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C.C.S.M. c. B15

THE BEE ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions

1 In this Act

"apiary" means any place where bees are kept; (« rûcher »)

"bee" means the insect

(a) *Apis mellifera*, or

(b) *Megachile rotundata*; (« abeille »)

"beekeeper" means any person who owns or has in his possession bees or beekeeping equipment; (« apiculteur »)

"beekeeping equipment" means hives, parts of hives, and utensils used in the maintenance and keeping of bees, and includes, when kept in conjunction with hives, parts of hives and utensils used in the maintenance and keeping of bees, honey, wax, pollen and royal jelly; (« équipement apicole »)

"disease" means

(a) American Foulbrood,

(b) European Foulbrood,

(c) Nosema,

(d) Acarine, or

(e) any organism designated in the regulations as a disease; (« agent pathogène »)

"extension apiarist" means the person designated by the minister as extension apiarist for the purpose of administering this Act; (« apiculteur des services de vulgarisation »)

"inspector" means an inspector appointed under this Act and includes the extension apiarist; (« inspecteur »)

"minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act; (« ministre »)

"registrant" means a person registered under this Act. (« personne inscrite »)

Registration required

2(1) No person shall be in possession of bees or beekeeping equipment unless he is registered under this Act as a beekeeper.

Exception

2(2) Subsection (1) does not apply where a person has, within 30 days after he acquires ownership or possession of bees or beekeeping equipment, applied for registration as a beekeeper under this Act.

Application

3(1) An application for registration as a beekeeper under this Act shall be made to the extension apiarist upon such form as may be prescribed in the regulations.

Additional information

3(2) In addition to the information furnished by an applicant for registration on the form mentioned in subsection (1), the extension apiarist may require such additional information as he considers necessary.

Registration by extension apiarist

3(3) Upon receiving an application under subsection (1) and any other additional information that he may require under subsection (2), the extension apiarist, if he is satisfied that all the requirements of this Act and the regulations are met, may register the applicant as a beekeeper and issue a certificate of registration to him.

Duration of validity of registration

4 A certificate of registration issued under section 3 continues to be valid until it is suspended or cancelled under section 5.

Cancellation of registration

5(1) The registrar may cancel the registration of a beekeeper

(a) at the request or with the consent of the registrant;

(b) where the registrant has ceased to be a beekeeper; or

(c) where the beekeeper has failed to comply with any of the provisions of this Act or the regulations.

Hearing before cancellation

5(2) Before cancelling a registration under clause 1(c), the extension apiarist shall first give the beekeeper an opportunity to be heard.

Diseases

6(1) Where an inspector determines that a disease exists among the bees or in the beekeeping equipment of a beekeeper and informs the beekeeper of the existence of the disease, unless the beekeeper obtains the written authorization of the extension apiarist, the beekeeper shall not

(a) sell any bees or beekeeping equipment;

(b) move any bees or beekeeping equipment or cause, authorize or permit any bees or beekeeping equipment to be moved from the premises or place where the bees or beekeeping equipment are situated; or

(c) leave any honey or beekeeping equipment exposed where bees can gain access to it.

Bringing bees or beekeeping equipment into province

6(2) No person shall bring into Manitoba any bees or beekeeping equipment unless he provides the extension apiarist with a certificate issued by the place of origin of the bees or beekeeping equipment, satisfactory to the extension apiarist.

Order for destruction

7(1) Where an inspector determines that a disease exists among the bees or in the beekeeping equipment of a beekeeper and informs the beekeeper of the existence of the disease, the inspector may order the beekeeper, or the person in charge of the bees or beekeeping equipment, within such period as may be prescribed in the order,

(a) to destroy the bees or the beekeeping equipment, or both; or

(b) to take such steps as may be necessary to eradicate the disease.

Compliance with order

7(2) Where, under subsection (1) a person is ordered to do any of the things mentioned in that subsection, he shall comply with the order.

Destruction by minister

7(3) Where a person fails to comply with an order made under subsection (1), the minister may cause the bees or beekeeping equipment, or both to be destroyed or the disease eradicated at the expense of the beekeeper.

Report of sales

8 Every person who sells bees or beekeeping equipment to any person shall, upon request of the extension apiarist, within 30 days of the request provide the extension apiarist with the name and address of the person to whom and the quantities in which, the bees or beekeeping equipment were sold.

Sign at apiaries

9 Every person owning or operating an apiary shall erect and maintain at the site of the apiary a sign clearly stating his name and address.

Appointment of extension apiarist

10(1) The minister shall from among persons employed by the government and who are under his jurisdiction, appoint an extension apiarist for the purposes of this Act.

Appointment of inspectors

10(2) The minister may appoint inspectors for the purposes of the administration and enforcement of this Act and the regulations.

Duties of inspector

11 An inspector may, and where he is required by the extension apiarist, shall

(a) inspect any bees, or beekeeping equipment, to ascertain whether any disease exists in the bees, or whether any beekeeping equipment is infected with disease, or whether the provisions of this Act and the regulations are being complied with; or

(b) inspect any books or records required to be kept under this Act or the regulations.

Powers of inspectors

12 An inspector may, at all reasonable times, and upon presentation of a certificate or other means of identification as prescribed in the regulations, for the purpose of enforcing this Act and the regulations

(a) without a warrant, enter any place or premises, other than a dwelling, in which any bees or beekeeping equipment are kept or in which he has reason to believe bees or beekeeping equipment are kept for the purpose of inspecting or examining the bees or beekeeping equipment;

(b) without a warrant, stop any vehicle in which bees or beekeeping equipment are being conveyed, or in which the inspector believes on reasonable and probable grounds any bees or beekeeping equipment are being conveyed, and conduct such inspections as may reasonably be required for purposes of this Act;

(c) require the production of any documents, books or records that relate to the keeping or sale of bees or beekeeping equipment, or that he has reason to believe relate to the keeping and sale of bees or beekeeping equipment for inspection and may make copies thereof or take extracts therefrom;

(d) inspect any bees or beekeeping equipment; or

(e) where reasonably required for purposes of this Act, take and retain any bees or beekeeping equipment as samples for test purposes.

Offence and penalty

13 Every person who violates or fails to comply with any provision of this Act or the regulations, or fails to comply with an order of an inspector, or who resists or obstructs an inspector in the performance of his duties, is guilty of an offence and liable, on summary conviction, to a fine of not less than \$50. and not more than \$500.

Regulations

14 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations ancillary thereto and not inconsistent therewith; and every regulation made under, and in accordance with the authority granted by, this section has the force of law; and, the Lieutenant Governor in Council may make regulations,

- (a) designating an organism as a disease for the purposes of this Act;
- (b) designating for the purposes of this Act, other insects as bees;
- (c) respecting registration of beekeepers;
- (d) requiring books and records to be kept and returns to be made by beekeepers and persons selling bees;
- (e) prescribing certificates or other means of identification for inspectors;
- (f) prescribing forms for use under this Act.