1980

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Ontario
CHAPTER 42

Bees Act

1. In this Act,

(a) "bee-keeper" means a person who owns or is in possession of an apiary including the bees kept therein;

(b) "bees" means the insects known as *apis mellifera*;

(c) "bees-wax refuse" means damaged honeycombs, honeycomb cappings or the material remaining after the first rendering of used honeycombs or honeycomb cappings;

(d) "disease" means,

(i) American foul brood, being the disease of the larvae and pupae of bees caused by organisms known as *bacillus larvae*,

(ii) European foul brood, being the disease of the larvae and pupae of bees caused by organisms known as *bacillus pluton* or *bacillus alvei*, and

(iii) any disease designated by the regulations as a disease within the meaning of this Act;

(e) "infected" means infected with the causal organisms of a disease;

(f) "inspector" means an inspector appointed under this Act;

(g) "Minister" means the Minister of Agriculture and Food;

(h) "package bees" means bees placed in a screened cage or package without honeycombs for the purpose of being shipped. R.S.O. 1970, c. 43, s. 1.

2. Bees reared and kept in hives are private property. R.S.O. 1970, c. 43, s. 2.
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.

(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.

(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 his premises and shall compensate him for any damage to his premises caused by the entry.

(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. R.S.O. 1970, c. 43, s. 3.

4.—(1) The Lieutenant Governor in Council may appoint a Provincial Apiarist, an Assistant Provincial Apiarist and such inspectors as are considered necessary for the administration and enforcement of this Act and the regulations.

(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 him 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.

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

(a) to inspect any bees, hives or equipment pertaining to the keeping of bees to ascertain if any disease exists in the bees, or if the hives or equipment are infected, or if the provisions of this Act and the regulations have been complied with or contravened;

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

(5) With the approval of the Provincial Apiarist, an inspector may employ such persons as he requires to assist him in an inspection and such persons shall be paid such amounts as the Minister determines.
(6) In the performance of his duties under this Act and the regulations, an inspector may at any time between sunrise and sunset enter any premises where bees, hives, equipment or books or records pertaining to the keeping of bees are kept or stored.

(7) No person shall obstruct the Provincial Apiarist, Assistant Provincial Apiarist or an inspector in the performance of his duties or furnish him with false information.

(8) Every bee-keeper shall, when requested so to do by an inspector, assist the inspector in an inspection of the premises of the bee-keeper. R.S.O. 1970, c. 43, s. 4.

5.—(1) Where an inspector has reasonable grounds for believing that disease of a virulent type exists in any bees or the causal organisms of such disease exist in or on any hives or equipment pertaining to the keeping of bees, he may, by order in writing,

(a) require the bee-keeper to disinfect such bees, hives or equipment in such manner and within such period as the order requires; or

(b) require the bee-keeper to destroy by fire, within such period as the order requires, such bees, hives or equipment as in the opinion of the inspector cannot be disinfected.

(2) Where an inspector has reasonable grounds for believing that disease not of a virulent type exists in any bees or the causal organisms of such disease exist in or on any hives or equipment pertaining to the keeping of bees, he may, by order in writing, require the bee-keeper to disinfect such bees, hives or equipment in such manner and within such period as the order requires. 1971, c. 50, s. 12 (1).

(3) If the bee-keeper fails to carry out the instructions in an order given under subsection (1) or (2) within such period as the order requires or if so requested by the bee-keeper, the inspector may carry out the instructions in the order and the bee-keeper shall compensate the inspector for any expenses incurred in carrying out the instructions. R.S.O. 1970, c. 43, s. 5 (3).

(4) Every order under this section shall be delivered to the bee-keeper by an inspector or mailed by prepaid mail to his last or usual place of abode and shall contain notice to the bee-keeper that he may appeal from the order to the Provincial Apiarist within five days after receipt of the order.
and, where the order is mailed, the bee-keeper shall be deemed to have received the order on the third day after the day of mailing unless he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order until a later date. 1971, c. 50, s. 12 (2).

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

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

(3) If a bee-keeper fails to transfer the bees in accordance with an order under subsection (2), the inspector may destroy the hives and the bees dwelling therein. R.S.O. 1970, c. 43, s. 6.

7.—(1) Where a bee-keeper considers himself aggrieved by an order of an inspector, he may within five days of the receipt of the order appeal against the order by notice to the Provincial Apiarist. R.S.O. 1970, c. 43, s. 7 (1).

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

(3) Upon being notified of an appeal, the Provincial Apiarist shall, after a hearing, confirm, revoke or modify the order appealed against and shall notify the appellant of his decision by prepaid mail and the appellant shall carry out such order as is given by the Provincial Apiarist in his decision.

(4) The bee-keeper and the inspector who made the order appealed from are parties to an appeal under this section. 1971, c. 50, s. 12 (3).

8. When requested by an inspector, every bee-keeper shall inform the inspector of the location of all hives and equipment pertaining to the keeping of bees in the possession of the bee-keeper. R.S.O. 1970, c. 43, s. 8.


10. Every bee-keeper who finds the existence of disease of a virulent type in his own apiary or elsewhere shall immediately report the existence of the disease to the Provincial Apiarist. R.S.O. 1970, c. 43, s. 10.
11.—(1) The Lieutenant Governor in Council may declare a quarantine of bees in any area in Ontario that he designates and may fix the duration of the quarantine and the conditions with respect thereto.

(2) No person shall move any bees, hives or equipment pertaining to the keeping of bees to or from an area of quarantine without a permit from the Provincial Apiarist. R.S.O. 1970, c. 43, s. 11.

12.—(1) No bee-keeper shall sell or remove or cause to be removed from his premises any bees, hives or equipment pertaining to the keeping of bees without a permit from the Provincial Apiarist stating that such bees, hives or equipment were inspected and found to be free from disease or infection.

(2) Subsection (1) does not apply where the bees and equipment are moved by the bee-keeper from his extracting plant to his apiaries or from his apiaries to his extracting plant. R.S.O. 1970, c. 43, s. 12.

13. No person shall receive or transport in any manner within Ontario any bees other than package bees or used hives or used equipment pertaining to the keeping of bees obtained from outside Ontario without a permit from the Provincial Apiarist stating that he is satisfied that such bees are free from disease and that such used hives or used equipment are not infected. R.S.O. 1970, c. 43, s. 13.

14. No bee-keeper shall expose on his premises or elsewhere any infected honeycomb or honey in such manner that it is accessible to bees. R.S.O. 1970, c. 43, s. 14.

15.—(1) Where dead colonies of bees or honeycombs are exposed in such manner that they are accessible to bees, except where they are exposed for the purpose of cleaning or disinfecting, the Provincial Apiarist may require the bee-keeper to dispose of such colonies and honeycombs in such manner and within such period as the Provincial Apiarist specifies.

(2) If the bee-keeper fails to dispose of such colonies and honeycombs as required by the Provincial Apiarist, the Provincial Apiarist may dispose of them and the bee-keeper shall compensate the Provincial Apiarist for any expense incurred in disposing of them. R.S.O. 1970, c. 43, s. 15.

16. No person who sells package bees shall use as food for such bees any honey or candy containing honey. R.S.O. 1970, c. 43, s. 16.
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. R.S.O. 1970, c. 43, s. 17.

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. R.S.O. 1970, c. 43, s. 18.

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 nine metres of a highway, dwelling or cultivated field. R.S.O. 1970, c. 43, s. 19 (1); 1978, c. 87, s. 4 (1).

Exception (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. R.S.O. 1970, c. 43, s. 19(2); 1978, c. 87, s. 4(2).

Location of hives in urban municipalities, etc. (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. R.S.O. 1970, c. 43, s. 19 (3); 1978, c. 87, s. 4 (3).

By-laws designating suburban districts (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.

Approval of Minister (5) A by-law passed under subsection (4) shall not take effect until it is approved by the Minister. R.S.O. 1970, c. 43, s. 19 (4, 5).

Transporting of used containers 20. No person shall sell, transport or ship within Ontario any used honey container that has not been properly cleansed. R.S.O. 1970, c. 43, s. 20.

Certificate of registration 21.—(1) No person shall keep bees in Ontario without a certificate of registration from the Provincial Apiarist.

Application (2) Every application for a certificate of registration shall be made to the Provincial Apiarist, accompanied by the prescribed fee.
(3) Every certificate of registration expires on the 31st day of May in each year. R.S.O. 1970, c. 43, s. 21.

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. R.S.O. 1970, c. 43, s. 22.

23. Every bee-keeper 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. R.S.O. 1970, c. 43, s. 23.

24. Every person who contravenes any provision of this Act or the regulations or any order of the Provincial Apiarist, Assistant Provincial Apiarist or an inspector is guilty of an offence and on conviction is liable to a fine of not less than $10 and not more than $50 for a first offence and to a fine of not less than $25 and not more than $100 or to imprisonment for a term of not more than thirty days for any subsequent offence. R.S.O. 1970, c. 43, s. 24.

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 bee-keepers;

(c) prescribing the books and records that shall be kept by bee-keepers and by persons who sell bees or package bees;

(d) prescribing the returns that shall be made to the Provincial Apiarist by bee-keepers 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) prescribing forms and providing for their use;

(i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.O. 1970, c. 43, s. 25.