

1995 BILL 13

Third Session, 23rd Legislature, 44 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

BEE ACT

MR. CLEGG

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 13
Mr. Clegg

BILL 13

1995

BEE ACT

(Assented to , 1995)

Table of Contents

Definitions	1
Apiculturist, inspectors	2
Inspection	3
Production of documents	4
Beekeeper registration	5
Bee information	6
Bees coming to Alberta	7
Problem bees	8
Orders served	9
Order compliance	10
Appeal	11
Quarantine	12
Regulations	13
Offence	14
Repeal	15
Coming into force	16

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

Definitions

1 In this Act,

- (a) “Africanized bee” means a bee that does not pass the test for European bee as prescribed in the regulations;
- (b) “apiculture inspector” means an individual designated as an apiculture inspector under section 2;
- (c) “bee” means the insect *Apis mellifera* L.;
- (d) “bee disease” means any disease or parasite designated in the regulations as a bee disease;

- (e) “beekeeper” means a person who owns and possesses bees or beekeeping equipment or both;
- (f) “beekeeping equipment” means hives, parts of hives and bee containers, that are capable of transmitting bee diseases or controlled bee diseases;
- (g) “Minister” means the Minister of Agriculture, Food and Rural Development;
- (h) “package bees” means a shipment that contains a quantity of bees and one or more queens sufficient to establish a new colony of bees but that does not contain a comb;
- (i) “Provincial Apiculturist” means the individual designated as the Provincial Apiculturist under section 2;
- (j) “queen” means a bee queen shipped in a small container with or without attendant bees.

Apiculturist,
inspectors

2(1) The Minister may designate individuals as apiculture inspectors for the purposes of this Act.

(2) The Minister may designate a Provincial Apiculturist from among the employees under the Minister’s administration for the purposes of this Act.

(3) The Provincial Apiculturist may exercise any of the powers, duties and functions of an apiculture inspector.

Inspection

3(1) In order to ensure compliance with this Act and the regulations, an apiculture inspector may, at any reasonable time, enter on any land or into any building, other than a private dwelling, and, using reasonable care, may

- (a) inspect and examine bees and beekeeping equipment,
- (b) examine, make copies of or take extracts from any records of a beekeeper that relate to the transportation, possession or sale of bees or beekeeping equipment, and
- (c) remove bees or beekeeping equipment to test for bee disease and the presence of Africanized bees.

(2) On entering on land or into a building an apiculture inspector must, on request, produce identification in accordance with the regulations.

(3) An apiculture inspector who removes any bee or beekeeping equipment must, on completion of the inspection and tests, return them to the person entitled to them unless it is impossible or unsafe to return them.

(4) Notwithstanding subsection (3), an apiculture inspector may,

(a) on obtaining a warrant, or

(b) without a warrant if the apiculture inspector believes on reasonable and probable grounds that it is not practical to obtain a warrant because the necessary delay may result in the loss of evidence,

detain or remove for the purposes of evidence anything that the apiculture inspector discovers during an inspection that the apiculture inspector believes on reasonable and probable grounds may provide evidence of the commission of an offence under this Act or the regulations.

Production of documents

4(1) For the purpose of ensuring that this Act and the regulations are complied with, an apiculture inspector may demand the production, within a reasonable time, of any record or document pertaining in any manner to compliance with this Act and the regulations, and may on giving a receipt for it remove it for not more than 48 hours for the purpose of making copies of it.

(2) If a person to whom a demand is made under subsection (1) refuses or fails to comply, the apiculture inspector may apply to a judge of the Court of Queen's Bench by way of originating notice, and the judge may make any order that the judge considers necessary to enforce compliance with subsection (1).

(3) A copy of the originating notice and a copy of each affidavit in support of it must be served not less than 3 days before the day named in the notice for hearing the application.

Beekeeper registration

5 A beekeeper must register with the Provincial Apiculturist in accordance with the regulations.

Bee information

6(1) A beekeeper who purchases live bees, whether queens, package bees or bees on combs, must report the purchase to the Provincial Apiculturist in accordance with the regulations.

(2) A beekeeper must provide an apiculture inspector, within 24 hours of a request, with a complete list of the legal descriptions of the land where the beekeeper has bee colonies.

Bees coming
to Alberta

7(1) No person shall bring into Alberta

- (a) live bees in hives or on combs, package bees or queens, or
- (b) used beekeeping equipment,

without first obtaining written permission from the Provincial Apiculturist or an official of the Department of Agriculture of the Government of Canada.

(2) If bees or used beekeeping equipment are brought into Alberta

- (a) without permission, or
- (b) infected with a bee disease,

the Provincial Apiculturist may by written order direct that the person who brought the bees or used beekeeping equipment into Alberta return them to the place from which they came.

Problem bees

8(1) If an apiculture inspector believes, on reasonable and probable grounds, that a bee disease or Africanized bees are present in any bees or beekeeping equipment, the apiculture inspector may, by written order, direct one or more of the following:

- (a) that the affected bees and beekeeping equipment are to be under quarantine for the period of time and in the manner required by the order and that the movement by any person of bees and beekeeping equipment that are under quarantine is restricted;
- (b) that the beekeeper take any steps necessary to eradicate the disease from the bees or beekeeping equipment;
- (c) that the beekeeper treat the bees for bee disease.

(2) If the Provincial Apiculturist has evidence that a bee disease or Africanized bees are present in any bees or beekeeping equipment, the Provincial Apiculturist may, by written order, direct that the beekeeper destroy the bees and the beekeeping equipment.

Orders served

9(1) An order under section 7 or 8 must be served

- (a) by being delivered personally to the person who is intended to be served,

- (b) by being left with a person apparently over the age of 18 years at the dwelling place or place of business of the person who is intended to be served, or
- (c) by being sent by double registered mail or certified mail to the last known address of the person who is intended to be served, as registered by the person pursuant to the regulations.

(2) If, in the opinion of the apiculture inspector, service under subsection (1) cannot reasonably be effected, the apiculture inspector may post the notice or a copy of the notice in a conspicuous place where the bees or beekeeping equipment is located.

Order compliance **10(1)** If an order under section 7 or 8 is not complied with within 10 days of service of the order, the Provincial Apiculturist may cause the order to be carried out.

(2) The reasonable costs of carrying out an order pursuant to subsection (1) are a debt due the Crown by the person to whom the order was directed.

Appeal **11(1)** A person served with an order under section 7 or 8 may appeal it in accordance with the regulations within 5 days, not including holidays, of being served with the order.

(2) The person or persons who hear the appeal may confirm, vary or revoke the order and may suspend the order pending its confirmation, variance or revocation.

Quarantine **12** The Minister may, by order, declare a quarantine in respect of bees or beekeeping equipment in all or any part of Alberta and may fix the duration and conditions of the quarantine, including a restriction on the movement of bees and beekeeping equipment by any person.

Regulations **13** The Minister may make regulations

- (a) designating any disease or parasite as a bee disease;
- (b) respecting the treatment of bee disease, including regional treatment of all bee colonies for a disease;
- (c) prescribing tests for European bee;

- (d) respecting the registration of beekeepers, applications and qualifications for registration and renewal of registration;
- (e) respecting the fees to be paid on application for registration, for registration or for renewal of registration of beekeepers;
- (f) respecting when a registration may be suspended or cancelled by the Provincial Apiculturist, and when renewal of registration may be refused;
- (g) respecting records to be kept and reports to be submitted by beekeepers;
- (h) respecting identification for apiculture inspectors;
- (i) respecting the bringing of live bees into Alberta;
- (j) respecting appeals under section 11;
- (k) generally for any other matter concerning the administration of this Act.

Offence

14 Any person who

- (a) contravenes the regulations,
- (b) fails to comply with an order of the Provincial Apiculturist or an apiculture inspector,
- (c) resists or obstructs an apiculture inspector in the carrying out of the apiculture inspector's duties, powers or functions,
- (d) keeps live bees but fails to register with the Provincial Apiculturist, or
- (e) contravenes section 7(1),

is guilty of an offence and liable to a fine of not more than \$2500 and in default of payment to imprisonment for a term not exceeding 30 days.

Repeal

15 *The Bee Act, RSA 1980 cB-2, is repealed.*

Coming into
force

16 *This Act comes into force on Proclamation.*