



1987

c 31 Bees Act, 1987

Ontario

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Bibliographic Citation

Bees Act, 1987, SO 1987, c 31

Repository Citation

Ontario (1987) "c 31 Bees Act, 1987," *Ontario: Annual Statutes*: Vol. 1987, Article 33.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1987/iss1/33

CHAPTER 31

An Act to revise the Bees Act

Assented to June 29th, 1987

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

1. In this Act,

Definitions

“apiary” means a place where bees and beekeeping equipment of a beekeeper are located;

“beekeeper” means a person who owns or is in possession of bees or beekeeping equipment, but does not include a person who is in possession of new beekeeping equipment for the purpose of transportation, distribution or sale or who is a manufacturer of beekeeping equipment;

“beekeeping equipment” means hives, parts of hives and utensils used in the keeping of bees;

“bees” means the insects known as *Apis mellifera*;

“bees-wax refuse” means damaged honeycombs, honeycomb cappings or the material remaining after the first rendering of used honeycombs or honeycomb cappings;

“Director” means the Director appointed under this Act;

“disease” means,

- (a) American foul brood, being the disease of the larvae and pupae of bees caused by organisms known as *Bacillus larvae*,
- (b) European foul brood, being the disease of the larvae and pupae of bees caused by organisms known as *Bacillus pluton* or *Bacillus alvei*, and
- (c) any disease designated by the regulations as a disease within the meaning of this Act;

“infected” means infected with the causal organisms of a disease;

“inspector” means an inspector appointed under this Act;

“Minister” means the Minister of Agriculture and Food;

“package bees” means bees placed in a screened cage or package without honeycombs for the purpose of being shipped;

“pest” means both of the subspecies of bees known as *Apis mellifera scutella* and *Apis mellifera adonsonii* and such other insect or parasite as is designated by the regulations to be a pest within the meaning of this Act;

“regulations” means the regulations made under this Act.

Bees in hive private property

2. Bees reared and kept in hives are private property.

Right of owner to pursue and recover swarm

3.—(1) Subject to subsections (2), (3) and (4), where a swarm of bees leaves a hive, the owner of the swarm may enter upon the premises of any person and recover the swarm.

Where owner declines to pursue swarm

(2) Where the owner of a swarm of bees that leaves its hive declines to pursue it and another person takes up the pursuit, such other person is subrogated to all the rights of the owner in respect of the swarm.

Owner of premises to be notified

(3) Where the right to recover a swarm of bees is claimed under subsection (1) or (2), the person claiming the swarm shall notify the owner of the premises on which the swarm has settled before entering the premises and shall compensate the owner for any damage to the premises caused by the entry.

When right of property in swarm lost

(4) Where a swarm of bees leaves a hive and settles in an occupied hive owned by a person other than the owner of the swarm, the owner of the swarm loses all right of property in the swarm.

Appointment of Director, Provincial Apiarist, Assistant Provincial Apiarist and inspectors

4.—(1) The Minister may appoint a Director, a Provincial Apiarist, an Assistant Provincial Apiarist and such inspectors as are considered necessary for the purposes of this Act.

Assistant Provincial Apiarist

(2) The Assistant Provincial Apiarist shall act in lieu of the Provincial Apiarist in the absence of the Provincial Apiarist or when so instructed to act by the Provincial Apiarist and when

so doing has all the powers and may perform any of the duties of the Provincial Apiarist.

(3) The Provincial Apiarist has all the powers and may perform any of the duties of an inspector. Provincial
Apiarist

(4) It is the duty of an inspector when he or she considers it necessary or when so instructed by the Provincial Apiarist, Duties of
inspector

(a) to inspect any bees or beekeeping equipment to determine whether any pest is present or disease exists in the bees, whether the beekeeping equipment is infected, or whether the provisions of this Act and the regulations have been complied with; and

(b) to inspect any books or records required by this Act or the regulations to be kept by beekeepers and persons who sell bees.

(5) With the approval of the Provincial Apiarist, an inspector may employ such persons as the inspector requires to assist him or her in an inspection and such persons shall be paid such amounts as the Minister determines. Employment
of persons by
inspector

(6) In the performance of his or her duties under this Act and the regulations, an inspector may at any time between sunrise and sunset enter any premises, other than a dwelling, where bees, beekeeping equipment or books or records pertaining to the keeping of bees are kept or stored. Right of
entry

(7) An inspector may take such samples as the inspector considers necessary in order to determine whether any pest is present or disease exists in the bees or whether the beekeeping equipment is infected. Samples

(8) No person shall obstruct the Provincial Apiarist, Assistant Provincial Apiarist or an inspector in the performance of their duties or furnish them with false information. Obstruction
of inspector

(9) Every beekeeper shall, when requested to do so by an inspector, assist the inspector in an inspection on the premises of the beekeeper. Assistance of
beekeeper in
inspection

5.—(1) Where an inspector has reasonable grounds for believing that any pest is present or disease exists in any bees or that any beekeeping equipment is infected, the inspector may, by order in writing, Treatment or
destruction of
infected bees
or
beekeeping
equipment

- (a) require the beekeeper to treat or disinfect such bees or beekeeping equipment in such manner and within such period as the order requires;
- (b) require the beekeeper to destroy by fire, or other means approved by the Provincial Apiarist, within such period as the order requires, such bees or beekeeping equipment as in the opinion of the inspector cannot be suitably treated or disinfected; or
- (c) require the beekeeper to retain the bees and beekeeping equipment at such location and for such period of time as the order requires.

Power of inspector to destroy or treat diseased bees, etc.

(2) If the beekeeper fails to carry out the instructions in an order given under subsection (1) within such period as the order requires or if so requested by the beekeeper, the inspector may carry out the instructions in the order and, when required to do so by the Provincial Apiarist, the beekeeper shall pay any expenses incurred in carrying out the instructions.

Order

(3) Every order under this section shall be delivered to the beekeeper by an inspector or mailed by prepaid mail to his or her last or usual place of abode and shall contain notice to the beekeeper that he or she may appeal from the order to the Director within five days after receipt of the order and, where the order is mailed, the beekeeper shall be deemed to have received the order on the fifth day after the day of mailing unless the beekeeper did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control receive the order until a later date.

Bees in hive without movable frames

6.—(1) No beekeeper shall keep bees in a hive without movable frames.

Transfer of bees to hives with movable frames

(2) Where an inspector finds that bees are kept in a hive without movable frames, the inspector may order that they be transferred to hives with movable frames within such period as is specified in the order.

Failure of beekeeper to transfer

(3) If a beekeeper fails to transfer the bees in accordance with an order under subsection (2), the inspector may destroy the hives and the bees dwelling therein.

Appeal

7.—(1) Where a beekeeper considers himself or herself aggrieved by an order of an inspector, the beekeeper may within five days of the receipt of the order appeal against the order by notice to the Director.

(2) An appeal under this section may be made in writing or orally or by telephone to the Director, but the Director may require the grounds for appeal to be specified in writing before the hearing. Idem

(3) Upon being notified of an appeal, the Director shall, after a hearing, confirm, revoke or vary the order appealed from and shall notify the appellant of the Director's decision by prepaid mail and the appellant shall carry out such order as is given by the Director in the decision. Hearing

(4) The beekeeper and the inspector who made the order appealed from are parties to an appeal under this section. Parties

8.—(1) When requested by an inspector, every beekeeper shall inform the inspector of the location of all beekeeping equipment in the possession of the beekeeper. Information as to the location of beekeeping equipment to be given inspector

(2) Every beekeeper shall identify the apiary or apiaries of which he or she is the owner by posting, in the places and in the manner prescribed by the regulations made under this Act, his or her name and address. Posting of name and address of beekeeper

9. No beekeeper shall conceal the presence of any pests or the existence of any disease. Concealing existence of disease

10. Every beekeeper who finds that any pest is present or disease exists in his or her bees or that his or her beekeeping equipment is infected, shall immediately report the presence of the pest or the existence of the disease to the Provincial Apiarist. Duty of beekeeper to report disease

11.—(1) The Minister may declare a quarantine of bees in any area in Ontario that the Minister designates and may fix the duration of the quarantine and the conditions with respect thereto. Quarantine of bees

(2) No person shall move any bees or beekeeping equipment to, from, within or through an area of quarantine without a permit from the Provincial Apiarist. Moving bees to, from, etc., quarantine area

12.—(1) No beekeeper shall sell or remove or cause to be removed from his or her premises any bees or beekeeping equipment without a permit from an inspector stating that such bees or beekeeping equipment were inspected and appeared to be free from disease, pests and infection. Permit required for sale or removal of bees

Exception

(2) Subsection (1) does not apply where the bees and beekeeping equipment are moved by the beekeeper from his or her extracting plant to his or her apiaries or from such apiaries to such extracting plant or between such apiaries.

Receiving or transporting pest prohibited

13.—(1) No person shall receive or transport in any manner within Ontario any pest.

Permit required to receive or transport bees obtained outside Ontario

(2) No person shall receive or transport in any manner within Ontario any bees or used beekeeping equipment obtained from outside Ontario without a permit from the Provincial Apiarist stating that the Provincial Apiarist is satisfied that no pest is present, that such bees are free from disease and that such used beekeeping equipment is not infected.

Exposing infected comb or honey

14. No person shall expose on his or her premises or elsewhere any honeycomb or honey in such manner that it is accessible to bees where that person knows or ought to know that the honeycomb or honey is likely to be infected.

Disposal of dead colonies of bees, etc.

15.—(1) Where dead colonies of bees or honeycombs are exposed in such manner that they are accessible to bees, or where colonies of bees are abandoned or not regularly and properly attended, an inspector may require the beekeeper to dispose of such colonies and honeycombs in such manner and within such period as the inspector specifies.

Disposal by inspector

(2) If the beekeeper fails to dispose of such colonies and honeycombs as required by the inspector, the inspector may dispose of them and, where required to do so by the Provincial Apiarist, the beekeeper shall pay any expenses incurred in disposing of them.

Honey prohibited as food for bees

16. No person who sells package bees or queen bees shall use as food for such bees any honey or candy containing honey.

Bees obtained outside Ontario

17. Every person who receives bees that have been obtained from outside Ontario shall, within ten days of the receipt of the bees, notify the Provincial Apiarist that the bees have been received.

Spraying of fruit trees

18. No person shall spray or dust fruit trees during the period within which the trees are in bloom with a mixture containing any poisonous substance injurious to bees unless almost all the blossoms have fallen from the trees.

Location of hives

19.—(1) No person in a place other than an urban municipality or suburban district designated under this section shall

place or leave hives containing bees within ten metres of a highway, dwelling or cultivated field.

(2) Subsection (1) does not apply to hives placed or left on lands where the lands are separated from the highway, dwelling or cultivated field by a hedge or a solid fence at least two metres in height and extending at least 4.5 metres from the hives in both directions.

Exception

(3) No person in an urban municipality or suburban district designated under this section shall place or leave hives containing bees within thirty metres of a property line separating the lands on which the hives are placed or left from lands occupied by a dwelling or used for purposes of a community centre, public park or other place of public assembly or recreation.

Location of hives in urban municipalities, etc.

(4) The council of any township may pass by-laws designating as a suburban district any part of the township that adjoins an urban municipality or that adjoins another designated suburban district.

By-laws designating suburban districts

(5) A by-law passed under subsection (4) shall not take effect until it is approved by the Minister.

Approval of Minister

20. No person shall sell, transport or ship within Ontario any used honey container that has not been properly cleansed.

Transporting of used containers

21.—(1) No person shall be a beekeeper in Ontario without a certificate of registration issued by the Provincial Apiarist.

Certificate of registration

(2) Every application for the issue or renewal of a certificate of registration shall be made to the Provincial Apiarist, be accompanied by the prescribed fee and include such information as the Provincial Apiarist requires.

Application

(3) Every certificate of registration expires on the 31st day of December next following the date on which it was issued.

Expiry

(4) An application for the renewal of a certificate of registration shall be filed with the Provincial Apiarist at least sixty days before the certificate expires.

Time for application for renewal

22. No person shall buy, sell or transport bees-wax refuse or used honeycombs between the 1st day of April and the 1st day of December in any year without a permit from the Provincial Apiarist.

Bees-wax refuse and used honeycombs

Records and
returns

23. Every beekeeper and every person who sells bees shall,

- (a) keep such books and records as the regulations prescribe; and
- (b) make such returns in such manner and at such times as the regulations prescribe.

Offence

24. Every person who contravenes any provision of this Act or the regulations or any order of the Director, Provincial Apiarist, Assistant Provincial Apiarist or an inspector is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 for a first offence and to a fine of not more than \$5,000 or to imprisonment for a term of not more than thirty days for any subsequent offence.

Regulations

25. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the fees that shall be paid for a certificate of registration;
- (b) providing for the keeping of a register of beekeepers;
- (c) prescribing the books and records that shall be kept by beekeepers and by persons who sell bees or package bees;
- (d) prescribing the returns that shall be made to the Provincial Apiarist by beekeepers and by persons who sell bees or package bees;
- (e) requiring and prescribing the reports that shall be made to the Provincial Apiarist by inspectors;
- (f) designating any area in Ontario as a queen bee breeding area and regulating the keeping of bees in such area;
- (g) designating any disease of bees to be a disease within the meaning of this Act;
- (h) designating any insect or parasite to be a pest within the meaning of this Act;
- (i) prescribing forms and providing for their use.

- 26.** The *Bees Act*, being chapter 42 of the Revised Statutes of Ontario, 1980, is repealed. Repeal
- 27.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 28.** The short title of this Act is the *Bees Act, 1987*. Short title

