

1927

c 314 Bees Act

Ontario

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CHAPTER 314.

The Bees Act.

PART 1.

Bees in a state of freedom to be the property of discoverer.

1. Bees living in a state of freedom shall be the property of the person discovering them, whether he is or is not the proprietor of the land on which they have established themselves. R.S.O. 1914, c. 107, s. 2.

In hives, private property.

2. Bees reared and kept in hives shall be private property. R.S.O. 1914, c. 107, s. 3.

[As to exemption from seizure under execution see *The Execution Act, Rev. Stat. c. 112.*]

Rights of owner where bees abandon their hives.

3.—(1) Where a swarm of bees leaves a hive the owner may reclaim them, so long as he can prove his right of property therein, and shall be entitled to take possession of them at any place on which the swarm settles, even if such place be on the land of another person, but the owner shall notify the proprietor of such land beforehand and compensate him for all damages.

Exception.

(2) If a swarm settles in a hive which is already occupied the owner of such swarm shall lose all right of property therein. R.S.O. 1914, c. 107, s. 4.

Unpursued swarms.

4. An unpursued swarm which lodges on any property, without settling thereon, may be secured by the first comer unless the proprietor of the land objects. R.S.O. 1914, c. 107, s. 5.

Property where owner declines to follow his bees.

5. If the owner of a swarm declines to follow the swarm, and another person undertakes the pursuit, such other person shall be substituted in the rights of the owner, and every swarm which is not followed shall become the property of the proprietor of the land on which it settles, without regard to the place from which it has come. R.S.O. 1914, c. 107, s. 6.

Use of poison in spraying fruit trees in bloom prohibited.

6.—(1) No person in spraying or sprinkling fruit trees during the period within which such trees are in full bloom shall use any mixture containing Paris green or any other poisonous substance injurious to bees. R.S.O. 1914, c. 257, s. 2.

(2) Any person contravening the provisions of this section shall incur a penalty of not less than \$5 and not more than \$25. R.S.O. 1914, c. 257, s. 3; 1914, c. 21, s. 54; 1916, c. 24, s. 33. Penalties.

PART II.

7.—(1) The Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture may from time to time appoint one or more Inspectors of Apiaries to enforce this Act. Appointment of inspector of apiaries.

(2) The Inspector shall, if so required, produce the certificate of his appointment on entering upon any premises in the discharge of his duties. Producing certificate.

(3) The remuneration to be paid to an Inspector under this Act shall be determined by order of the Lieutenant-Governor in Council, and shall be payable out of any sum appropriated by this Legislature for the enforcement of this Act. R.S.O. 1914, c. 258, s. 2. Remuneration.

8.—(1) Every person keeping bees in the Province of Ontario shall on or before the 30th day of April in every year apply to the Minister of Agriculture in writing, signed by the applicant, for a certificate of registration. Certificate of registration.

(2) The application shall be in such form as may be prescribed by the regulations and shall be accompanied by the prescribed fee for registration. Form of application.

(3) Every application shall be addressed to the Provincial Apiarist, Ontario Agricultural College, Guelph. Application to be addressed to Provincial Apiarist.

(4) Where a person commences keeping bees after the 30th day of April in any year, he shall apply for a certificate of registration as hereinbefore provided within ten days after coming into possession of the bees. Application for registration after 30th April.

(5) Every person keeping bees who neglects or refuses to comply with the provisions of this section shall incur a penalty of not less than \$5 nor more than \$10 and costs. 1925, c. 73, s. 2, *part*. Penalty.

9.—(1) The Inspector shall, whenever so directed by the Minister, visit any locality in Ontario and examine any apiary to which the Minister directs him, for the purpose of ascertaining if any infectious or contagious disease of bees exists in such apiary. R.S.O. 1914, c. 258, s. 3 (1); 1920, c. 95, s. 2. Duties of inspectors.

(2) If the Inspector finds that foul brood exists in a virulent or malignant type, he shall order all colonies of bees so affected, together with the hives occupied by them, and Destruction where disease malignant.

the contents of such hives and all tainted appurtenances that cannot be disinfected, to be immediately destroyed by fire under his personal direction and superintendence. R.S.O. 1914, c. 258, s. 3 (2).

Treatment of infectious or contagious diseases among bees.

(3) Where the Inspector, who shall be the sole judge thereof, finds that an infectious or contagious disease, not being foul brood of a virulent or malignant type, exists among the bees he shall give notice in writing to the bee-keeper instructing him as to the treatment of such disease and stating the time within which such treatment shall be given, and if at the expiration of such time the diseased colonies have not been treated by the bee-keeper in accordance with the notice, the same may be treated by the Inspector, and the bee-keeper shall be liable to the Inspector for all expenses incurred in such treatment. 1920, c. 95, s. 3.

Transfer to movable hives.

10. The Inspector may order the owner or possessor of any bees dwelling in box or immovable frame hives to transfer them to movable frame hives within a specified time, and in default the Inspector may destroy or order the destruction of such hives and the bees dwelling therein. R.S.O. 1914, c. 258, s. 4.

Power to declare quarantine.

11. For the better prevention of foul brood, the Lieutenant-Governor in Council may, on the recommendation of the Minister, declare a quarantine of bees at any point within the Province and may fix the duration of such quarantine and all other conditions in connection therewith, and any Inspector appointed under this Act shall have full authority to inspect bees in such quarantine when directed so to do by the Minister. 1924, c. 77, s. 2.

Sale of infected bees or articles.

12.—(1) The owner or possessor of an apiary shall not sell, barter, give away or remove from the premises any bees or used apiary appliances or apparatus until he has secured a certificate from the Provincial Apiarist that such bees, used apiary appliances or apparatus have been properly disinfected and are free from disease. 1920, c. 95, s. 4, *part*; 1925, c. 73, s. 3.

Certificate required with importation.

(2) Bees or used apiary appliances or apparatus shall not be imported into Ontario from any other Province in Canada or from any State in the United States of America unless accompanied by a certificate from a provincial or state officer certifying that such bees, used apiary appliances or apparatus are free from any infectious or contagious disease, but this shall not apply to the importation into Ontario of bees apart from combs.

Penalty.

(3) Every person who contravenes the provisions of subsection 1 or of subsection 2 of this section shall be guilty of an offence and shall incur a penalty of not less than \$50 nor more than \$100. 1920, c. 95, s. 4 *part*.

13. Any person whose bees have been destroyed or treated for foul brood who sells or offers for sale any bees, hives or appurtenances of any kind after such destruction or treatment and before being authorized by the Inspector so to do, or who exposes in his bee-yard, or elsewhere, any infected comb honey or other infected thing, or conceals the fact that such disease exists among his bees shall incur a penalty of not less than \$20 or more than \$50, or he may be imprisoned for a term not exceeding two months. R.S.O. 1914, c. 258, s. 6.

Selling infected bees after treatment or exposing appliances.

14. Any owner or possessor of bees who refuses to allow the Inspector to freely examine bees or the premises in which they are kept, or who refuses to destroy the infected bees and appurtenances or to permit them to be destroyed when so directed by the Inspector, shall, on the complaint of the Inspector, incur a penalty of not less than \$25 or more than \$50 for the first offence, and not less than \$50 or more than \$100 for the second and any subsequent offence, and the convicting justice shall by the conviction order such owner or possessor forthwith to carry out the directions of the Inspector. R.S.O. 1914, c. 258, s. 7.

Penalty for obstructing inspector.

15. Where such owner or possessor of bees disobeys the directions of the said Inspector, or offers resistance to or obstructs him, a justice of the peace may upon the complaint of the Inspector cause a sufficient number of special constables to be sworn in who shall, under the directions of the Inspector, proceed to the premises of such owner or possessor and assist the Inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the Inspector or constables may arrest the owner or possessor and bring him before a justice of the peace to be dealt with according to the provisions of the next preceding section. R.S.O. 1914, c. 258, s. 8.

Employment of special constables.

16. Before proceeding against any person before a justice of the peace the inspector shall read over to such person the provisions of this Act or shall cause a copy thereof to be delivered to him. R.S.O. 1914, c. 258, s. 9.

Informing offender of provisions of Act.

17. Every owner or possessor of bees and any other person who is aware of the existence of foul brood either in his own apiary or elsewhere shall immediately notify the Minister of the existence of such disease and in default of so doing shall incur a penalty of \$5. R.S.O. 1914, c. 258, s. 10.

Duty to notify Minister.

18. Each Inspector shall report to the Minister as to the inspection of any apiary in such form and manner as the Minister may direct, and all reports shall be filed in the Department of Agriculture and shall be made public as the Minister may direct or upon order of the Assembly. R.S.O. 1914, c. 258, s. 11.

Inspectors to report to Minister.

Regulations.

19. The Minister of Agriculture, with the approval of the Lieutenant-Governor in Council, may make regulations,—

- (a) prescribing the form of application for registration;
- (b) for fixing the fees to be paid for registration and upon a certificate of registration;
- (c) for the registration of bee keepers and prescribing the form of the register and the particulars to be entered therein;
- (d) for requiring bee keepers to make such returns and to furnish such information to the Department as may be deemed necessary or desirable;
- (e) generally for the better carrying out of the provisions of this Act. 1925, c. 73, s. 2, *part*.

Prosecutions.

Rev. Stat.
c. 121.

20. *The Summary Convictions Act* shall apply to all prosecutions for offences against this Act. R.S.O. 1914, c. 258, s. 12.
