

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Bees (Importation and Prevention of Disease)

Ordinance, 1973 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Recueil d'Ordonnances Tome XIX, p. 129; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the States Committee for Agriculture (Transfer of Functions) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 17); the Bees (Importation and Prevention of Disease) (Amendment) Ordinance, 1980 (Recueil d'Ordonnances Tome XXI, p. 408); the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001 (No. XX of 2001); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003). See also the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991 (No. XIII of 1991).

ORDINANCE OF THE STATES OF DELIBERATION

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The Bees (Importation and Prevention of Disease) Ordinance, 1973

ARRANGEMENT OF SECTIONS

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SCHEDULE

Form A: Certificate for use in connection with the Importation of Colonies of Bees.

Form B: Certificate for use in connection with the Importation of Queen Bees.

(Made on the 31st October, 1973.)

The Bees (Importation and Prevention of Disease) Ordinance, 1973

THE STATES, in pursuance of their Resolution of the twenty-ninth day of November, nineteen hundred and seventy-two, hereby order: –

PART I IMPORTATION OF BEES AND BEE HIVES

Restrictions on the landing of bees.

[1. (1) A person shall not land in this Island any bees unless such landing –

- (a) is authorised by virtue of a licence granted under the provisions of subsection (5) of this section, and
- (b) complies with the provisions of subsections (2) and (3) of this section.

(2) Where the landing of bees is authorised by virtue of a licence granted under the provisions of subsection (5) of this section a person shall not land in this Island any bees unless the consignment thereof is accompanied by a certificate issued in accordance with the provisions of the next succeeding section.

(3) Where the landing of bees is authorised by virtue of a licence granted under the provisions of subsection (5) of this section a person shall not land in this Island any bees in a skep or in any other fixed-comb hive.

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(4) Any person desirous of obtaining a licence to land bees in this Island shall make application in that behalf to the Committee which shall be in such form and shall be accompanied by such information as the Committee may, from time to time, require.

(5) Upon receipt of an application made in accordance with the provisions of the last preceding subsection the Committee may –

- (a) grant the licence applied for, or
- (b) refuse to grant such licence, or
- (c) grant such licence subject to such conditions as the Committee may consider it necessary or expedient to impose.

(6) The Committee may, at any time revoke a licence granted under the provisions of the last preceding subsection and may, from time to time, revoke or vary any condition attached to such licence.]

NOTE

Section 1 was substituted by the Bees (Importation and Prevention of Disease) (Amendment) Ordinance, 1980, section 1(a), with effect from 26th March, 1980.

Provisions as to certificates.

2. (1) The certificate required to accompany a consignment of bees in accordance with the provisions of subsection (2) of the last preceding section –

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- (a) shall have been duly completed and signed by or on behalf of an authorised officer of the government of the country of origin of the bees,
- (b) shall, where the certificate relates to a consignment of colonies of bees, be in accordance with Form A set out in the Schedule to this Ordinance and the [examinations] referred to in the certificate shall have been carried out not more than fourteen days prior to the date of despatch of the consignment,
- (c) shall, where the certificate relates to a consignment of queen bees, be in accordance with Form B set out in the said Schedule [and the examinations referred to in the certificate shall have been carried out not more than one hundred and eighty days prior to the date of despatch of the consignment],
- (d) shall, where the certificate is issued in a country of which the language is other than English, incorporate or be accompanied by a translation into the language of that country which translation, if it is in a document separate from the certificate, shall have been duly completed and signed by or on behalf of the officer by whom or on whose behalf the certificate was signed.

(2) Except in the case of a consignment of bees imported by post, the certificate shall be delivered to the Chief Revenue Officer before the importer takes possession of the consignment to which the certificate relates.

(3) In the case of a consignment of bees imported by post, a copy of the certificate shall be affixed to the package comprising the consignment or, if the consignment consists of more than one package, a copy of the certificate shall be affixed to each of the packages comprising the consignment.

(4) No certificate issued by or on behalf of a state, provincial or other regional or local government authority of part of a country, or by or on behalf of any department, service or other organ of such authority shall be deemed to be a valid certificate for the purposes of this Ordinance unless such authority is the only one empowered to issue, in relation to such part of the country, certificates to accord with the requirements of this Ordinance.

NOTES

In section 2, the word in square brackets in paragraph (b) of subsection (1) was substituted, and the words in square brackets in paragraph (c) thereof were inserted, by the Bees (Importation and Prevention of Disease) (Amendment) Ordinance, 1980, respectively section 1(b)(i) and section 1(b)(ii), with effect from 26th March, 1980.

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991, section 12, with effect from 30th September, 1991, the reference in this section to the "Chief Revenue Officer" shall, save where the context otherwise requires, be deemed to be a reference to the Chief Officer of Customs and Excise for the time being appointed by the Policy Council and shall include any person acting by or under his authority.

Procedure when bees are landed in contravention of this Ordinance.

3. (1) If any consignment of bees is landed in this Island in contravention of any of the provisions of section one of this Ordinance the consignment shall be detained by the Chief Revenue Officer who shall forthwith inform the Committee of the fact of such detention and the reason therefor:

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Provided that where a consignment has been detained by reason that the consignment was not accompanied by the required certificate the Chief Revenue Officer may delay informing the Committee of the fact until the expiration of such time as shall be specified by the Chief Revenue Officer to the importer for the submission to him of the certificate as was required to accompany the consignment and if such certificate is so submitted within the period so specified he may release the consignment and where a consignment is so released the requirements imposed on him to inform the Committee of the detention of the consignment shall cease to have effect.

(2) On receipt of information under the provisions of the last preceding subsection that a consignment of bees has been detained the Committee may either –

- (a) serve upon the importer a notice requiring him within such time as shall be specified in the notice to destroy by fire the bees together with any material whatsoever comprising the consignment if, within such time as shall be specified in the notice, the consignment is not re-exported, or
- (b) require that the consignment be examined by the Inspector, in which case, the Committee shall forthwith inform the importer of the fact of such detention and the reason therefor.

(3) As soon as may be after the carrying out of an examination required under the provisions of paragraph (b) of the last preceding subsection, the Inspector shall report thereon to the Committee who, without prejudice to the

exercise of the powers conferred under the provisions of section four of this Ordinance, may either –

- (a) order that the bees and any material whatsoever comprising the consignment be released forthwith to the importer, or
- (b) serve upon the importer a notice requiring him within such time as shall be specified in the notice to destroy by fire the bees and any material whatsoever comprising the consignment if, within such time as shall be specified in the notice, the consignment is not re-exported.

NOTE

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991, section 12, with effect from 30th September, 1991, the references in this section to the "Chief Revenue Officer" shall, save where the context otherwise requires, be deemed to be a reference to the Chief Officer of Customs and Excise for the time being appointed by the Policy Council and shall include any person acting by or under his authority.

Procedure where diseased bees are landed or about to be landed.

4. (1) If it appears to the Inspector that any bees in a consignment likely to be landed in this Island are diseased, he may serve upon the importer or upon any person in control of the landing or unloading of the consignment a notice specifying the manner in which the landing or unloading is to be carried out and the precautions which are to be taken in the course thereof in order to prevent the spread of disease.

(2) If it appears to the Inspector at any time that any bees in a consignment landed in this Island are diseased the Committee may serve upon the importer a notice requiring him within such time as shall be specified in the notice to destroy by fire the bees and any material whatsoever comprising the consignment.

(3) The diseases to which subsections (1) and (2) of this section apply are acarine disease, amoeba disease, apimyiasis, [brood diseases, nosema disease and varroasis].

NOTE

In section 4, the words in square brackets in subsection (3) were substituted by the Bees (Importation and Prevention of Disease) (Amendment) Ordinance, 1980, section 1(c), with effect from 26th March, 1980.

Prohibition on the landing of used bee hives.

5. A person shall not land in this Island any bee hive which is or has at any time been used to house a colony of bees.

Procedure when used bee hives are landed in contravention of this Ordinance.

6. (1) If any bee hive is landed in this Island in contravention of the provisions of the last preceding section the bee hive shall be detained by the Chief Revenue Officer who shall forthwith inform the Committee of the fact of such detention and the reason therefor.

(2) On receipt of information under the provisions of the last preceding subsection that a bee hive has been detained the Committee shall serve upon the importer a notice requiring him within such time as shall be specified in the notice to destroy by fire the bee hive if, within such time as shall be specified in

the notice, the bee hive is not re-exported.

NOTE

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991, section 12, with effect from 30th September, 1991, the reference in this section to the "Chief Revenue Officer" shall, save where the context otherwise requires, be deemed to be a reference to the Chief Officer of Customs and Excise for the time being appointed by the Policy Council and shall include any person acting by or under his authority.

PART II

PREVENTION OF DISEASES OF BEES

Examination of bees.

7. The Inspector, upon the production if so required of a certificate of his authority signed by the President of the Committee, may enter any premises upon which he has reason to believe that there are any bees, hives, combs, bee-keeping appliances or apparatus and examine any such bees, hives, combs, bee-keeping appliances and apparatus:

Provided that admission to any premises which are occupied shall not be demanded as of right unless twenty-four hours' notice in writing of the intended entry has been given by the Committee to the occupier of such premises.

Action when the presence of foul brood disease is suspected.

8. Where, as a result of an examination carried out under the provisions of the last preceding section, the Committee has reason to suspect that any foul brood disease is present on any premises the Committee may serve upon the owner or the person having the charge of the hives on the premises a notice prohibiting, except in accordance with the terms and conditions of a permit granted by the

Committee under the provisions of this section, the removal from the premises of any bees, hives, combs, honey, bee-keeping appliances and apparatus.

Action when foul brood disease is present.

9. (1) Where, as a result of an examination carried out under the provisions of section seven of this Ordinance, foul brood disease is found to be present on any premises the Committee shall serve on the owner or the person having charge of the infected hive a notice requiring him within such time as may be specified in the notice –

(a) to destroy by fire the bees in the infected hive together with their combs and the honey contained therein and their quilts, and

(b) either –

(i) to destroy by fire the hive and such other bee-keeping appliances and apparatus as may be specified in the notice as appear to be infected or to have been exposed to the infection, or

(ii) to treat the hive and such other beekeeping appliances and apparatus in such manner as may be specified in the notice.

(2) Notwithstanding the provisions of the last preceding subsection the Committee may, in the case where the disease is European Foul Brood Disease, if so requested by the person upon whom the notice is served, by notice served on such person require him to treat all the bees on the premises with an antibiotic as may be specified in the notice, as an alternative to the destruction of

the bees.

(3) Where any bees have been treated with an antibiotic in accordance with a notice served under the provisions of the last preceding subsection, such bees together with their associated combs and hives shall, for a period of eight weeks following the termination of the treatment, be retained in the custody or under the control of the person upon whom the notice was served and during the said period of eight weeks a person shall not remove any combs from any of such hives or take any honey from any such combs.

PART III

GENERAL AND SUPPLEMENTAL PROVISIONS

Service of notices.

10. Any notice which may be served for the purposes of this Ordinance shall be validly served –

- (a) on any person, if delivered to him, left, or sent by registered post or by recorded delivery service to him, at his usual or last known place of abode,
- (b) on any firm, if delivered to any partner of the firm or left at, or sent by registered post or by recorded delivery service to, the principal or last known principal place of business of the firm,
- (c) on any body corporate, if left at, or sent by registered post or by recorded delivery service to, its registered office if situate in this Island or, if its registered office is not so situate, its principal or last known principal

place of business in this Island.

Offences.

11. If any person –
- (a) knowingly lands or attempts to land any bees or bee hives in contravention of the provisions of this Ordinance,
 - (b) wilfully obstructs or impedes the Chief Revenue Officer or the Inspector in the exercise of their powers under this Ordinance,
 - (c) does any act in contravention of the provisions of this Ordinance or of the terms or conditions of any notice served or permit or licence granted thereunder, or of the requirements of, or of a prohibition imposed by, the Chief Revenue Officer or the Inspector, or
 - (d) fails to do any act which he is required to do by the Committee or the Chief Revenue Officer or the Inspector or under the provisions of this Ordinance or under any notice served or permit or licence granted thereunder,

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 2 on the uniform scale], and the Court may, in addition thereto, order the destruction by fire of the bees, hives, combs, quilts, honey, bee-keeping appliances and apparatus to which the conviction relates at the expense of the convicted person.

NOTES

In section 11, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991, section 12, with effect from 30th September, 1991, the references in this section to the "Chief Revenue Officer" shall, save where the context otherwise requires, be deemed to be a reference to the Chief Officer of Customs and Excise for the time being appointed by the Policy Council and shall include any person acting by or under his authority.

Offences by bodies corporate.

12. Where a person convicted of an offence under this Ordinance is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Destruction and treatment of bees etc. by the Inspector.

13. Any destruction or treatment, as the case may be, of bees, hives, combs, quilts, honey, bee-keeping appliances or apparatus required by a notice served under any of the provisions of this Ordinance shall be carried out by or in the presence of the Inspector at such place and in such manner as shall be specified by him and to his satisfaction and, except with his written authority, none of the bees, hives, combs, quilts, honey, bee-keeping appliances or apparatus shall be removed otherwise than to such place; and the cost of taking such action shall be recoverable by the States from the person upon whom the notice was served as a civil debt.

Powers of the Committee on failure to comply with notice, permit or licence.

14. Where a notice has been served upon or a permit or licence has been granted to a person under any of the provisions of this Ordinance and such person has failed to destroy or to treat any of the bees, hives, combs, quilts, honey, bee-keeping appliances or apparatus as is required in the notice or shall have failed fully to comply with the terms and conditions of the permit or licence then, without prejudice to any proceedings for an offence under this Ordinance consequent upon such failure, the Committee may apply ex parte to the Court for an Order authorising the Inspector to enter any premises in which the bees, hives, combs, quilts, honey, bee-keeping appliances or apparatus may be and to remove and destroy them by fire, and the cost of taking such action shall be recoverable by the States from the person upon whom the notice was served or the permit or licence granted, as the case may be, as a civil debt.

Exemptions.

15. The Committee may by licence granted under the provisions of this section exempt from the provisions of Parts II and III of this Ordinance the owner or the person having charge of any bees which are kept for the purpose of research and the premises upon which such bees are kept subject to compliance by such person with the terms and conditions of such licence.

Interpretation.

16. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"**acarine disease**" means the disease of the bee caused by the mite *Acarapis woodi* Rennie,

"**amoeba disease**" means the disease of the bee caused by the

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organism *Malpighamoeba millificae* Prell,

"apimyiasis" means the diseases of the bee caused by the larvae of dipterous flies which attack the internal organs of the bee,

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

"brood diseases" means any of the diseases of the brood of bees known as American Foul Brood, European Foul Brood, Chalk Brood, [Sac Brood, Stone Brood and Varroasis in the brood],

"certificate" means a certificate required under the provisions of subsection (2) of section one of this Ordinance to accompany a consignment of bees,

"the Chief Revenue Officer" means the Chief Revenue Officer for the time being appointed by the States [Policy Council] and includes any States Revenue Officer acting by or under the authority of the Chief Revenue Officer,

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

"the Committee" means the States [Commerce and Employment Department],

"consignment" includes part of a consignment,

"the Court" means the Magistrate's Court constituted under the

Magistrate's Court (Guernsey) Law, 1954^a,

"foul brood disease" means any of the 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,

"importer" in relation to any consignment of bees or bee hives includes any person who, whether as owner, consignor or consignee, agent or broker, is for the time being in possession of, or in any way entitled to, the custody of the bees or bee hives,

"the Inspector" means the States Inspector of Bees for the time being appointed by the Committee and includes a person authorised by the Committee to exercise and perform the powers and duties of the Inspector under the provisions of this Ordinance,

"this Island" includes the Islands of Herm and Jethou,

"landed" includes unloaded from an aircraft and imported by post and transhipped, and the expressions **"to land"**, **"lands"** and **"landing"** shall be construed accordingly,

"nosema disease" means the disease of the bee caused by the organism *Nosema apis* Zander,

"premises" includes any vehicle, vessel, aircraft or freight container,

^a Ordres en Conseil Vol. XVI, p. 103.

"**States Revenue Officer**" means a person authorised to act as such by the States [Home Department],

["**varroasis**" means any sign of infestation of the bee by the mite *Varroa jacobsonii* Oudemans.]

(2) Any reference in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.

NOTES

In section 16,

the words in square brackets in the definition of the expression "brood diseases" in subsection (1) were substituted , and the definition of the expression "varroasis" therein was inserted, by the Bees (Importation and Prevention of Disease) (Amendment) Ordinance, 1980, respectively section 1(d)(i) and section 1(d)(ii), with effect from 26th March, 1980;

the words in square brackets in the definition of the expression "the Chief Revenue Officer" in subsection (1) were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 12(a), with effect from 6th May, 2004;

the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 2, with effect from 6th May, 2004;

the words in square brackets in the definition of the expression "States Revenue Officer" in subsection (1) were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

The functions, rights and liabilities of the Civil Service Board and of its President arising under or by virtue of this Ordinance were transferred to

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and vested in, respectively, the Policy Council and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 12(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

The functions, rights and liabilities of the Agriculture and Countryside Board and of its President arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Commerce and Employment Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 2, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.¹

The functions, rights and liabilities of the Board of Administration and of its President arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Home Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991, section 12(1), with effect from 30th September, 1991, the references in this section to the "Chief Revenue Officer" shall, save where the context otherwise requires, be deemed to be a reference to the Chief Officer of Customs and Excise for the time being appointed by the Policy Council and shall include any person acting by or under his authority; and, in accordance with the provisions of section 12(2) of the 1991 Law, with effect from 30th September, 1991, the references in this section to a "States Revenue Officer" shall, save where the context otherwise requires, be deemed to be a reference to a person authorised by the Home Department to act as an officer of Customs and Excise.

The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

Repeal.

17. The Ordinance entitled "Ordonnance prohibant l'Importation en cette Île de Ruches qui ont été déjà usités" made permanent on the fifth day of October,

nineteen hundred and thirty-one^b, is hereby repealed.

Citation.

18. This Ordinance may be cited as the Bees (Importation and Prevention of Disease) Ordinance, 1973.

NOTE

The Ordinance was made and came into operation on 31st October, 1973.

^b Recueil d'Ordonnances Tome V, p. 337.

FORM A

Certificate for use in connection with the Importation of Colonies of Bees

This is to certify that all combs of(number) colonies

of bees packed in

forwarded by

to

were examined on (date)

by a duly authorised official

of the

who found no evidence of brood disease; and also that a microscopic examination of samples of 100 bees of each colony by

of
.....

carried out on (date)

has revealed no evidence that the bees are infected with acarine, nosema or amoeba disease, apimyasis or varroasis.

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Signed

Official Status

Date

(Stamp of the Service)

NOTE: The examinations referred to in this Certificate should be carried out not more than 14 days prior to the date of despatch of the consignment of the colonies of bees to the Islands of Guernsey, Herm or Jethou.

FORM B

Certificate for use in connection with the Importation of Queen Bees

I hereby certify that the apiary/ies of

(name of beekeeper), in which the accompanying (number)

queen bee(s) and attendant workers were reared was/were examined on

..... (date), and that no evidence was found therein of brood disease; and

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that a microscopic examination of 100 bees from each colony by

..... of

carried out on (date)

has revealed no evidence that the apiary/ies is/are infected with any other disease of bees including acarine, nosema and amoeba diseases, apimyasis and varroasis.

Signed

Official Status

Date

(Stamp of the Service)

NOTE: The examinations referred to in this Certificate should be carried out not more than 180 days prior to the date of despatch of the queen bees to the Islands of Guernsey, Herm or Jethou.]

NOTE

The Schedule was substituted by the Bees (Importation and Prevention of Disease) (Amendment) Ordinance, 1980, section 1(e), with effect from 26th March, 1980.

¹ The functions, rights and liabilities of the States Agriculture and Countryside Board and its President were previously transferred to it and its President from, respectively, the States Agricultural and Milk Marketing Board and its President by the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001, section 1, Schedule 1, paragraph 16, with effect from 21st January, 2002; and the functions, rights and liabilities of the States Agricultural and Milk Marketing Board and of its President under this Ordinance were previously transferred to it and its President from, respectively, the States Committee for Agriculture and the President thereof by the States Committee for Agriculture (Transfer of Functions) Ordinance, 1987, section 1, Schedule, with effect from 1st March, 1987.