



## ANALYSIS

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1969, No. 53

**An Act to consolidate and amend the Apiaries Act 1927**  
[2 October 1969]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**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.

**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:

“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:

“Director-General” means the Director-General of Agriculture:

“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 saccharine secretions from the nectaries of flowers that are gathered, modified, and stored in the comb by honey bees and are laevo-rotatory:

“Honey-dew” means the saccharine exudations of living parts of plants, and the sweet liquid excreted by hemipterous insects feeding on plants, that are gathered, modified, and stored in the comb by honey bees and are dextro-rotatory:

“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 sections 10, 14, 15, and 19 of this Act, includes any place on which bees or appliances 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 and appliances 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 for 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.

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

### 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 Department of Agriculture 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 or appliances 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

**5. Identification of apiaries—**(1) The Registrar shall allocate a code number to every beekeeper who registers an apiary within the registration district, and shall notify the beekeeper of the code number so allocated.

(2) Where any code number is allocated to any beekeeper pursuant to subsection (1) of this section, he shall,—

- (a) In the case of every apiary occupied by him on the date on which he is notified by the Registrar that the code number has been allocated to him, within 1 month after that date:
- (b) In the case of an apiary registered by him after that date, forthwith after the registration of that apiary,—

mark the code number clearly and conspicuously on the outside of at least 1 hive within every apiary occupied by him and situated more than 10 chains from his usual place of residence, or on a marker post placed in a conspicuous position within the apiary, together with the code letter of the district within which the apiary is registered.

(3) Every code letter and number marked on any hive or on any marker post pursuant to this section shall be in a colour contrasting with the colour of the hive or marker post, and shall together be not less than  $1\frac{1}{2}$  inches in width and not less than  $1\frac{1}{2}$  inches in height.

(4) Every marker post placed in any apiary pursuant to this section shall be 2 inches by 2 inches in dimension, and shall be painted white, and shall be fixed securely in the ground in a vertical position so that the marker post extends above the ground in which it is placed for a distance of not less than 2 feet.

Cf. S.R. 1953/141, reg. 6A; S.R. 1958/110, reg. 3

**6. Information to be supplied to Registrar—**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.

Cf. S.R. 1953/141, reg. 7

**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, appliances, etc.—**(1) No person shall without the written consent of an Inspector and subject to such conditions as the Inspector specifies,—

- (a) Remove or transfer any bees to a location situated more than 10 chains from the place where they were previously located:
- (b) Take or remove any bee combs or other appliances from one apiary to another for the purpose of the extraction of honey, or for use for any other purpose on or in connection with that other apiary:

Provided that a beekeeper may without the written consent of an Inspector remove bees and appliances from one registered apiary to another registered apiary for the purpose of the extraction of honey or for any other purpose of management if the bees and appliances on both apiaries are owned by that beekeeper and the bees and appliances on both apiaries are free from disease:

Provided also that in cases of urgency a beekeeper may, with the oral consent of an Inspector and subject to such conditions as the Inspector specifies, remove or transfer any bees and appliances to a place situated more than 10 chains from the place where they were previously located, but in such a case he shall within 14 days notify an Inspector in writing of the removal and the place to which the bees and appliances have been removed.

(2) Every person commits an offence who commits a breach of the provisions of this section or who fails to observe any conditions specified by an Inspector in giving his consent hereunder.

Cf. 1927, No. 29, s. 7; 1951, No. 9, s. 3

**10. Abandoned or neglected bees and beehives**—Where an Inspector is satisfied on reasonable grounds that any bees, beehives, or appliances on any land or premises are abandoned or are neglected,—

- (a) Where the land or premises are a registered apiary, he may 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, hives, or other appliances. If the beekeeper cannot be found within a reasonable time or fails to comply with that direction within the time so specified, an Inspector may destroy those bees, hives, and other appliances and the honey in any such hive:
- (b) Where the land or premises are not a registered apiary, he may, after consultation with the occupier of the land or premises, destroy those bees, hives, and other appliances and the honey in any such hive.

**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 Department of Agriculture 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 his hand, declare that apiary, together with any land within a radius of 2 miles 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 an 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.

**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 or 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 Department of Agriculture, 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, or October 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 November 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) The month of the year in which 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; and
  - (d) The location of every place registered as an apiary by the beekeeper on which there are no bees or appliances on the date on which the statement is made, and also specifying, in the case of a seasonal apiary, whether any bees or appliances were kept on the apiary during the year that ended with the immediately preceding 31st day of May.
- (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

### 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.

(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 a specified time, being not more than 2 months, except with the written consent of an Inspector.

Cf. 1927, No. 29, s. 9; 1965, No. 15, s. 3

## 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

### *Importation of Bees, Honey, and Appliances*

**21. Minister may appoint ports or airports for importation of bees, honey, 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, honey, or appliances may lawfully be imported, either generally or from any specified country or place.

**22. Restrictions on importation**—(1) No person shall introduce into New Zealand any bees 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.

(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 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 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

### **23. Bees, etc., introduced or attempted to be introduced—**

(1) Any bees, honey, 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, honey, 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

**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.

#### *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 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 three 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.

**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 Inspector 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.

**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 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 the 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.

**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. Conditions of permit**—In addition to any conditions that may be specified by the Minister in the exercise of his discretion under section 31 of this Act, the following shall be specified as conditions of every permit granted under that section, namely:

- (a) That the place on which the bees are kept or established shall be registered as an apiary under this Act:
- (b) That no honey produced in the apiary shall be disposed of otherwise than in the manner prescribed by paragraph (c) of this section:
- (c) That all honey stored by bees in the apiary and not required by the bees for feeding purposes may be used in accordance with the conditions contained in a permit, or may be destroyed, or otherwise disposed of:

Provided that if the honey is to be destroyed, it shall be destroyed in the presence of an Inspector either by burning or by being buried in the ground to a depth of at least 3 feet below the surface:

- (d) That any person who removes honey from a hive in the apiary which is not required by bees for feeding purposes shall, pending the destruction thereof, deny all bees access to the honey:
- (e) That no appliances containing any honey or pollen produced in the apiary which is not required by bees for feeding purposes shall be removed or permitted to be removed outside the restricted area.

Cf. S.R. 1952/56, reg. 7; S.R. 1969/76, reg. 4

**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. Conditions under which honey may be exported**—

(1) No person shall export any honey from New Zealand unless the provisions of regulations under this Act relating to the inspection, grading, standard, and marking thereof have been duly complied with.

(2) 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 from which honey may lawfully be exported from New Zealand.

(3) Nothing in this section shall apply to—

- (a) Honey that is taken on board ship or aircraft in New Zealand for the use of the passengers and crew, and for the service of the ship or aircraft on a voyage or flight, as the case may be; or
- (b) Honey that is not the produce of New Zealand or of Niue.

Cf. 1927, No. 29, s. 16 (1) (i); S.R. 1950/142, reg. 4 (a)

**35. Restrictions on spraying of trees and plants**—(1) No person shall spray or dust with any preparation containing any substance toxic to bees—

- (a) Any fruit trees during the period within which those trees are in bloom unless almost all the blossoms have fallen from the trees:
- (b) Any strawberry, raspberry, boysenberry, or loganberry plants, or any other cultivated plants of the same species, during the period when those plants are in bloom.

(2) Except pursuant to a permit from the Director-General and in accordance with the conditions specified in the permit, no person shall, during the period commencing on the 1st day of September in any year and ending with

the next 31st day of March, apply any spray or dust which is toxic to bees to any cruciferous or leguminous field crop while it is in flower or at any time when flowering plants which attract bees are present in such quantities within these crops that any such application would be likely to damage or destroy foraging bees.

Cf. 1927, No. 49, s. 10A; 1953, No. 29, s. 3; S.R. 1957/137, regs. 2, 3

**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 Department of Agriculture 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

**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 \$200.

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

**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) For the inspection, grading, packing, marking, stamping, branding, and labelling of honey and of honey-dew:
- (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 \$200, and, in the case of a continuing offence, \$5 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.

**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.

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## SCHEDULES

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### FIRST SCHEDULE

Section 2

#### SERIOUS DISEASE OF ADULT BEES

Acarine (*Acarapis woodi* Rennie).

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### SECOND SCHEDULE

Section 2

#### SERIOUS DISEASES OF BEE BROOD

American foul brood (*Bacillus larvae*).

European foul brood (*Bacillus pluton*).

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### THIRD SCHEDULE

Section 2

#### BEE DISEASE

Nosema (*Nosema apis*).

#### PESTS AND PREDATORS

Bee louse (*Braula coeca*).

Wax moths (*Galleria mellonella* and *Achroia grissella*).

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### 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.

Section 47 (2)

**FIFTH SCHEDULE****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. 1 .....	1958/110
The Apiaries Registration Regulations 1953, Amendment No. 2 .....	1961/17
The Apiaries Protection Regulations 1957	1957/137

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This Act is administered in the Department of Agriculture.

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