

LAWS OF PITCAIRN, HENDERSON, DUCIE
AND OENO ISLANDS

Revised Edition 2001

CHAPTER XXVIII

**AN ORDINANCE TO REGULATE THE INDUSTRY
OF BEEKEEPING**

Ordinance:
No. 1 of 1999

[10th May, 1999]

PART I—PRELIMINARY PROVISIONS

1. This ordinance may be cited as the Apiaries Ordinance. Citation.
2. In this ordinance unless the context otherwise requires:— Interpretation.
 - “apiary” means a place where bees or appliances are kept;
 - “appliance” means any hive, bee-comb, extractor or other appliance used for beekeeping;
 - “bee” means any living stages of the honey bee *apis mellifera*, including semen, and includes for the purposes of section 17 of this ordinance every other species of bee together with 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 in that apiary are owned;
 - “bee product” means any honey, honeydew, pollen, beeswax, venom, propolis or royal jelly and includes any other product collected by bees or derived from bees;
 - “Council” means the Island Council constituted under the provisions of the Local Government Ordinance; cap. 11
 - “disease” means any of the diseases or pests specified in the Schedule to this ordinance;
 - “hive” means any artificial structure for the purpose of housing honeybees;
 - “infected” means infected with disease;
 - “infected area” means any land or place declared by an Inspector under the provisions of section 15 (1) of this ordinance to be an infected area;
 - “Inspector” means an Inspector appointed under the provisions of section 22 of this ordinance;

“quarantine area” means any land or place declared by the Council pursuant to section 19 of this ordinance to be a quarantine ground.

Ordinance to bind the Crown.

3. This ordinance shall bind the Crown.

PART II—KEEPING OF BEES

Restrictions.

4.—(1) No person shall keep bees for a period of more than 28 days except in a registered apiary.

(2) No person shall move bees or appliances between Pitcairn Island, Henderson Island, Ducie Island and Oeno Island.

(3) No person shall sell, or offer for sale, any bee product produced in the Islands by bees not kept in a registered apiary.

Registration of apiaries.

5.—(1) The person responsible for quarantine in the Islands shall be *ex officio* the Registrar of Apiaries for the purpose of this ordinance.

(2) An application for the registration of an apiary shall be made to the Registrar on a form provided by the Registrar for the purpose.

(3) Every application shall be referred for the approval of the Council which may make such enquiries in any case as it may see fit and may refuse its approval on the grounds of the public interest after hearing the applicant and any objectors.

(4) The Registrar shall keep a register of apiaries approved by the Council.

(5) The Registrar may, where it is appropriate to do so, insert, amend, correct, cancel or delete any entry in the register kept in accordance with subsection (4).

Identification of apiaries.

6.—(1) The Registrar shall allocate and notify an identification code to the beekeeper on the registration of an apiary.

(2) A beekeeper shall mark the code allocated to him or her under subsection (1) clearly and conspicuously on the outside of at least one hive within each apiary owned by him or her.

Bees to be kept in frame hives.

7.—(1) A person shall not keep bees except in a movable frame hive.

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

(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 time specified by the Inspector, to transfer the bees, honey and bee combs contained in that hive to a frame hive; or
- (b) destroy the hive and the bees, honey and bee combs contained in it.

8.—(1) Every beekeeper shall keep the normal access to hives owned by him or her clear from obstructions so that they may be inspected by an Inspector.

Access to hives.

(2) If a beekeeper fails to comply with subsection (1), an Inspector may direct the beekeeper to comply with that subsection within a specified time.

(3) If a beekeeper fails to comply with a direction given to him or her under subsection (2) within the time specified, an Inspector or a person authorised by the Inspector may, upon authorisation from the Council, enter on the land and carry out the work necessary to provide clear access to the hives.

9.—(1) If an inspector is satisfied on reasonable grounds that bees or hives have been abandoned or are being neglected, the Inspector may—

Abandoned or neglected bees and beehives.

- (a) in the case of a registered apiary, direct the beekeeper to take, within a specified time, such measures as in the opinion of the Inspector are necessary to dispose of those bees or hives; or
 - (b) in the case of an unregistered apiary, after informing the occupier of the premises on which the bees or hives are situated, upon authorisation from the Council enter the premises and destroy the bees and hives or remove them to a Government pound or quarantine area, as the case may require.
- (2) Where, in the case of a registered apiary, the beekeeper
- (a) cannot be found or reached within a reasonable time; or
 - (b) fails to comply with a direction given to him or her under subsection (1)(a) within the time specified in the direction,

an Inspector or a person authorised by the Inspector may, upon authorisation from the Council, enter the land upon which the bees and hives are situated and destroy the bees and hives or remove them to a Government pound or quarantine area, as the case may require.

10.—(1) If a bee colony becomes established other than in a hive, an Inspector may direct the owner or occupier of the land on which that colony has become established, upon authorisation from the Council,

Bees established other than in hives.

- (a) to destroy within a time specified by the Inspector

and to the satisfaction of the Inspector the bees, honey and bee combs connected with the colony; or

- (b) within a time specified by the Inspector to transfer the bees, honey and bee combs connected with the colony to a frame hive.

(2) If a person fails to comply with a direction given to him or her under subsection (1) within the specified time, the Inspector or person authorised by the Inspector may, upon authorisation from the Council, enter the land on which the bee colony is situated and destroy the bees, honey and bee combs connected with the colony.

PART III—DISEASE CONTROL

Beekeepers to notify presence of bee diseases.

11. Where a beekeeper finds or suspects any disease or pest specified as a notifiable disease listed in the Schedule to this ordinance, the beekeeper shall immediately advise an Inspector or the Council.

Diseased bees etc. to be destroyed or treated.

12.—(1) Where any bees, bee products or appliances on any land or premises are found by an Inspector to be infected with any disease specified in the Schedule to this ordinance, upon authorisation from the Council the Inspector may

- (a) direct the beekeeper within a specified time to destroy the bees, bee products or appliances or to take other control measures required by the Inspector; or
- (b) if the circumstances so demand, destroy or arrange for other officers to destroy on behalf of the Inspector any diseased bees, bee products or appliances.

(2) Where any bees, bee products or appliances on any land or premises are, in the opinion of an Inspector, likely to become infected with any disease, the Inspector may, upon authorisation from the Council

- (a) instruct the Inspector to destroy the bees, bee products or appliances or take other specified measures; or
- (b) if the circumstances so demand, destroy or cause to be destroyed any bees, bee products or appliances which are infected.

(3) Where an Inspector destroys or causes to be destroyed any bees, bee products or appliances without having given prior notice to the beekeeper or owner of the land or premises, the Inspector shall, as soon as practicable, give notice to the beekeeper or occupier of the action taken by him or her.

Dealing in diseased bees etc.

13.—(1) No person shall expose honey or appliances taken

from or used in conjunction with a hive infected with a disease in a manner which could allow access thereto by bees until those materials have been sterilised to the satisfaction of an Inspector.

(2) No person shall

- (a) sell, barter, lend or give to another person; or
- (b) remove from the place in which they are for the time being situated,

any bees or appliances infected with disease or any appliances or honey from an apiary in which a disease has been found except with the written consent of an Inspector and subject to any conditions and in such manner as specified therein.

14.—(1) No person shall use any drug, substance or mixture of substances for the prevention or treatment of a disease in bees other than a drug, substance or mixture of substances approved for that purpose by the Council.

Prohibition of use of drugs etc.

(2) The approval of the Council in respect of any drug, substance or mixture of substances under subsection (1) may be given

- (a) subject to conditions; and
- (b) in respect of the prevention of a disease specified in the notice.

(3) If an Inspector, after inspecting an apiary, reasonably believes that a drug, substance or mixture of substances other than a drug, substance or mixture of substances approved for the purpose under subsection (1), has been used for the prevention or treatment of a disease, the Inspector may, by written notice to the beekeeper, prohibit or restrict the sale, transfer or loan of bees or appliance or their removal from the apiary, until an investigation relating to the procurement, analysis and certification of samples has been carried out. Any such notice will be countersigned by a representative of the Council.

15.—(1) Where any bees, bee product or appliances in an apiary are found to be infected with any disease, an Inspector may declare the apiary and any nominated surrounding area to be an infected area for such period of time as the Inspector sees fit.

Infected areas etc.

(2) Every declaration made under this section with respect to apiaries or land shall be made in writing to the beekeeper and the landowner.

(3) The Inspector shall notify the Council of any infected area so declared immediately.

(4) Except with the permission of an Inspector, no person shall move bees, bee products or appliances through, into or

out of the infected area.

(5) Permission under subsection (4) may be given subject to conditions.

PART IV—IMPORTATION OF BEES, BEE PRODUCTS AND APPLIANCES

Importation.

16. The Council may appoint ports or airports for the importation of bees, bee products and appliances by notice published on the Public Notice Board.

Restriction on importation.

17.—(1) No person shall introduce into the Islands any bee, bee product or appliance or substance containing a bee product unless that person has a permit in writing from the Council and subject to such conditions, if any, as may be specified on the permit.

(2) The Council may, in its discretion, grant or refuse any permit applied for under this section.

Seizure of unauthorised imports.

18.—(1) Any bees, bee products or bee appliances brought or attempted to be brought into the Islands contrary to section 17 of this ordinance may, together with packaging material, be seized by an Inspector and reshipped, destroyed, disinfected, taken to a quarantine area or dealt with in such other manner as the Inspector sees fit.

(2) The Inspector shall forward a written report of every such contravention and the remedy adopted to the Council without delay.

Quarantine areas.

19.—(1) The Council may, by notice published on the Public Notice Board, define or approve any land in the Islands as a quarantine area for the detention of diseased or abandoned hives, imported bees, bee products or used bee appliances and may in like manner amend or terminate any such quarantine area.

(2) The Council may from time to time give directions as to the control of quarantine areas 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 the Islands shall remain in quarantine.

Duty of Police Officer etc.

20. It shall be the duty of the Police Officer and all persons responsible for incoming mail and goods to assist in carrying out the provisions of sections 17 and 18 of this ordinance and to prevent the importation into the Islands of any bees, bee products and appliances contrary to this ordinance.

Dispatch of bees, etc. to the Islands.

21. Any person who receives any bees or appliances

from beyond the Islands without the consent of the Council having been given before their dispatch to the Islands shall immediately notify an Inspector and carry out to the satisfaction of the Inspector such directions as he or she may give as to the destruction, disposal or treatment of the bees, bee products or appliances.

PART V—MISCELLANEOUS PROVISIONS

22. There shall be appointed by the Council from time to time such Inspectors as may be necessary for the purposes of this ordinance.

Inspectors.

23. Every Inspector shall have power, on producing (if so required) due evidence of his or her appointment or authorisation, to enter at all reasonable times on any land, premises or conveyance or on board any vessel or aircraft for the purpose of carrying out the duties and functions imposed on him or her by this ordinance:

Powers of Inspectors.

Provided that an Inspector shall not enter into any dwelling house pursuant to this section.

24. Every person commits an offence who—

Obstruction of Inspector.

- (a) directly or indirectly obstructs, hinders, threatens or assaults any Inspector in the lawful performance of his or her duty under this ordinance; or
- (b) fails or neglects to obey any lawful and reasonable direction of an Inspector or intentionally withholds any relevant information lawfully requested by an Inspector.

25. No person shall be entitled to compensation for anything lawfully done under the provisions of this ordinance.

No entitlement to compensation.

26.—(1) Where an Inspector or a person authorised by an Inspector—

Recovery of costs.

- (a) destroys or removes bees or appliances under sections 7(3)(b), 9(1)(b), 9(2), 10(2) or 18(1);
- (b) clears access to a hive under section 8(3); or
- (c) carries out an investigation under section 14(3)

the cost incurred in that removal, clearing or investigation shall be a debt due from the beekeeper to the Council and may be sued for in a court of competent jurisdiction or recovered by sale of the impounded bees or appliances.

27. Every person who—

Offences.

- (a) keeps bees or sells or offers for sale bees or bee products or moves bees and appliances between the Islands contrary to section 4;

- (b) fails to mark a code in accordance with section 6(2);
- (c) keeps bees other than in a movable frame hive as required by section 7(1);
- (d) fails to comply with a direction given to him or her under sections 7(2), 7(3)(a), 8(2), 9(1)(a) or 10(1) within the time specified in the direction;
- (e) fails to keep access to the hives free from obstruction as required by section 8(1);
- (f) fails to notify serious bee diseases immediately in accordance with section 11;
- (g) exposes honey or appliances contrary to section 13(1);
- (h) sells, barter, lends, gives or removes bees, appliances or honey contrary to section 13(2);
- (i) uses a drug, substance or mixture of substances contrary to section 14(1);
- (j) fails to comply with a condition imposed under section 14(2);
- (k) fails to comply with a notice given to him or her under section 14(3);
- (l) moves bees or appliances contrary to section 15(4);
- (m) fails to comply with a condition imposed under section 15(5);
- (n) imports bees, bee products or appliances without a permit, contrary to section 17(1);
- (o) receives or is in possession of any bees, bee products or appliances knowing them to have been introduced into the Islands without a permit or in breach of any condition specified on the permit contrary to section 17(1);
- (p) obstructs or hinders a person authorised by an Inspector to carry out a function under this ordinance contrary to section 24;

is guilty of an offence and is liable on conviction to a fine not exceeding \$250.00.

Regulations.

28. The Governor may from time to time make regulations for the implementation of this ordinance and in particular but without prejudice to the generality of the foregoing power, 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 or appliances;
- (b) regulating the export of honey, bee products, appliances and bees and for this purpose authorising

the Council

- (i) to prohibit the export of any honey or bee product or appliance or bee unless it complies with any standard required in relation to the country to which these products are being exported and is certified accordingly;
- (ii) to make available to exporters a copy of standards to which any honey or bee product or bee or appliance must comply before a certificate of its suitability for export may be issued;
- (c) exempting any honey or bee product or appliance or bee from the requirements of any regulation made under this section;
- (d) prescribing the fees to be paid in connection with official services rendered under this ordinance;
- (e) prescribing forms required under this ordinance or authorising the Council to provide such forms;
- (f) prescribing offences under any such regulations and prescribing fines for any breach thereof;
- (g) making additions or deletions to the list of notifiable diseases set out in the Schedule to this ordinance;
- (h) providing for such matters as are necessary for giving full effect to the provisions of this ordinance and for its due administration.

SCHEDULE**Notifiable pests and diseases of honey bees**

Varroa mite	(<i>Varroa Jacobseni</i>)
Asian mite	(<i>Tropilaelaps clareae</i>)
Tracheal mite	(<i>Acarapis woodii</i>)
Bee louse	(<i>Braula coeca</i>)
American foulbrood	(<i>Bacillus larvae</i>)
European foulbrood	(<i>Melissococcus pluton</i>)
Chalkbrood	(<i>Ascosphaera apis</i>)