

2005

CHAPTER A-22.01

An Act respecting the Bee Industry

TABLE OF CONTENTS

1	Short title	13	Destruction orders
2	Interpretation	14	Recovery of minister's costs – filing of statement
3	Certificates	15	Penalty
4	Cancellation of certificate	16	Disclose or publish information
5	Immovable brood combs prohibited	17	Appeals to Court of Queen's Bench re order
6	Import and transport permits	18	Appeal does not stay order or decision
7	Disposition prohibited	19	Immunity
8	Information required	20	Regulations
9	Chief inspector and inspectors appointed	21	R.S.S. 1978, c.A-22 repealed
10	Powers of chief inspector and inspectors	22	Transitional - certificates and orders
11	Quarantine	23	Coming into force
12	Attracting foraging bees		

(Assented to May 27, 2005)

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

Short title

1 This Act may be cited as *The Apiaries Act, 2005*.

Interpretation

2 In this Act:

- (a) “**apiary**” means a place where bees are kept;
- (b) “**beekeeper**” means a person who holds a certificate;
- (c) “**beekeeping equipment**” means equipment used in the rearing or keeping of bees that is capable of transmitting disease among bees;
- (d) “**bees**” means honey bees (*Apis mellifera*);
- (e) “**brood comb**” means a structure of cells in which bees lay their eggs or in which immature bees are being reared or have been reared;
- (f) “**certificate**” means a certificate issued pursuant to section 3;
- (g) “**chief inspector**” means an individual appointed by the minister as chief inspector pursuant to section 9;
- (h) “**disease**” means any prescribed disease or pest;
- (i) “**hive**” means any cavity in which bees have constructed honeycomb;

- (j) **“honeycomb”** means a structure of cells that bees can use for the storage of honey;
- (k) **“inspector”** means an individual appointed by the minister as an inspector pursuant to section 9;
- (l) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (m) **“person”** means an individual, corporation, co-operative, partnership, association or other organization;
- (n) **“prescribed”** means prescribed in the regulations.

Certificates

- 3(1)** No person shall own or have in his, her or its possession or control any bees, honeycomb or brood comb unless that person has a valid certificate.
- (2) A person who wants to be a beekeeper shall apply for a certificate by completing a form provided by the minister.
- (3) If the minister is satisfied that an applicant meets the requirements of this Act and the regulations, the minister may issue a certificate to that person.
- (4) Unless it is cancelled, a certificate issued pursuant to subsection (3) is valid for the prescribed term.
- (5) A beekeeper may apply to renew his, her or its certificate by completing a form provided by the minister.
- (6) A certificate may not be transferred or assigned.

Cancellation of certificate

- 4(1)** The minister may cancel a certificate:
 - (a) at the request or with the consent of the person to whom the certificate was issued; or
 - (b) if, in the opinion of the minister, the person to whom the certificate was issued has ceased to possess or control any bees, honeycomb or brood comb.
- (2) The minister shall not cancel a certificate without giving the beekeeper an opportunity to make written submissions.

Immovable brood combs prohibited

- 5** No person shall keep bees in a hive with immovable brood comb.

Import and transport permits

- 6(1)** Subject to subsection (3), no person shall import any beekeeping equipment that has been used in an apiary outside Saskatchewan or any bees in packages or cages, bees on comb, brood combs, or honeycombs into Saskatchewan unless that person is a beekeeper and has obtained an import permit from the minister.
- (2) The minister may issue an import permit if the minister is satisfied that the prescribed requirements are met.
- (3) Beekeepers do not require import permits for anything respecting bees and beekeeping equipment that meet prescribed requirements.

(4) No person shall transport any beekeeping equipment that has been used in an apiary outside Saskatchewan or any bees in packages or cages, bees on comb, brood combs, or honeycombs into Saskatchewan for the purpose of transporting any of them to another jurisdiction unless that person has obtained a transport permit from the minister.

(5) The minister may issue a transport permit if the minister is satisfied that the prescribed requirements are met.

Disposition prohibited

7 No person shall, without a permit from the minister, sell, offer for sale, rent, lend or otherwise dispose of bees, honeycombs, brood combs, bees on comb or used beekeeping equipment.

Information required

8(1) Any person who purchases or acquires used beekeeping equipment shall advise the minister and provide any information the minister requests.

(2) No beekeeper or other person who is aware of the existence of disease, either in an apiary or elsewhere, shall conceal from the minister the existence of the disease.

(3) Every beekeeper or other person shall, on request by the minister, disclose the location of all bees, honeycombs and brood combs in his, her or its possession or control and give the details of any measures employed to prevent or suppress disease among those bees or in those honeycombs or brood combs.

(4) A beekeeper must report any prescribed information to the minister within prescribed deadlines.

Chief inspector and inspectors appointed

9(1) The minister shall appoint a chief inspector for the purposes of this Act.

(2) The minister may appoint inspectors for the purposes of this Act.

(3) The minister may specify the duties and responsibilities of the chief inspector and any inspectors.

Powers of chief inspector and inspectors

10(1) The chief inspector or an inspector may, at any reasonable time, for the purpose of enforcing this Act or the regulations:

(a) subject to subsection (2), enter any land, place, premises or vehicle without a warrant;

(b) make any inspection, investigation or inquiry that the chief inspector or inspector considers necessary;

(c) seize any bees, honey, honeycombs, bees on comb, brood combs or beekeeping equipment found;

(d) examine any records of a beekeeper or any other person;

- (e) make copies of any records or, if unable to make a satisfactory copy, remove and retain the records for any period he or she considers reasonable after giving a receipt for the records to the beekeeper or other person; and
 - (f) be accompanied by any other person whom the chief inspector or inspector considers necessary.
- (2) The chief inspector or any inspector may not enter a private dwelling without a warrant issued pursuant to subsection (3) unless the occupant of the dwelling consents to the entry.
- (3) A justice of the peace or a judge of the Provincial Court of Saskatchewan may issue a warrant to enter into and search any private dwelling named in the warrant and seize any evidence if the chief inspector or inspector believes on reasonable grounds that:
- (a) a contravention of this Act or the regulations has occurred; and
 - (b) there is evidence of the offence at the private dwelling.
- (4) No person shall obstruct anyone who is authorized to conduct an inspection, investigation, inquiry or search pursuant to this section.

Quarantine

- 11(1)** The chief inspector may, if in his or her opinion it is necessary, by order declare a quarantine of bees, beekeeping equipment, honeycombs, brood combs or bees on comb:
- (a) in any portion of Saskatchewan;
 - (b) in the possession or control of any person; and
 - (c) determine the duration and conditions of the quarantine.
- (2) No person shall move bees, beekeeping equipment, honeycombs, brood combs or bees on comb subject to a quarantine order outside of the quarantine area without the permission of the chief inspector.
- (3) No person shall move bees, beekeeping equipment, honeycombs, brood combs or bees on comb through an area subject to a quarantine order without the permission of the chief inspector.
- (4) The chief inspector shall provide any notice of a quarantine order that, in his or her opinion, will make the order known to:
- (a) any person named in the order; and
 - (b) beekeepers affected by the order.

Attracting foraging bees

- 12** No person shall allow any honeycombs, brood combs, honey, beeswax, sugar syrups, feeders, or any other beekeeping equipment to be exposed in a manner that could attract foraging bees.

Destruction orders

13(1) The minister may order a beekeeper or any other person to do any of the following by a specified date:

- (a) destroy diseased bees, honeycombs, brood combs or bees on comb;
- (b) disinfect or destroy infected beekeeping equipment;
- (c) take any other steps that the minister directs to eradicate disease.

(2) Notice of an order made pursuant to subsection (1) shall be made by personal service or registered mail.

(3) If the person named in the order fails to comply with an order pursuant to subsection (1), the chief inspector or an inspector, accompanied by any other person whom the chief inspector or inspector considers necessary, may:

- (a) seize and destroy any diseased bees, honeycombs, brood combs or bees on comb;
- (b) seize, disinfect or destroy any infected equipment; or
- (c) take any other steps that the minister directed pursuant to clause (1)(c).

Recovery of minister's costs – filing of statement

14(1) If the minister undertakes any work for the purposes of section 13 and incurs any costs as a result, the minister may file in the office of the local registrar of the Court of Queen's Bench at the judicial centre nearest to the place where the work or the greatest portion of the work was done a statement that is certified by the minister and that sets out:

- (a) the amount of the costs incurred; and
- (b) the person from whom the costs are recoverable.

(2) If the minister files a statement pursuant to subsection (1), the minister shall cause a copy of the statement to be served on the person from whom the statement states the costs are recoverable.

(3) A statement filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the statement, together with any reasonable costs with respect to its filing.

(4) A person who has been served with a copy of a statement pursuant to subsection (2) may, within 30 days after receiving the copy, make written representations to the minister requesting the minister to reconsider the amount of the costs.

(5) The minister is not required to give an oral hearing to any person who makes written representations to the minister pursuant to subsection (4).

(6) On receipt of a written representation pursuant to subsection (4), the minister may:

- (a) withdraw the statement;
- (b) vary the amount of the costs and, for that purpose, withdraw the statement and file a new statement; or
- (c) confirm the statement.

(7) The minister shall notify the person who made the written representations of the minister's decision as soon as is reasonably practicable after making the decision.

Penalty

15(1) A person who contravenes any provision of this Act or the regulations or who fails to comply with an order of the minister or the chief inspector made pursuant to this Act is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000 for a first offence and to a fine of not more than \$10,000 for a subsequent offence.

(2) If a person is convicted for failing to comply with an order made pursuant to this Act, the convicting judge may, in addition to any fine imposed, direct that the order be carried out at the expense of the person convicted.

Disclose or publish information

16 The minister or the chief inspector may disclose any information necessary to prevent the spread of diseases, including the following:

- (a) whether or not a person is a beekeeper;
- (b) the presence or absence of disease in any apiary;
- (c) the location of apiaries;
- (d) the existence and particulars of any quarantine orders;
- (e) whether or not a permit has been issued.

Appeals to Court of Queen's Bench re order

17(1) Any person aggrieved by an order made pursuant to section 13 may appeal on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of the order.

(2) A person with respect to whom a statement has been entered as a judgment pursuant to section 14 may appeal the amount of the costs set out in the statement to a judge of the Court of Queen's Bench within:

- (a) 30 days after the date of the filing of the statement; or
- (b) if the person has made representations to the minister pursuant to section 14, within 30 days after the minister has issued a decision.

(3) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:

- (a) confirming the order;
- (b) amending or varying the order;
- (c) quashing the order; or
- (d) doing any other thing that the judge considers appropriate.

(4) In an order issued pursuant to subsection (3), the judge of the Court of Queen's Bench may specify the period within which the order must be complied with.

Appeal does not stay order or decision

18 An appeal pursuant to section 17 does not stay the operation of the order with respect to which the appeal is made, unless a judge of the Court of Queen's Bench orders otherwise.

Immunity

19 No action or proceeding lies or shall be commenced against the Government of Saskatchewan, the minister, the chief inspector, an inspector, any person accompanying the chief inspector or inspector, or any officer or employee of the Government of Saskatchewan, if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

Regulations

20 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing requirements a person must meet to be eligible for a certificate;
- (c) prescribing the term for which a certificate is valid;
- (d) prescribing any fees and the amount of those fees that must be paid;
- (e) prescribing operating requirements, standards, prohibitions or restrictions of practices related to the operation of an apiary;
- (f) prescribing any disease or pest to be a disease within the meaning of this Act;
- (g) prescribing requirements for a permit to be issued pursuant to subsection 6(2), including authorizing the minister to set requirements;
- (h) prescribing requirements for things that do not require an import permit for the purposes of subsection 6(3), including authorizing the minister to set requirements;

- (i) prescribing requirements for a permit to be issued pursuant to subsection 6(5), including authorizing the minister to set requirements;
- (j) establishing programs to compensate beekeepers for the destruction, by order pursuant to the Act, of bees, honeycomb, brood comb, bees on comb or beekeeping equipment for amounts not to exceed the fair market value of what was destroyed;
- (k) prescribing any information that must be reported by beekeepers pursuant to section 8 and the frequency of that reporting;
- (l) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (m) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

R.S.S. 1978, c.A-22 repealed

21 *The Apiaries Act* is repealed.

Transitional - certificates and orders

22 Every certificate of registration and order that was issued pursuant to *The Apiaries Act* and that was in existence on the day before the coming into force of this Act is continued as a certificate or order pursuant to this Act subject to the terms and conditions imposed on it and may be dealt with pursuant to this Act as if it were a certificate or order issued pursuant to this Act.

Coming into force

23 This Act comes into force on proclamation.