

Apiaries Act 1969
053

Commenced: 1 Apr 1970; 8 Dec 1971, Apiaries Amendment Act 1971; 21 Nov 1973, Apiaries Amendment Act 1973; 19 Oct 1978, Apiaries Amendment Act 1978; 1 Jan 1981, Apiaries Amendment Act 1980; 15 Apr 1983, Apiaries Amendment Act 1980, s. 10

ANALYSIS

Index

Analysis

Title

- 1 Short Title and commencement
- 2 Interpretation
- 3 Act to bind the Crown

I: Keeping of Bees

- 4 Apiaries to be registered
- 5 Identification of apiaries
- 6 Information to be supplied to Registrar
- 7 Bees to be kept in frame hives
- 8 Access to hives, etc., to be kept clear
- 9 Changing location of bees
- 10 Abandoned or neglected bees and beehives
- 11 Bees established otherwise than in hives

II: Disease Control

- 12 Outbreak of First Schedule disease
- 13 Declaration of infected area
- 14 Measures for eradication and control of First Schedule disease
- 15 Compensation
- 16 Disease control areas
- 17 Bee Disease Advisory Committee
- 18 Outbreak of Second Schedule disease
- 19 Diseased bees, etc., to be destroyed or treated
- 20 Dealing in diseased bees and infected honey, etc.

Importation of Bees, Bee Products, and Appliances

- 21 Minister may appoint ports or airports for importation of bees, bee products, and appliances
- 22 Restrictions on importation
- 23 Bees, etc., introduced or attempted to be introduced
- 24 Quarantine grounds
- 24A Duty of Post Office officers and Customs officers
- 24B Dispatch of bees, bee products, or appliances to New Zealand

Use of Drugs

- 25 Prohibition on use of drugs
- 26 Procuring of samples
- 27 Analysis of samples and certificate of analyst
- 28 Analyst's certificate prima facie evidence
- 29 Tampering with sample

III: Restricted Areas

- 30 Restricted areas
- 31 Keeping of bees in restricted area
- 32 untitled record
- 33 Bees and appliances kept in restricted area without a permit

IV: Miscellaneous Provisions

- 34 untitled record
- 35 untitled record
- 36 Appointment of Inspectors
- 37 Powers of Inspectors
- 38 Obstructing Inspector
- 39 How directions by Inspector to be given
- 39A Appointment of officers and employees
- 40 Persons not entitled to compensation
- 41 Committees
- 42 Remuneration and travelling allowances
- 43 Offences and penalty
- 44 Proof of consent
- 45 Recovery of expenses incurred by Inspectors
- 46 Regulations
- 47 Repeals and revocations

Schedule(s)

- 1 FIRST SCHEDULE: Serious Diseases of Bees for Which Compensation May be Payable
- 2 SECOND SCHEDULE: Serious Diseases of Bees
- 3 THIRD SCHEDULE: Bee Diseases
- 4 FOURTH SCHEDULE: Enactments Repealed
- 5 FIFTH SCHEDULE: Order and Regulations Revoked

Amending Act/Rule(s)

- 1 The Apiaries Amendment Act 1971
- 2 The Apiaries Amendment Act 1973
- 3 The Apiaries Amendment Act 1978
- 4 The Apiaries Amendment Act 1980

REPRINTED ACT

[WITH AMENDMENTS INCORPORATED]

APIARIES

REPRINTED AS ON 1 MAY 1987

NOTE: Except where otherwise indicated, all references to the Ministry of Agriculture and Fisheries were substituted for references to the Department of Agriculture by s. 3 (6) (b) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

INDEX

	Page
Ministry of Agriculture and Fisheries Act 1953: s. 3	2(n)
Apiaries Act 1969	2
Apiaries Amendment Act 1971	28
Ministry of Agriculture and Fisheries Amendment Act 1972: S. 3 (6) (b)	
1 (n) S. 3 (6) (c)	
4 (n)	
Apiaries Amendment Act 1973	28
Apiaries Amendment Act 1978	29
Apiaries Amendment Act 1980	30
Apiaries Amendment Act Commencement Order 1983 (S.R. 1983/63)	31 (n)

In this index "(n)" after a page number indicates that the enactment is referred to in a note on that page.

THE APIARIES ACT 1969

1969, No. 53

An Act to consolidate and amend the Apiaries Act 1927

[2 October 1969]

1. Short Title and commencement---(1) This Act may be cited as the Apiaries Act 1969.

(2) This Act shall come into force on the 1st day of April 1970.

This Act is administered by the Ministry of Agriculture and Fisheries, see s. 3 of the Ministry of Agriculture and Fisheries Act 1953.

2. Interpretation---(1) In this Act, unless the context otherwise requires,---

"Apiary" means any place where bees or appliances are kept:

"Appliance" means any hive, bee-comb, extractor, or other appliance that has been used in connection with beekeeping:

["Bee" means the honeybee (*Apis mellifera*) including its eggs, larvae, pupae, and semen; and includes, for the purposes of sections 21 to 24B of this Act, every other species of bee, including its eggs, larvae, pupae, and semen:]

"Beekeeper" means any person who keeps bees or appliances; and, in relation to any apiary, means the person by whom the bees and appliances on that apiary are owned:

["Bee product" means any honey, honey-dew, beeswax, venom, propolis, or royal jelly; and includes any other product collected by bees or derived from bees or bee products:]

"Director-General" means [the Director-General of Agriculture and Fisheries]:

"Disease" means any of the diseases or pests specified in the First Schedule, Second Schedule, or Third Schedule to this Act:

"Frame hive" means a hive containing movable frames in which the combs are built, and which may be separately and readily removed from the hive for examination:

["Honey" means the fluid, viscous, or crystallised substance produced by bees from the nectar of blossoms or from secretions of, or on, living parts of plants other than blossoms, which bees collect, transform, or combine with substances of their own, and store and leave to mature in honeycombs:]

"Infected" means infected with disease:

"Infected area" means any land or place declared by an Inspector pursuant to this Act to be an infected area:

"Inspector" means any Inspector appointed for the purposes of this Act; and, subject to subsection (3) of section 36 of this Act, includes any temporary Inspector appointed under that section while acting as such:

["Minister" means the Minister of Agriculture:]

"Occupier", in relation to an apiary, means the person by whom the bees and appliances on that apiary are owned; and "occupied" has a corresponding meaning:

"Permanent apiary" means an apiary that is not a seasonal apiary:

"Quarantine ground" means any land or place declared by the Director-General pursuant to this Act to be a quarantine ground:

"Registered apiary" means an apiary registered under this Act or the corresponding provisions of any former enactment; and, for the purposes of section 10, 14, 15, and 19 of this Act, includes any place on which bees . . . are for the time being kept but which, by virtue of subsection (1) of section 4 of this Act, will not be required to be registered as an apiary until the bees . . . have been kept on that place for more than 14 days:

"Registrar" means a Registrar of Apiaries appointed under this Act; and "the Registrar", in relation to any apiary, means the Registrar of the registration district in which the apiary is situated:

"Registration district" means an apiary registration district constituted under this Act:

"Restricted area" means any area declared to be a restricted area pursuant to section 30 of this Act or the corresponding provisions of any former Act:

"Seasonal apiary" means an apiary where bees or appliances are kept for only part of a year:

"Year" means a period of 12 months ending with the 31st day of May.

(2) The Governor-General may from time to time, by Order in Council, amend the First Schedule, Second Schedule, or Third Schedule to this Act---

(a) By including therein the name of any disease or pest:

(b) By omitting therefrom the name of any disease or pest and including it in any other of those Schedules[, or by omitting it altogether].

Cf. 1927, No. 29, ss. 2, 15; S.R. 1950/184, cl. 2; S.R. 1952/56, reg. 2; S.R. 1953/141, reg. 2; S.R. 1969/76, Reg. 2

In subs. (1):

"Bee product": The definition of this term was inserted by s. 2 (1) of the Apiaries Amendment Act 1978.

"Director-General": In the definition of this term the reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Director-General of Agriculture by s. 3 (6) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

"Honey": The definition of this term was substituted for the definitions of the terms "honey" and "honey-dew" by s. 2 (2) of the Apiaries Amendment Act 1980.

"Minister": The definition of this term was substituted for the original definition (as amended by s. 3 (b) (a) of the Ministry of Agriculture and Fisheries Amendment Act 1972) by s. 2 (2) of the Apiaries Amendment Act 1978.

"Registered apiary": The words "or appliances" and "and appliances" were omitted by s. 2 (3) of the Apiaries Amendment Act 1980.

In subs. (2) (2) (b) the words in square brackets were added by s. 2 (4) of the Apiaries Amendment Act 1980.

3. Act to bind the Crown---This Act shall bind the Crown.

PART I KEEPING OF BEES

4. Apiaries to be registered---(1) No person shall keep bees in any place for a period of more than 14 days, unless that place is registered as an apiary under this Act.

(2) For the purposes of this Act, the Director-General may, by notice in the Gazette, divide New Zealand into apiary registration districts having the names set out in the notice, and may appoint for each registration district a registration office, and may allocate a code letter to each registration district.

(3) The Director-General may from time to time appoint an officer of [the Ministry of Agriculture and Fisheries] to be Registrar of Apiaries in respect of each registration district.

(4) Application for the registration of any apiary shall be made in a form provided for the purpose by the Director-General, and shall be made to the Registrar of the registration district in which the apiary is situated.

(5) Every application for the registration of any apiary shall state whether the apiary is to be registered as a permanent apiary or a seasonal apiary.

(6) The Registrar for each registration district shall keep a register of apiaries for the district.

(7) The Registrar may from time to time insert, amend, correct, cancel, or delete any entry in the register, whether from particulars supplied in a certificate given under subsection (2) of section 18 of this Act or upon such documentary or other evidence as he considers sufficient.

(8) The Registrar shall cancel the registration of any apiary on the application in writing of the beekeeper.

(9) The registration of any seasonal apiary shall lapse if no bees . . . have been kept thereon for a period of 2 consecutive years.

(10) No person shall be entitled to inspect or search the register except by permission of the Director-General.

Cf. 1927, No. 29, s. 5; S.R. 1953/141, regs. 3-6; S.R. 1958/110, Reg. 2; S.R. 1961/17, reg. 2

In subs. (9) the words "or appliances" were omitted by s. 3 of Apiaries Amendment Act 1980. 6.
Information to be supplied to Registrar---(1) Where any beekeeper ceases to be the occupier of an apiary registered as a permanent apiary, he shall within 14 days thereafter give notice thereof in writing to the Registrar.

[(2) Where any person becomes the occupier of an apiary still registered as a permanent apiary he shall, within 14 days after commencing occupation, give notice in writing of his occupancy to the Registrar.]
Cf. S.R. 1953/141, reg. 7

Subs. (2) was added by s. 5 of the Apiaries Amendment Act 1980.

7. Bees to be kept in frame hives---(1) No person shall keep any bees except in movable frame hives.

(2) Where an Inspector finds that the bee combs in any hive containing frames cannot, without cutting, be separately and readily removed from the hive for examination, he may direct the beekeeper to transfer the bees to a frame hive within a specified time.

(3) Where bees are kept or have become established in a hive other than a frame hive, an Inspector may---

(a) Direct the beekeeper within a specified time to transfer to a frame hive the bees, honey, and bee combs contained in the first-mentioned hive; or

(b) Destroy that hive, and the bees, honey, and bee combs contained in that hive.

(4) If any person fails within the time specified to carry out any directions of the Inspector as aforesaid, the Inspector, or any person authorised by him in writing, may enter upon the land or premises and may destroy any hive referred to in those directions and the bees, honey, and appliances contained in the hive.

(5) Nothing in subsection (3) or subsection (4) of this section shall relieve any person from any other liability he may have incurred under this Act.

Cf. 1927, No. 29, s. 6 (1)-(4)

8. Access to hives, etc., to be kept clear---(1) A beekeeper shall at all times keep the normal access to hives, bees, honey, and appliances reasonably clear from obstructions caused by the growth of vegetation which would impede or prevent the inspection by an Inspector.

(2) If a beekeeper fails to comply with the requirements of subsection (1) of this section, an Inspector may direct the beekeeper to comply with those requirements within a specified time. If the beekeeper fails to comply with those requirements within the time so specified, any Inspector or other person authorised in writing by him may enter on the land and carry out all or any of the work necessary to comply with those requirements.

Cf. 1927, No. 29, s. 6A; 1953, No. 29, s. 2

[9. Changing location of bees---(1) No person shall, without the written consent of an Inspector and subject to such conditions as he may specify, remove or transfer any bees to a location situated more than 200 m from the place where they were previously located.

(2) Notwithstanding subsection (1) of this section, a beekeeper may, without the consent of an Inspector, remove bees from any registered apiary owned by him to any other registered apiary owned by him if both apiaries are free of any disease specified in the First and Second Schedules to this Act.

(3) In cases of urgency, the consent of an Inspector referred to in subsection (1) of this section may be given orally but still subject to such conditions as he may specify, and in such a case the person removing or transferring the bees shall, within 14 days, notify an Inspector in writing of the removal and the place at which the bees are now located.

(4) Every person commits an offence who fails to comply with the provisions of this section or any conditions specified by an Inspector in giving a consent under this section.]

This section was substituted for the original s. 9 by s. 6 (1) of the Apiaries Amendment Act 1980.

11. Bees established otherwise than in hives---(1) Where a bee colony has become established in or on any premises or land, an Inspector may direct the owner or occupier of the land on which the premises are situated, or, as the case may be, the owner or occupier of the land, to destroy within a specified time and to the satisfaction of the Inspector the bees, the honey, and all bee combs connected with the bees.

(2) If the owner or occupier fails to carry out any direction given by an Inspector under subsection (1) of this section within the specified time, any Inspector may destroy the bees, the honey, and all bee combs connected with the bees.

Cf. 1927, No. 29, s. 6 (5); 1951, No. 9, s. 2

PART II DISEASE CONTROL

12. Outbreak of First Schedule disease---Every person who is the owner or person in charge of any bees, honey, or appliances shall, if he has reasonable grounds for suspecting that any disease for the time being specified in the First Schedule to this Act exists in such bees, honey, or appliances,---

(a) Forthwith notify an Inspector at the nearest branch of [the Ministry of Agriculture and Fisheries] or the Director-General to that effect; and

(b) Take such measures, whether remedial or precautionary, as are necessary to prevent the spread of infection by the disease.

13. Declaration of infected area--(1) Where any bees, honey, or appliances on any apiary are found to be infected with any disease for the time being specified in the First Schedule to this Act, an Inspector may, by writing under this hand, declare that apiary, together with any land within a radius of [3.2 kilometres] thereof, to be an infected area. The Inspector shall give notice of that declaration to the beekeeper and to the occupier of the land on which the apiary is situated, and to every beekeeper within the infected area, and to every occupier of land within the infected area on which any apiary is situated.

(2) Every declaration made under this section in respect of any particular land shall take effect on receipt by the occupier of the notice of the declaration, and shall continue to bind the land notwithstanding any change in the occupancy or ownership thereof after notice as aforesaid has been given.

(3) The Inspector shall forthwith notify the Director-General of any declaration made under this section, and the Director-General shall cause notification of the declaration to be published in the Gazette and in one or more newspapers circulating in the district where the disease is present.

(4) Production of a copy of the Gazette in which is published notification of any declaration made under this section shall, until the contrary is proved, be sufficient evidence that the declaration was duly made and continues in force.

(5) Any declaration of an infected area made under this section may at any time, by writing under the hand of an Inspector, be wholly or partially revoked. Notice of every such revocation shall be published in the Gazette and in one or more newspapers circulating in the district where the infected area is situated, and shall be given to every beekeeper in the infected area.

In subs. (1) the expression "3.2 kilometres" was substituted for the expression "2 miles" by s. 2 of the Apiaries Amendment Act 1973.

14. Measures for eradication and control of First Schedule disease---(1) Where any bees, honey, or appliances on any land or premises in an infected area are found to be infected with any disease for the time being specified in the First Schedule to this Act, an Inspector---

(a) Where the land or premises are a registered apiary, may, direct the beekeeper to forthwith destroy by fire or by such other means as the Inspector thinks necessary any of all of the bees, honey, or appliances on the apiary, whether or not the same are diseased or infected, and, if the beekeeper fails to comply with the notice, may himself destroy all or any such bees, honey, or appliances:

(b) Where the land or premises are not a registered apiary, may, after consultation with the occupier of the land or premises, destroy all or any such bees, honey, or appliances:

(c) If in his opinion the circumstances so require, may without notice himself destroy all or any such bees, honey, or appliances:

Provided that if the Inspector himself destroys any such bees, honey, or appliances, he shall as soon as practicable give notice in writing to the beekeeper or occupier of the action so taken by him.

(2) All hives in an infected area, other than those in respect of which action has been taken under the provisions of subsection (1) of this section, shall be treated by the owners by a method directed by an Inspector.

15. Compensation---(1) Where any bees, honey, or appliances on a registered apiary are destroyed by or by the direction of an Inspector pursuant to subsection (1) of section 14 of this Act, there shall be paid to the beekeeper by way of compensation, out of money appropriated by Parliament, the fair market value thereof as determined by a Bee Disease Advisory Committee appointed under section 17 of this Act.

(2) Where the beekeeper is dissatisfied with the decision of the Bee Disease Advisory Committee as to the fair market value of the bees, honey, or appliances, he may, by notice in writing to the Director-General, require that value to be determined by arbitration of 2 arbitrators, one to be appointed by the beekeeper and one by the Director-General, with power to the 2 arbitrators to appoint an umpire; and the decision of the 2 arbitrators or their umpire shall be final. For the purposes of any such arbitration, this section shall be deemed to be a submission within the meaning of the Arbitration Act 1908, and the relevant provisions of that Act shall apply to any such arbitration.

16. Disease control areas---(1) The Director-General may at any time, by notice published in the Gazette, declare any land to be a disease control area for the purposes of this section.

(2) No person shall, without the written consent of an Inspector and subject to such conditions as the Inspector specifies, bring or remove, or cause or permit to be brought or removed, any bees, honey, or appliances---

(a) From any apiary in any infected area or disease control area to any other land, whether within an infected area or a disease control area or not; or

(b) Into any infected area or disease control area from an apiary on any other land, whether within an infected area or a disease control area or not; or

(c) From an apiary within any infected area or disease control area to any other apiary within the same infected area or disease control area, as the case may be.

(3) Notwithstanding anything in subsection (2) of this section or in section 20 of this Act, an Inspector may remove any bees which are properly packed for carriage by rail or by other means---

(a) From any infected area or disease control area to any place outside the infected area or disease control area; or

(b) Through any infected area or disease control area from any place outside the infected area or disease control area to any other place outside the infected area or disease control area, as the case may be,---

for special examination for the purpose of identifying disease or for any other purpose authorised in that behalf by the Director-General.

17. Bee Disease Advisory Committee---(1) On the outbreak in any area of any disease for the time being specified in the First Schedule to this Act, the Director-General shall appoint a Bee Disease Advisory Committee comprising---

(a) Two officers of [the Ministry of Agriculture and Fisheries], one of whom shall be appointed as Chairman of the Committee:

(b) One member, to be appointed on the nomination of the National Beekeepers Association of New Zealand Incorporated.

(2) The functions of a Bee Disease Advisory Committee shall be---

(a) To inquire into and report to the Director-General upon any matter relating to the measures necessary for the control and eradication of the outbreak of disease which the Director-General refers to the committee for advice:

(b) To assess the value of any bees, honey, or appliances destroyed pursuant to subsection (1) of section 14 of this Act.

(3) A Bee Disease Advisory Committee may co-opt as members of the committee in an advisory capacity registered beekeepers owning 30 or more colonies of bees. A co-opted member of the committee shall be entitled to attend meetings of the committee and take part in the discussion of any matter before the committee, but shall not be entitled to vote.

(4) Subject to this section, a Bee Disease Advisory Committee shall determine its own procedure.

18. Outbreak of Second Schedule disease---(1) Where any beekeeper finds in any hive owned by him any disease specified in the Second Schedule to this Act, he shall forthwith---

- (a) Send written notice thereof to an Inspector; and
- (b) Take proper measures to eradicate the disease in order to prevent its spread.

(2) In August, September, [October, or November] in each year, every beekeeper shall inspect or cause to be inspected all hives owned by him for the presence of disease specified in the Second Schedule to this Act, and shall as soon as that inspection is completed, and in any event not later than the 7th day [of December] in each year, send to an Inspector, in a form provided for the purpose by the Director-General, a statement, signed by the Beekeeper, setting forth---

- (a) [Confirmation that] the inspection was made; and
- (b) The location and number of the hives inspected; and
- (c) The location and number of hives (if any) in which any such disease was found during the course of the inspection[, the date or dates on which the disease was found, and the action taken in respect of the disease]; and [(d) Such other particulars relating to any disease specified in the Second Schedule to this Act or to the registration of the apiary or to the location of the site of the apiary as may be requested in the form.]

(3) Every beekeeper who sends to an Inspector a statement under subsection (2) of this section containing particulars which are false, or who fails to comply in any respect with the provisions of that subsection, commits an offence.

Cf. 1927, No. 29, s. 8; 1965, No. 15, s. 2; 1967, No. 57, s. 2

In subs. (2) the words "October, or November" and "of December" were substituted for the words "or October" and "of November" respectively by s. 7 (1) (a) and (b) of the Apiaries Amendment Act 1980. In subs. (2) (a) the words "Confirmation that" were substituted for the former words by s. 7 (1) (c) of the Apiaries Amendment Act 1980.

In subs. (2) (c) the words in square brackets were inserted by s. 7 (1) (d) of the Apiaries Amendment Act 1980.

In subs. (2), para. (d) was substituted for the original para. (d) by s. 7 (2) of the Apiaries Amendment Act 1980.

19. Diseased bees, etc., to be destroyed or treated---(1) Where any bees, honey, or appliances on any land or premises are found by an Inspector to be infected with any disease specified in the Second Schedule or Third Schedule to this Act, the Inspector---

(a) Where the land or premises are a registered apiary, may direct the beekeeper within a specified time to---

- (i) Destroy by such means as the Inspector specifies any such bees, honey, or appliances; or
- (ii) Take in respect of any such bees, honey, or appliances such measures as in the opinion of

the Inspector are necessary to eradicate the disease or remove the infection:

(b) Where the land or premises are not a registered apiary, may, after consultation with the occupier of the land or premises, destroy the bees, honey, or appliances:

(c) May, if in his opinion the circumstances so demand, and whether or not he has given notice to the beekeeper or the occupier of the land or premises, destroy or cause to be destroyed by any person authorised in writing by him in that behalf any such bees, honey, or appliances found diseased or infected.

20. Dealing in diseased bees and infected honey, etc.---(1) No person shall expose any honey, bee combs, or appliances taken from or used in connection with any infected hive in such manner as will allow access thereto by bees until after those materials have been thoroughly sterilised to the satisfaction of an Inspector.

(2) No person shall sell, barter, lend, or give to any other person, or remove from the place in which they are for the time being situated, any bees or appliance infected with disease, any bees or appliance from an apiary on which disease is found or has been found within the immediately preceding period of 28 days, or any honey from a hive in which disease is found or has been found within such a period, except with the written consent of an Inspector and subject to such conditions or in such manner as he specifies:

Provided that for the purpose of taking measures approved by the Inspector for the eradication or the prevention of the spread of the disease, the beekeeper may, with the oral consent of an Inspector and subject to such conditions or in such manner as he specifies, remove any bees, appliance, or honey to a place approved by the Inspector. The Inspector shall within 14 days confirm in writing any such oral consent. Cf. 1927, No. 29, s. 10; 1951, No. 9, s. 4

(2) Where any bees, honey, or appliances on any land or premises are in the opinion of an Inspector, likely to be infected or to become infected with any disease specified in the Second Schedule to this Act, the Inspector---

(a) Where the land or premises are a registered apiary, may---

(i) With the concurrence of another Inspector, direct the beekeeper to destroy by such means as the Inspector specifies any such bees, honey, or appliances or to take in respect of any such bees, honey, or appliances such measures as in the opinion of the Inspector are necessary to eradicate the suspected disease or remove the suspected infection; or

(ii) Either with the consent of the beekeeper or with the concurrence of another Inspector, destroy any such bees, honey, or appliances:

(b) Where the land or premises are not a registered apiary, may, after consultation with the occupier of the land or premises, destroy any such bees, honey, or appliances.

(3) Where, pursuant to subsection (1) or subsection (2) of this section, an Inspector destroys or causes to be destroyed any bees, honey, or appliances without having given prior notice to the beekeeper or occupier of the land or premises, he shall as soon as practicable give notice in writing to the beekeeper or occupier of the action taken by him.

(4) Where any bees, honey, or appliances on a registered apiary have been destroyed pursuant to this section, an Inspector may, by notice in writing to the beekeeper, direct that no bees, honey, or appliances remaining on the apiary be removed therefrom or sold or otherwise disposed of for the specified time, being not more than [3 months], except with the written consent of an Inspector. Cf. 1927, No. 29, s. 9; 1965, No. 15, s. 3

In subs. (4) the expression "3 months" was substituted for the expression "2 months" by s. 8 of the Apiaries Amendment Act 1980.

[Importation of Bees, Bee Products, and Appliances]

21. Minister may appoint ports or airports for importation of bees, bee products, and appliances---The Minister may from time to time, by notice in the Gazette, appoint any specified ports or airports (being ports of entry or, as the case may be, Customs airports under the Customs Act 1966) to be the only places at which bees, [bee products], or appliances may lawfully be imported, either generally or from any specified country or place.

The heading appearing before this section was substituted for the original heading by s. 3 (1) of the Apiaries Amendment Act 1978.

In this section the words "bee products" were substituted for the word "honey" by s. 3 (2) of the Apiaries Amendment Act 1978.

22. Restrictions on importation---(1) No person shall introduce into New Zealand any bees [, bee products,] or any appliances from outside New Zealand:

Provided that it shall be lawful for any person, with a prior permit in writing from the Minister and subject to such conditions as may be specified in the permit, to introduce bees into New Zealand from any country or place specified in the permit, together with such appliances as are necessary to serve as containers for bees so introduced[, or to introduce bee products or used appliances into New Zealand from any country or place specified in the permit].

(2) Every application for a permit to introduce bees into New Zealand shall be in writing signed by the applicant, and shall state the name and address of the breeder and the keeper of the bees, the breed or breeds and the strain or strains of the bees, and the location of the apiary from which the applicant proposes to obtain the bees.

(3) The Minister may, on such grounds as he in his discretion considers sufficient, refuse to grant any permit applied for under this section.

(4) Without limiting the grounds on which a permit under subsection (1) of this section may be refused, such a permit may be refused if the Minister considers that the bees intended to be imported are of an undesirable strain or that the bees or appliances intended to be imported are in his opinion likely to be infected or are likely to introduce into New Zealand any disease (whether or not a disease within the meaning of this Act) or may otherwise be harmful.

(5) Every person commits an offence who---

(a) Introduces or attempts to introduce into New Zealand any bees[, bee products,] or appliances from outside New Zealand without a permit issued under subsection (1) of this section or in breach of any condition specified in any such permit; or

(b) Receives or is in possession of any bees[, bee products,] or appliances knowing the same to have been introduced into New Zealand without such a permit or in breach of any condition specified in any such permit.

(6) Notwithstanding anything in section 14 of the Summary Proceedings Act 1957, any information in respect of any offence against this section may be laid at any time within 3 years after the time when the matter of the information arose.

Cf. S.R. 1952/56, regs. 3, 4

In subs. (1) the words ", bee products," were inserted by s. 3 (3) (a) of the Apiaries Amendment Act 1978, and, in the proviso, the words in square brackets were added by s. 3 (3) (b) of that Act.

In subs. (5) (a) and (b) the words ", bee products," were inserted by s. 3 (3) (c) of the Apiaries Amendment Act 1978.

23. Bees, etc., introduced or attempted to be introduced---(1) Any bees, [bee products], or appliances, brought or attempted to be brought into New Zealand from any place outside New Zealand contrary to section 22 of this Act may, together with the package containing the same or any bees, [bee products], or appliances with which the same may have come in contact, and the progeny of any such bees brought into New Zealand, be seized by an Inspector or other authorised officer and be disinfected or destroyed, as the Inspector thinks fit, or, if an Inspector so requires, shall be taken into a quarantine ground for further inspection and treatment, or may be dealt with in such other manner as the Director-General thinks fit.

(2) Where an Inspector believes that any bees or appliance being introduced into New Zealand from any place outside New Zealand, whether lawfully or not, are infected, he may detain the bees or appliances for disease identification or direct their reshipment, treatment, or destruction.

Cf. S.R. 1952/56, reg. 5

In subs. (1) the words "bee products" were substituted, in 2 places, for the word "honey" by s. 3 (4) of the Apiaries Amendment Act 1978.

24. Quarantine grounds---(1) The Director-General may from time to time, by notice in the Gazette, define or approve any land in New Zealand as a quarantine ground for the detention of imported bees or appliances, and may vary, re-define, or abolish any such quarantine ground.

(2) The Director-General may from time to time give directions as to the control of quarantine grounds or any specified quarantine ground and the treatment or destruction of bees or appliances while in quarantine, and may specify the time during which bees or appliances introduced or intended to be introduced into New Zealand shall remain in quarantine.

[24A. Duty of Post Office officers and Customs officers---It shall be the duty of all officers of the Post Office and of the Customs, respectively, to assist in carrying out the provisions of sections 22 and 23 of this Act, and to prevent the introduction into New Zealand of any bees[[, bee products,]] or appliances contrary to this Act, and for that purpose they may, in respect of any bees[[, bee products,]] or appliances so introduced or attempted to be introduced, exercise all the powers conferred by the Post Office Act 1959 in the case of postal articles posted in breach of that Act, and by the Customs Act 1966 in the case of uncustomed or prohibited goods.]

This section was inserted by s. 2 of the Apiaries Amendment Act 1971.

The words ", bee products," were inserted, in 2 places, by s. 3 (5) of the Apiaries Amendment Act 1978. As to officers of the Post Office, see para. 19 of the Fourth Schedule to the State-Owned Enterprises Act 1986.

[24B. Dispatch of bees, bee products, or appliances to New Zealand---(1) No person shall be deemed to have introduced into New Zealand any bees[[, bee products,]] or appliances received by him from beyond New Zealand without his consent given before their dispatch to New Zealand.

(2) Notwithstanding that any person receives any bees[[, bee products,]] or appliances from beyond New Zealand without his consent given before their dispatch to New Zealand, he shall, on receipt of the bees[[, bee products,]] or appliances, immediately notify an Inspector who is not a temporary Inspector and carry out to the satisfaction of the Inspector such directions as the Inspector may give as to the destruction, disposal, or treatment of the bees[[, bee products,]] or appliances.

(3) Every person commits an offence who fails to comply with any provision of subsection (2) of this section or with any directions given by an Inspector pursuant to that subsection.

(4) Notwithstanding anything in section 14 of the Summary Proceedings Act 1957, any information in respect of any offence against this section may be laid at any time within 3 years after the time when the matter of the information arose.]

This section was inserted by s. 3 of the Apiaries Amendment Act 1971.

In subss. (1) and (2) (in 2 places) the words ", bee products," were inserted by s. 3 (6) of the Apiaries Amendment Act 1978.

Use of Drugs

25. Prohibition on use of drugs---(1) No person shall use any drug, substance, or mixture of substances for the prevention or treatment of any disease in bees, other than a drug for the time being approved for that purpose pursuant to subsection (2) of this section.

(2) The Minister may from time to time, by notice in the Gazette, approve the use, subject to such conditions as he specifies, of any specified drug for the prevention or treatment of any specified disease.

(3) Where an Inspector, on inspecting any apiary, believes on reasonable grounds that any drug or substance or mixture of substances, not being a drug for the time being approved for the purpose pursuant to subsection (2) of this section, has been used for the prevention or treatment of any disease, he may, by notice in writing to the beekeeper, prohibit or restrict the sale, transfer, or barter of any bees, bee combs, or appliances or the removal thereof from the apiary until such time as the provisions of sections 26 and 27 of this Act have been complied with and, where proceedings for an offence against this section are taken, until the proceedings are completed.

26. Procuring of samples---(1) Where an Inspector gives a notice under section 25 of this Act, he shall as soon as practicable take a sample of the bees or bee comb believed by him to be affected by a drug or substance or mixture of substances, for the purpose of determining by analysis by an analyst appointed under the Food and Drug Act 1969 [or pursuant to section 39A of this Act] the drug or substance or mixture of substances used in the treatment of disease.

(2) Every such sample shall be taken in the presence of the beekeeper, if he is available, or, if he is unavailable, in the presence of some other witness, and shall be sufficient in size for the purpose of having an accurate analysis made.

(3) Where an Inspector has procured a sample under subsection (1) of this section, he shall---

(a) Issue to the beekeeper a receipt which shall identify the sample; and

(b) Divide the sample into 3 parts, and mark and seal or fasten up each part in such manner as its nature will permit; and

(c) Leave one part with the beekeeper and deliver another part to the analyst and retain the third part.

In subs. (1) the Food and Drug Act 1969 was repealed by s. 115 of the Medicines Act 1981. See also the Food Act 1981.

In subs. (1) the words in square brackets were inserted by s. 11 (2) of the Apiaries Amendment Act 1980.

27. Analysis of samples and certificate of analyst---(1) In respect of any honey, the certificate of the analyst shall be in the form prescribed by regulations made under the Food and Drug Act 1969.

(2) Where any method of analysis is prescribed by regulations made under the Food and Drug Act 1969 for the analysis of any honey, the analyst shall in his certificate of analysis of any honey declare that he has followed the prescribed method in his analysis.

(3) Any certificate of the result of an analysis given by an analyst in pursuance of this section shall be signed by the analyst, but the analysis may be made by any person acting under the direction of the analyst.

(4) Where any sample is procured by an Inspection under this Act and submitted for analysis, the person from whom the sample was procured shall be supplied as soon as it is available with a copy of the analyst's certificate or, if there is no such certificate, with a copy of the report made by the analyst in respect of the sample.

(5) If a sample of honey is submitted for analysis and is found to contain a drug or substance or mixture of substances not for the time being approved under subsection (2) of section 25 of this Act, then, on the conviction of the person from whom the sample was procured of an offence against that section, all the honey from which the sample was taken may be destroyed in accordance with the provisions of this Act:

Provided that if the sample of honey submitted for analysis is found not to contain any such drug or substance or mixture of substances,---

(a) There shall be paid, out of money appropriated by Parliament, to the person from whom the sample was procured such amount as the Minister determines as being the reasonable expenses incurred by that person in making the sample available for analysis:

(b) There may, if the Minister thinks fit, be paid out of money appropriated by Parliament, to the person from whom the sample of honey was procured such amount as the Minister, with the concurrence of the Minister of Finance, determines, as an ex gratia payment in respect of any undue hardship suffered by that person by reason of any prohibition or restriction imposed by a notice under subsection (3) of section 25 of this Act on the sale, transfer, barter, or removal of any honey until the sample had been analysed under this section.

(6) Every person commits an offence who causes or permits any copy of an analyst's certificate or report obtained under subsection (4) of this section to be used in any advertisement.

In subs. (1) and (2) the Food and Drug Act 1969 was repealed by s. 115 of the Medicines Act 1981. See also the Food Act 1981.

28. Analyst's certificate prima facie evidence---(1) In any proceedings for an offence against section 25 of this Act, the production by the prosecutor of a certificate of analysis purporting to be signed by an analyst appointed under the Food and Drug Act 1969 [or pursuant to section 39A of this Act] shall, without proof of the signature of the analyst, be sufficient evidence, in the absence of proof to the contrary, of the facts stated in it, unless the defendant requires the analyst to be called as a witness, in which case the defendant shall give the prosecutor notice not less than 7 clear days before the date of the hearing that he requires that analyst to give evidence at the hearing.

(2) In any such proceedings, the production by the defendant of a certificate of analysis purporting to be signed by an analyst shall, without proof of the signature of that analyst, be sufficient evidence, in the absence of proof to the contrary, of the facts stated in it, unless the prosecutor requires the analyst to be called as a witness. The analyst shall forward to the prosecutor not less than 7 clear days before the date of the hearing a copy of the certificate to be produced by the defendant.

In subs. (1) the Food and Drug Act 1981 was repealed by s. 115 of the Medicines Act 1981. See also the Food Act 1981.

In subs. (1) the words in square brackets were inserted by s. 11(2) of the Apiaries Amendment Act 1980.

29. Tampering with sample---Every person commits an offence who wilfully breaks the seal of or tampers with any part of a sample taken pursuant to this Act.

PART III RESTRICTED AREAS

30. Restricted areas---Where the Minister believes that honey produced in any specified part of New Zealand is likely to contain poison, he may, by notice in the Gazette, declare that part of New Zealand to be a restricted area for the purposes of this Act.

Cf. 1927, No. 29, s. 16 (1) (dd); 1947, No. 60, s. 6

31. Keeping of bees in restricted area---No person shall establish or keep bees in any restricted area without a prior permit in writing from the Minister, or otherwise than in accordance with such conditions as may be specified in the permit.

Cf. S.R. 1952/56, reg. 6; S.R. 1969/76, reg. 3

32. Repealed by s. 9 (1) of the Apiaries Amendment Act 1980.

33. Bees and appliances kept in restricted area without a permit---All bees and appliances established or kept in a restricted area without a prior permit in writing from the Minister or otherwise than in accordance with the conditions of the permit and all honey therein or derived therefrom may at any time be seized and destroyed by an Inspector.

Cf. S.R. 1952/56, reg. 8; S.R. 1969/76, reg. 5

PART IV MISCELLANEOUS PROVISIONS

34. Repealed by s. 13 (3) of the Apiaries Amendment Act 1980.

35. Repealed by s. 10 (1) of the Apiaries Amendment Act 1980. See S.R. 1983/63.

36. Appointment of Inspectors---(1) There shall be appointed from time to time, under the State Services Act 1962, such Inspectors as may be necessary for the purposes of this Act.

(2) For the purposes of this Act, the Director-General may from time to time appoint temporary Inspectors, who may be full-time officers of [the Ministry of Agriculture and Fisheries] or persons other than full-time officers of the department.

(3) Temporary Inspectors shall perform only such duties and in such manner as the Director-General from time to time directs:

Provided that a temporary Inspector shall not destroy or direct the destruction of any hives, bees, honey, or appliances except with the consent of an Inspector who is not a temporary Inspector given in a particular case and not generally.

(4) If any person who is appointed as a temporary Inspector is a full-time officer or employee in the State Services, he shall not be entitled to any additional remuneration in respect of his appointment under this section.

Cf. 1927, No. 29, s. 3

37. Powers of Inspectors---Every Inspector and every person authorised by an Inspector in writing shall have power, on producing (if so requested) due evidence of his appointment or authorisation, to enter at all reasonable times on any land, premises, or conveyance, or on board any vessel or aircraft or hovercraft, for the purpose of carrying out the duties and functions imposed on him by this Act and regulations made hereunder, and may be accompanied by a member of the Police:

Provided that neither an Inspector nor any person authorised by an Inspector nor a member of the Police shall enter into any dwellinghouse pursuant to this section.

Cf. 1927, No. 29, s. 4 (1)

38. Obstructing Inspector---Every person commits an offence who---

(a) Directly or indirectly obstructs, hinders, threatens, or assaults any Inspector, or any person assisting or acting with the authority of an Inspector, in the performance of his duty under this Act; or

(b) Fails or neglects to obey or does any act in contravention of any lawful and reasonable direction of, or (in circumstances where he is required to supply information) intentionally withholds any relevant information from, an Inspector or any person assisting or acting with the authority of an Inspector.

Cf. 1927, No. 29, ss. 4 (2), 13 (a)

39. How directions by Inspector to be given---(1) Every direction given by an Inspector pursuant to this Act to any beekeeper or other person shall be in writing under his hand, and shall be either delivered personally to the beekeeper or other person, or left for or posted to him at his last-known place of abode, or affixed to a conspicuous part of the land or premises to which the notice relates.

(2) Every notice sent by post shall be deemed to have been received when it would be delivered in the ordinary course of post.

Cf. 1927, No. 29, s. 12

[39A. Appointment of officers and employees---There may be appointed from time to time, under the State Services Act 1962, such analysts and officers and employees other than Inspectors as may be necessary for the purposes of this Act.]

This section was inserted by s. 11 (1) of the Apiaries Amendment Act 1980.

40. Persons not entitled to compensation---Except as otherwise provided in this Act, no person shall be entitled to compensation for anything lawfully done under this Act.

Cf. 1927, No. 29, s. 14; 1958, No. 12, s. 2

41. Committees---(1) The Minister may from time to time appoint such committees, consisting of one or more persons, as he thinks fit, and may delegate to any such committee any of his powers or functions under this Act.

(2) Any delegation made under this section may at any time be modified or revoked by the Minister, and no such delegation shall prevent the performance of any function or the exercise of any power by the Minister.

42. Remuneration and travelling allowances---(1) Every committee appointed under section 17 or section 41 of this Act is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of any such committee out of money appropriated by Parliament remuneration by way of fees or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

43. Offences and penalty---(1) Every person commits an offence who does any act in contravention of or fails to comply with any provision of this Act.

(2) Every person who commits an offence against this Act for which no penalty is provided otherwise than in this section is liable on summary conviction to a fine not exceeding [\$2000].

[(3) Every person convicted of an offence against section 22 (5) of this Act in respect of introducing or attempting to introduce any bees into New Zealand without a permit or in breach of any condition of a permit or receiving or being in possession of any such bees shall in addition to any penalty imposed under subsection (2) of this section, be liable to a further fine not exceeding \$1,000 for each queen bee so introduced or attempted to be introduced or received or in possession.]

Cf. 1927, No. 29, s. 13; S.R. 1952/56, reg. 10; S.R. 1953/141, reg. 8

In subs. (2) the sum of ``\$2,000" was substituted for the sum of ``\$200" by s. 12 (1) of the Apiaries Amendment Act 1980.

Subs. (3) was added by s. 12 (2) of the Apiaries Amendment Act 1980.

44. Proof of consent---Where it is proved in any proceedings under this Act or under any regulations made thereunder that any person has done or omitted to do any act, then, if the person would be liable for a penalty unless the act was done or omitted with the permission or consent of the Minister or the Director-General or an Inspector, the onus shall be on the person who did or omitted to do the act to prove that he had that permission or consent.

45. Recovery of expenses incurred by Inspectors---Where---

(a) Under any provision of this Act an Inspector lawfully gives to any beekeeper or other person a notice requiring him to carry out any work on any land or premises; and

(b) On default by the beekeeper or other person in complying with the notice an Inspector or any person authorised by an Inspector lawfully enters on the land or premises pursuant to any provision of this Act and carries out that work,---

the amount of the expense of the work so carried out, so far as that work is reasonably necessary for the purpose of complying with the requirements of the notice, shall be recoverable from the beekeeper or other person by any Inspector by action in any Court of competent jurisdiction.

Cf. 1927, No. 29, s. 6A (2) (c); 1953, No. 29, s. 2

46. Regulations---The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

[(a) Providing for the inspection, grading, packing, marking, stamping, branding, labelling, analysis, and certification as being fit for the purposes prescribed of honey and bee products and, where appropriate, of bees:

(aa) Regulating the export of honey, bee products, and bees, and for this purpose authorising the Director-General---

(i) To prohibit the export of any honey or bee product or bee unless it complies with any standard required in relation to the country to which the honey or bee product or bee is being exported and is certified accordingly:

(ii) To set, from time to time by notice in the Gazette, standards to which any honey or bee product or bee intended for export must comply before having a certificate relating to its suitability for export issued in respect of it:

(ab) Exempting any honey or bee product or bee from the requirements of all or any regulations made under this section:]

(b) Prescribing the fees to be paid in connection with services rendered under this Act:

(c) Prescribing forms required under this Act or authorising the Director-General to provide such forms:

(d) Prescribing offences against any such regulations, and prescribing fines not exceeding in respect of any one such offence [\$2,000], and, in the case of a continuing offence, [\$50] for every day on which the offence has continued:

(e) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

Paras. (a), (aa), and (ab) were substituted for the original para. (a) by s. 13 (1) of the Apiaries Amendment Act 1980.

In para. (d) the sums of ``\$2,000" and ``\$50" were substituted for the sums of ``\$200" and ``\$5" respectively by s. 13 (2) of the Apiaries Amendment Act 1980.

47. Repeals and revocations---(1) The enactments specified in the Fourth Schedule to this Act are hereby repealed.

(2) The order and regulations specified in the Fifth Schedule to this Act are hereby revoked.

SCHEDULES

[FIRST SCHEDULE

Sections 2, 12, 13, 14, 16, 17

SERIOUS DISEASES OF BEES FOR WHICH COMPENSATION MAY BE PAYABLE

Acarine (*Acarapis woodi*)

Varroa (*Varroa jacobsoni*)

[SECOND SCHEDULE

Sections 2, 16, 18, 19

SERIOUS DISEASES OF BEES

American brood disease (*Bacillus larvae*)

European brood disease (*Streptococcus pluton*)

[THIRD SCHEDULE

Sections 2, 16, 19

BEE DISEASES

Amoeba disease (*Malpighamoeba mellificae*)

Bee Virus Diseases:

Acute bee paralysis virus
 Chronic bee paralysis virus
 Kashmiri bee virus
 Sacbrood virus
 Chalkbrood (*Ascosphaera apis*)
 Nosema (*Nosema apis*)

PESTS AND PREDATORS

Bee louse (*Braula coeca*)
 Wax moths (*Galleria mellonella* and *Achroia grisella*)
 Parasitic mite (*Tropilaelaps clareae*)

The First, Second, and Third Schedules were substituted for the original First, Second, and Third Schedules (as amended by S.R. 1980 (11) by s. 14 (1) of the Apiaries Amendment Act 1980.

FOURTH SCHEDULE

Section 47 (1)

ENACTMENTS REPEALED

1927, No. 29---The Apiaries Act 1927. (1957 Reprint, Vol. 1, p. 235.)
 1947, No. 60---The Statutes Amendment Act 1947: Section 6. (1957 Reprint, Vol. 1, p. 244.)
 1951, No. 9---The Apiaries Amendment Act 1951. (1957 Reprint, Vol. 1, p. 244.)
 1953, No. 29---The Apiaries Amendment Act 1953. (1957 Reprint, Vol. 1, p. 245.)
 1956, No. 68---The Apiaries Amendment Act 1956. (1957 Reprint, Vol. 1, p. 245.)
 1958, No. 12---The Apiaries Amendment Act 1958.
 1965, No. 15---The Apiaries Amendment Act 1965.
 1967, No. 57---The Apiaries Amendment Act 1967.

FIFTH SCHEDULE

Section 47 (2)

ORDER AND REGULATIONS REVOKED

Title	Statutory Regulations Serial Number
The Apiaries Diseases Order 1950	1950/184
The Apiaries Regulations 1952	1952/56
The Apiaries Regulations 1952, Amendment No. 1	1957/238
The Apiaries Regulations 1952, Amendment No. 2	1969/76
The Apiaries Registration Regulations 1953	1953/141
The Apiaries Registration Regulations 1953, Amendment No.	1958/110
The Apiaries Registration Regulations 1953, Amendment No. 2	1961/17
The Apiaries Protection Regulations 1957	1957/137

Amending Act/Rule(s)

- 1 The Apiaries Amendment Act 1971
- 2 The Apiaries Amendment Act 1973
- 3 The Apiaries Amendment Act 1978
- 4 The Apiaries Amendment Act 1980