

Hon. Mr. Hawken.

APIARIES.

ANALYSIS.

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A BILL INTITULED

AN ACT to consolidate and amend the Law relating to the Bee Industry in New Zealand. Title.

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

1. This Act may be cited as the Apiaries Act, 1927, and shall come into operation on the first day of January, nineteen hundred and twenty-eight. Short Title and commencement.
- 10 2. In this Act, if not inconsistent with the context,—
- “ Apiary ” means any place where bees or appliances are kept : Interpretation.
- “ Appliance ” means any hive, bee-comb, extractor, or other 1908, No. 7, s. 2
- appliance that has been used in connection with beekeeping : 1913, No. 68, s. 2
- 15 “ Beekeeper ” means any person who keeps bees or appliances, or who allows bees or appliances to be kept on any land occupied by him :
- 20 “ Disease ” means foul-brood (*Bacillus larvæ* and *Bacillus pluton*), bee-moths (*Galleria mellonella* and *Achroea grissella*), Isle of Wight disease (acarine disease), and any other diseases or pests from time to time declared by the Governor-General in Council to be diseases within the meaning of this Act :
- “ Infected ” means infected with disease :
- 25 “ 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 :

“ Inspector ” means an Inspector appointed under this Act :
 “ Minister ” means the Minister of Agriculture.

Appointment of
 Inspectors.
 1908, No. 7, s. 4

3. There may from time to time be appointed Inspectors and other officers required for the purposes of this Act, who shall perform the duties hereinafter set out and such further duties as are prescribed. 5

Powers of entry of
 Inspector.
 Ibid., ss. 5, 10

4. (1) An Inspector, or any person authorized by an Inspector in writing, may at all reasonable times enter upon any land or premises, other than a private residence, on or in which he has reason to believe that any bees, honey, or appliances are kept, or that any bees have become established, for the purpose of examining any such bees, honey, or appliances. 10

(2) Any person who obstructs an Inspector or person authorized by an Inspector in the exercise of his powers under this section shall be liable to a fine of *twenty* pounds.

Apiaries to be
 registered.

5. (1) No person shall, after the thirty-first day of March nineteen hundred and twenty-eight, keep bees except on an apiary registered under this Act. 15

(2) Application for registration shall be made in the prescribed manner and form.

(3) Registration shall be effected subject to such conditions as are prescribed. 20

(4) Every person who keeps bees on an unregistered apiary, and every person who allows any other person to keep bees on land occupied by him without registering the same as an apiary, shall be liable to a fine of *twenty* pounds. 25

Bees to be kept in
 frame hives.
 Ibid., ss. 6, 9

6. (1) No beekeeper shall keep or allow to be kept on any land occupied by him any bees except in a frame hive.

(2) In any case in which it is found by an Inspector 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 an approved frame hive within a specified time. 30

(3) In any case in which bees are kept or have become established in other than a frame hive an Inspector may destroy such hive, and the bees, honey, and bee-combs contained therein, or may direct the beekeeper or occupier of the land to do so within a specified time. Nothing herein shall relieve a beekeeper from any other liability he may have incurred under this Act. 35

(4) If any person fails within the time specified to carry out any directions of the Inspector as aforesaid, the Inspector, or any person authorized by him in writing, may enter upon the land or premises, and may destroy any hive referred to in such directions, and the bees, honey, and appliances contained therein, but nothing herein shall relieve such person from any other liability he may have incurred. 40

Changing location
 of bees,
 appliances, &c.

7. (1) Except with the written consent of an Inspector, and subject to such conditions as he imposes, no person shall— 45

(a) Remove or transfer any bees to a location situated more than ten chains from 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 such other apiary : 50

Provided that nothing herein shall apply to the sale of bees or of unused comb-foundation or other appliances.

(2) Every person who commits a breach of the provisions of this section, or who fails to observe any conditions imposed by an Inspector in giving his consent hereunder, commits an offence, and is liable to a fine of *twenty-five* pounds.

8. Every beekeeper on whose apiary any disease appears shall forthwith take proper steps to cure the same and to prevent its spread, and shall, within seven days after his first becoming aware of the presence of the disease, send written notice thereof to an Inspector.

Beekeeper to advise Inspector of disease in apiary. 1908, No. 7, ss. 3, 8

9. (1) Where any bees, honey, or appliances on any apiary or on any land or premises on which bees have established themselves are found to be diseased or infected the Inspector—

Diseased or infected bees, &c., to be treated or destroyed and infection removed.

(a) May direct the beekeeper or occupier of the land either to take within a specified time such measures as are necessary to cure the disease and remove any infection, or to destroy such bees, honey, or appliances; or

Cf. 1908, No. 7, s. 5

(b) If of opinion that the disease cannot satisfactorily be cured or the infection removed, may direct the beekeeper or occupier of the land to destroy by fire within a specified time such bees, honey, or appliances; or

(c) If the circumstances so demand, may, without notice, himself destroy such bees, honey, or appliances:

Provided that if the Inspector himself destroys the bees, honey, or appliances he shall as soon as practicable give notice in writing to the beekeeper or occupier of the action taken by him.

(2) If any person fails to carry out any directions of the Inspector as aforesaid within the time specified, the Inspector, or any person authorized by him in writing, may enter upon the apiary, land, or premises, and may himself carry out the necessary work; but nothing herein shall relieve such person from any other liability he may have incurred for failing to comply with such directions.

10. (1) No person shall expose any honey, bee-combs, or appliances taken from or used in connection with any infected hive in such a manner as will allow access thereto by bees until after such materials have been thoroughly sterilized by approved methods so as to remove any infection.

Dealings in diseased bees and infected honey, &c. Cf. Ibid., s. 8

(2) No person shall sell, barter, lend, or give to any other person any bees or appliances from an apiary infected with disease.

(3) Every person who commits a breach of the provisions of this section commits an offence and is liable to a fine of *fifty* pounds.

11. (1) Whenever an Inspector is satisfied that any honey is unfit for human consumption, he may, by order in writing addressed to the owner, consignee, or person in charge, condemn the honey, and such honey shall be disposed of in such manner as is prescribed.

Honey unfit for human consumption.

(2) Whenever there is reason to believe with respect to any particular district or area that honey gathered there is likely to contain poison, an Inspector may, by order in writing addressed to the owner, consignee, or person in charge of honey gathered in such district or area, direct such honey to be withdrawn from sale or use for human

consumption until treated in the prescribed manner at the expense of such owner, consignee, or person in charge under the supervision of the Inspector, or he may, by like order in writing, condemn such honey, which shall thereupon be disposed of in such manner as is prescribed.

How directions by
Inspector to be
given.
1908, No. 7, s. 7

12. 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 or posted addressed to him at his last known place of abode.

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General penalty.
Ibid., s. 10

13. Every person commits an offence and shall be liable, where no other penalty is expressly prescribed herein, to a fine of *twenty* pounds who—

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(a) Fails to comply with any directions given under this Act by an Inspector :

(b) Commits any other breach of the provisions of this Act.

Person not entitled
to compensation.
Ibid., s. 11

14. No person shall be entitled to compensation for anything lawfully done under this Act.

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Diseases may be
declared.
Ibid., s. 12

15. The Governor-General may from time to time, by Order in Council, declare any disease or pest affecting bees (other than those mentioned in section *two* hereof) to be a disease within the meaning of this Act.

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Regulations.
1913, No. 68, ss. 8, 9

16. (1) The Governor-General may from time to time, by Order in Council, make regulations for any of the following purposes :—

(a) For the registration of apiaries :

(b) For the prohibition or regulation of the introduction into New Zealand, either generally or from any specified place, of any bees, honey, comb-foundation, or other appliances or things which are diseased or infected, or which in his opinion are likely to introduce any disease into New Zealand :

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(c) Prescribing specified ports to be the only ports of entry for bees, honey, comb-foundation, or other appliances, or for any specified bees, honey, comb-foundation, or other appliances introduced into New Zealand :

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(d) For the prohibition or regulation of the removal from any specified portion of New Zealand to any other portion or specified portion thereof of any bees, honey, comb-foundation, or other appliances or things which are diseased or infected, or which in his opinion are likely to spread disease :

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(e) Prescribing the manner in which any bees, honey, comb-foundation, or other appliances or things introduced into New Zealand in contravention of this Act shall be treated, cleansed, destroyed, or otherwise disposed of :

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(f) Prescribing the manner in which diseased or infected bees, honey, bee-combs, comb-foundation, or other appliances or things shall be treated, cleansed, destroyed, or otherwise disposed of :

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(g) Prescribing the manner in which condemned honey or honey unfit for human consumption shall be treated or disposed of :

(h) For the inspection, grading, packing, marking, stamping, branding, and labelling of honey :

(i) For the prohibition of the export of honey from New Zealand otherwise than in accordance with conditions prescribed :

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Apiaries.

(j) Prescribing registration or other fees in connection with the registration of apiaries or other services rendered under this Act :

(k) Prescribing forms required under this Act :

5 (l) Prescribing fines, not exceeding *twenty* pounds, for a breach of any regulation :

(m) Generally for carrying into effect the provisions of this Act.

10 (2) All regulations under this section shall be published in the *Gazette*, and shall within fourteen days after the publication thereof be laid before Parliament if sitting, or, if not, then within fourteen days after the commencement of the next ensuing session.

17. (1) The Apiaries Act, 1908, the Apiaries Amendment Act, 1913, and the Apiaries Amendment Act, 1920, are hereby repealed. Repeals and savings.

15 (2) All offices, appointments, regulations, Orders in Council, notices, directions, and generally all acts of authority which originated under the enactments hereby repealed and are subsisting or in force on the coming into operation of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where
20 necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under the enactments hereby repealed, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.