

DISEASES OF ANIMALS ACT 1966 (VARROASIS IN BEES) ORDER 1998

I, JOE WALSH, Minister for Agriculture and Food in exercise of the powers conferred on me by Sections 3 of the Diseases of Animals Act 1966 (No. 6 of 1966), as adapted by the Agriculture, Food and Forestry (alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 302 of 1997), hereby order as follows:

REG 1

1. (1) This order may be cited as the Diseases of Animals Act, 1966 (Varroasis in Bees) Order, 1998.

(2) This Order shall come into operation on 15 June 1998.

REG 2

2. Definitions

"An authorised officer" means an officer of the Minister appointed in writing by the Minister to be an authorised officer for the purpose of the Order.

"A general licence" has the meaning assigned to it by Article 10(1) of this order.

"The Minister" means the Minister for Agriculture and Food.

"The Regulations" means the The European Communities (Notification of Varroasis in Bees) Regulations 1996 (S.I. No. 268).

"a specific licence" has the meaning assigned to it by Article 10(3) of this Order.

"Varroasis" means infection of bees by the mite *varroa jacobsoni*.

REG 3

3. (1) An authorised officer may—

(a) take samples of any bees, combs or hive debris in order to see if they are free from Varroasis.

(b) mark any hive or appliance for identification purposes.

(2) Where by reason of information received under the Regulations or otherwise an authorised officer has reasonable grounds for believing that Varroasis is present on or in any premises or other place, or where an authorised officer is refused entry to any premises or other place on or in which he has reasonable grounds for believing there are hives, bees, combs, quilts, bee-products or appliances, he shall serve on the owner or person in charge of any hive, bees, combs, quilts, bee-products or appliances on or in those premises or other place a notice prohibiting their removal except under the authority of a general or specific licence issued by the Minister and in accordance with the terms and conditions (if any) subject to which the licence is issued.

REG 4

4 Reports on Samples

4. After the examination of a sample submitted under the Regulations or Article 3(1)(a) of this Order the Minister shall as soon as is reasonably possible notify the owner or person in charge of the hive from which the sample was taken of the result of the examination and if the presence of Varroasis is not confirmed the Minister shall at the same time serve on that owner or person in charge a notice withdrawing any notice served under Article 3(2) of this Order.

REG 5

Presence of Varroasis

5. (1) If the report on the examination of a sample submitted under the Regulations or Article 3(1)(a) of this Order confirms the presence of Varroasis the Minister may

(a) serve on the owner or person in charge of the hive from which the sample was taken a notice requiring the destruction, treatment or isolation of any of the following—

(i) the hive;

(ii) any bees, combs, quilts or bee-products from the hive;

(iii) any appliances belonging to him or in his charge which appear to be infected with Varroasis;

(b) serve on the owner or person in charge of any hive, bees, combs, quilts, bee-products or appliances which appear to an authorised officer to be infected or to have been exposed to infection with Varroasis a notice requiring the destruction, treatment or isolation of such things;

(c) declare by notice published in accordance with Article 8 of this Order an area specified in the notice, in which the presence of Varroasis has been confirmed, to be an infected area.

(2) A notice under paragraph (1)(a) or (b) of this Article requiring destruction, treatment or isolation—

(a) shall specify the method of destruction or treatment and, in the case of treatment, the substance to be used;

(b) shall specify a reasonable period within which the destruction or treatment is to be carried out;

(c) may require such destruction or treatment to be carried out by or in the presence of an authorised officer;

(d) shall specify the period of isolation.

(3) A notice under paragraph (1)(c) of this Article may provide that all or any of the provisions specified in the Schedule shall apply in the infected area or in such parts thereof as are specified in the notice; and such a notice may provide for the application of different provisions to different parts of the infected area as the Minister considers necessary to prevent the spread of Varroasis.

(4) Where the report on the examination of a sample submitted under the Regulations or Article 3(1)(a) of this Order confirms the presence of Varroasis then any notice served under Article 3(2) of this Order shall remain in force until such date as the Minister shall by subsequent notice determine.

REG 6

Provision of facilities and obligations of beekeepers

6. (1) A person shall not in any way interfere with or cause or knowingly permit to be interfered with any form of identifying mark made by an authorised officer under Article 3(1)(b) of this Order.

(2) The owner of person in charge of any hive, bees, combs, quilts, bee-products or appliances shall, so far as he is able, make available all such facilities and give such information (including information concerning the whereabouts and number of hives, bees, combs, quilts, bee-products and appliances belonging to him or in his charge) to an authorised officer as that authorised officer shall reasonably require for the purposes of this Order.

(3) Any person upon whom a notice is served under this Order or who is subject to the provisions of a notice declaring an area to be an infected area within the meaning of Article 5 of this Order shall comply in all respects with the provisions of such notice.

REG 7

Default procedures

7. Where any action required to be taken by any person under any notice served on him/her under this Order has not been taken within the time specified in the notice for the taking of that action then an authorised officer may himself/herself take that action and such person shall be liable for the reasonable expenses incurred in the taking of that action and such expenses shall, without prejudice to any proceedings arising in connection with a contravention of this Order, be recoverable by the Minister as a simple contract debt in any court of competent jurisdiction.

REG 8

Notices

8. A notice declaring an area to be an infected area within the meaning of Article 5 of this Order shall be published in such newspapers or periodicals or in such other manner as the Minister shall consider necessary to bring it to the attention of those persons likely to be affected by its terms and may be varied or revoked by the Minister by a further notice published, so far as is practicable, in the same manner.

REG 9

Exemptions

9. Any person who in the opinion of the Minister is concerned or connected with research into, or with any course of training relating to, pests or diseases affecting bees may be exempted from any of the provisions of this Order by a licence issued by the Minister and in accordance with any terms and conditions subject to which the licence issued.

REG 10

Licences

10. (1) A general licence shall be issued by the publication of it in such newspapers or periodicals or in such other manner as the Department shall consider necessary to bring it to the attention of those persons likely to be affected by its terms.

(2) a general licence may be varied, revoked or suspended by a notice published, so far as practicable, in the same manner and to the same extent as the licence.

(3) A specific licence may be varied, revoked or suspended by a notice served on the person to whom the licence was issued.

SCHEDULE

Provisions which may apply in an infected area

1. The Minister may serve on the owner or person in charge a notice requiring the destruction, treatment or isolation of any hive, bees, combs, quilts, bee-products or appliances. Where the notice requires destruction or treatment it shall specify the method of destruction or treatment and, in the case of treatment, the substance to be used. The notice shall also specify a reasonable period within which the destruction or treatment is to be carried out. Where the notice requires isolation it shall specify the period of isolation.

2. Any movement into, from or within an infected area of any hive, bees, combs, quilts, bee-products or appliances shall be prohibited except under authority of a licence, which may be general or specific, issued by the Minister and in accordance with the terms and conditions (if any) subject to which the licence is issued.

3. An owner or person in charge of any hive, bees, combs, quilts, bee-products or appliances shall notify the Minister as soon as he is reasonably able to do so of his name and address and the

location of all the hives, bees, combs, quilts, bee-products or appliances belonging to him or in his charge.

GIVEN under my Official Seal, this 12th day of June, 1998.

JOE WALSH,

Minister for Agriculture and Food

EXPLANATORY NOTE.

These Regulations provide for the taking and examining of samples of bees, combs or hive debris for the presence of the disease varroasis and if the presence of the disease is established the taking of measures to control the spread of the disease.