulations, and on payment of the prescribed fee by an applicant, the minister may register the applicant and issue a certificate of registration.

(2) A certificate of registration must not be issued for an apiary in a new location that is so close to a registered apiary or an established honey extracting plant that it may interfere with normal beekeeping operations at the apiary.

or plant, or that there may be danger of the spread of disease.

(3) If there is a conflict between the applicants about the application,

(a) the *Commercial Arbitration Act* applies,

(b) unless the parties to the conflict otherwise agree, sections 4 (1) and 17 (1) of that Act apply to the appointment of the arbitrator, and

(c) the arbitrator may make a recommendation respecting the competing applications to the minister and the recommendation is binding on the minister.

Cancellation

6 The minister may cancel a certificate of registration

(a) if, in the minister's opinion, the holder has ceased to be a beekeeper or has failed to comply with this Act, the regulations or an order made under this Act,

(b) for an apiary where bees are not kept and have not been kept for a period of 18 months beginning on any January first, or

(c) with the holder's consent.

Notice of cancellation

7 (1) If registration or a certificate of registration is cancelled, the minister must promptly give notice of the cancellation to the beekeeper by registered mail addressed to the beekeeper's last known recorded address.

(2) The notice must also advise the beekeeper of the right to appeal.

Appeal

8 (1) Land owners or beekeepers may appeal the cancellation of their registration or certificate of registration within 30 days of receiving the notice by delivering to the head, apiculture branch, a written appeal and a certified cheque in the amount set by regulation, by way of deposit.

(2) An appeal board, consisting of the head, apiculture branch, and 2 persons appointed by the minister, one of whom must be an elected official of the British Columbia Honey Producers Association, must meet within 30 days.

(3) If the appeal is allowed the deposit must be returned to the person appealing, but if the appeal is dismissed the deposit is forfeited to the government.

Owner's identity

9 The owner of an apiary must maintain a sign at the apiary showing the name of the owner.

Bees and equipment from outside British Columbia

10 A person must not bring bees, hives or beehive equipment into British Columbia unless the minister or person designated by the minister

(a) is satisfied that the bees, hives or equipment are free of disease, and

(b) has approved of the location where it is intended that the bees, hives or equipment be kept.

Duty of beekeeper who suspects disease in apiary

11 A person who suspects disease in an apiary must immediately report the suspicion, along with the person's reasons, to an inspector.

Storage of equipment

12 A person must not

(a) leave beehive or beekeeping equipment, honey or cappings, or

(b) permit beehive or beekeeping equipment, honey or cappings to be left

where bees have access to them, other than in a hive.

Inspection for disease

13 An inspector who receives notice or becomes aware of the existence of disease in an apiary or beehive equipment must promptly examine the apiary, beehive equipment or place where the disease exists.

Disease: destruction and disinfection

14 (1) An inspector who finds

(a) bees infected with a disease,

(b) beehive equipment in which diseased bees are kept, or

(c) beehive equipment which is infected with disease

may destroy the bees or beehive equipment under the regulations.

(2) The beekeeper who possessed the bees must disinfect buildings and beekeeping equipment as instructed by the inspector.

Disease: treatment

15 If an inspector finds disease that in the inspector's opinion is unlikely to create serious damage, the inspector may treat the diseased bees or beehive equipment in accordance with the regulations using an antibacterial agent approved by the head, apiculture branch.

Disease: control of movement

16 If bees or beehive equipment have been destroyed or treated under this Act, a person must not move any remaining bees or beehive or beekeeping equipment used in the apiary or by the beekeeper to a different place without a permit from an inspector.

Production of documents

17 An inspector may require the production for inspection of records that the inspector has reason to believe relate to the keeping or sale of bees or beehive or beekeeping equipment.

Search of vehicle and seizure of contents

18 (1) An inspector may stop a vehicle conveying bees or beehive or beekeeping equipment or in which the inspector believes they may be found and search the vehicle.

(2) The inspector may seize and dispose of bees or beehive or beekeeping equipment found in the vehicle if the inspector believes that the person who owns or possesses them has contravened this Act or the regulations.

Entry on land for inspection and taking samples

19 (1) For the purposes of this Act or the regulations, an inspector has at all reasonable times free access to a place where bees or beehive or beekeeping equipment is kept, but must, if requested, produce a certificate of appointment as an inspector.

(2) An inspector may at a reasonable time examine combs and other beehive equipment for disease.

(3) An inspector may take and retain, for evidence or analysis, samples of bees, brood, comb or honey found by the inspector during an inspection, and must mark the samples with the beekeeper's name, registration number and address, the apiary location, the date, the sample number and the inspector's name.

Duty to disinfect

20 An inspector must, after inspecting infected hives or fixtures or handling diseased bees, disinfect the inspector's body and clothing, and ensure that any assistants disinfect their bodies and clothing before inspecting another colony or proceeding to another apiary.

Movable comb frames

21 (1) A person must not keep bees in a hive or structure that does not have movable frames containing combs.

(2) A person must not possess beehive equipment that does not have movable frames for combs.

(3) If a beekeeper owns or possesses a hive or beehive equipment with comb not individually or readily removable, an inspector may order the beekeeper to transfer the bees to a movable frame hive within a specified time, and destroy the comb in a manner specified by the inspector.

(4) If a beekeeper fails to transfer bees or destroy comb under an inspection order, an inspector may destroy the hive and its bees or order the hive and its bees destroyed.

Delivery of order

22 An inspector's order under this Act must be in writing and must be delivered personally to the beekeeper or sent by registered mail to the beekeeper's last known recorded address.

Disposal of used beehive equipment

23 A person must not, without a permit from an inspector, sell, offer for sale, rent, lend or otherwise dispose of used beehive equipment.

Regulated districts

24 The minister may make regulations as follows:

(a) establishing a breeding stock district, stock improvement district or bee quarantine district and prescribing standards and requirements for beekeeping that must be complied with in the district;

(b) specifying the races or strains of bees that a person may or may not keep in the district;

(c) prohibiting a person from taking bees, hives or beehive equipment into or out of a district, or both, except in accordance with the terms of a permit issued by an inspector.

Abandoned apiaries

- 25** (1) If an apiary is not regularly attended in accordance with good beekeeping practice and is a hazard or a threat to disease control in the beekeeping industry, the minister may consider it abandoned and the apiary may be seized.
- (2) On at least 14 days' notice, if feasible, to the apiary owner, the minister or the minister's representative may destroy diseased equipment in an abandoned apiary under the regulations and may sell the remainder of the equipment at public auction.
- (3) The proceeds of the sale, after deduction of costs, must be paid
- (a) if the identity of the owner of the apiary is known, to the owner, or
- (b) if the identity of the owner is unknown or the owner cannot be found by the use of reasonable means, into the consolidated revenue fund.

Following swarm of bees

- 26** (1) A beekeeper or the beekeeper's agent or employee, in following a swarm of the beekeeper's bees may enter the land of any person to recover them, but must not do any unnecessary damage.
- (2) The beekeeper and every person entering the land are liable for damage caused to land or property by the entry.

Sale of bees

- 27** A person who sells bees in British Columbia must, within 15 days after the sale, provide to the head, apiculture branch, the name and address of the buyer and the number of packages or colonies sold.

Beeswax salvage

- 28** (1) A person must not salvage or attempt to salvage beeswax from combs from diseased colonies without the written permission of an inspector.
- (2) The minister may provide beeswax salvage service to beekeepers with diseased bees or beehive equipment, but the beeswax salvage must be operated or supervised by an inspector.

Certification system for colony strength

- 29** (1) The minister may establish a system for certifying colony strength for hives used in pollination of agricultural crops.
- (2) On the request of a beekeeper or agricultural producer, an inspector must inspect a colony and, if appropriate, certify its strength.
- (3) The colony strength of a beehive must be certified on the basis of the number of active combs of bees or the square inches of brood to a colony, or both, using a sampling system approved by the minister.

Offence and penalty

- 30** (1) A person who contravenes, fails to carry out or prevents or hinders the carrying out of a provision of this Act, the regulations or an order or permit under this Act commits an offence.
- (2) A certificate signed by the minister stating that an apiary or person identified in the certificate was or was not registered under this Act on a stated date is admissible in evidence as proof of the facts stated in the certificate without proof of the signature or appointment of the person signing the certificate.

Power to make regulations

31 The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

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