

# Rural Affairs and Islands Committee

16<sup>th</sup> Meeting, 2023 (Session 6), Wednesday, 24 May

## Subordinate legislation cover note

<b>Title of Instrument:</b>	<a href="#">The Bee Diseases and Pests Control (Scotland) (Amendment) Order 2023</a>
<b>Type of Instrument:</b>	Negative (see paras 14-15)
<b>Laid date:</b>	30 March 2023
<b>Reporting deadline:</b>	22 May 2023
<b>Coming into force:</b>	25 May 2023
<b>Instrument drawn to Parliament's attention by DPLRC:</b>	No
<b>Instrument made using powers conferred by:</b>	<a href="#">Bees Act 1980</a>
<b>Supporting documentation:</b>	<ul style="list-style-type: none"> <li>policy note attached <b>Annexe A</b></li> </ul>

## Purpose of the Instrument

1. This order amends the Bee Diseases and Pests Control (Scotland) Order 2007 (the 2007 order) which makes provision for the control of pests and diseases affecting bees.
2. Article 2 of this order introduces a new provision, Article 11A, to the 2007 order. This allows the Scottish Ministers to publish a notice about special measures on the importation of various items, including bees, combs, bee products, hives, containers, and other appliances that have been exposed to or may carry notifiable pests or diseases. These special measures may be applied by Scottish ministers when there are reasonable grounds to suspect the existence of notifiable pests or diseases in a country or territory outside of Great Britain, and when it is necessary to prevent their introduction into Great Britain. Consequential amendments are also made to the provisions relating to notices in articles 2 and 16 of the 2007 order.
3. According to the explanatory note, a business and regulatory impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

## Background

4. The importation of bees into Great Britain is regulated by Commission Regulation (EU) 206/2010, which specifies the countries from which bees can be imported. The Trade in Animals and Related Products (Scotland) Regulations 2012 outlines the requirements for importing animals and products, including bees and bee products, into Scotland and the regulations they must adhere to. The 2007 order lays out provisions for notifiable pests and diseases of bees, including post-importation requirements for imported bees.
5. In order to prevent the introduction of notifiable diseases or pests of bees into Scotland, the Scottish Ministers may declare special measures that prohibit the importation of bees, bee products, hives, and related equipment from countries with outbreaks. The 2007 order defines notifiable diseases and pests, and the special measures may also include conditions to be followed before, during, and after importation, as well as exemptions with a license. The Scottish Ministers may also declare other measures deemed necessary to prevent the introduction of a notifiable disease or pest.
6. The new power being introduced in this instrument is considered to be a more effective tool for preventing the introduction of a bee pest or disease than the existing power under regulation 25 of the Trade in Animals and Related Products (Scotland) Regulations 2012. The new power allows special measures to be declared for the importation of bees, bee products, hives, appliances, or anything that may have been exposed to infection.
7. The enforcement of special measures declared under the Trade in Animals and Related Products (Scotland) Regulations 2012 is carried out by different authorities depending on whether the enforcement relates to "animals" or "products" and where the enforcement takes place. However, the new power to declare special measures will be introduced through an amendment to the 2007 order, which will allow the Scottish Ministers to authorise appropriate individuals to enforce the measures. This flexibility is particularly useful for imported beekeeping equipment that is not required to enter Great Britain via a border control post, and the authorised persons may include individuals with specialist knowledge of bee health and beekeeping.

## Consideration by the Delegated Powers and Law Reform Committee

8. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [25 April 2023 and agreed that no points arose.](#)

## Consideration by the Rural Affairs and Islands Committee

9. The Rural Affairs and Islands Committee initially considered the Bee Diseases and Pests Control (Scotland) (Amendment) Order 2023 at its meeting on 10 May 2023. The Committee agreed defer consideration, awaiting further information from the Scottish Government on two points.

10. First, the Committee asked for further information about those individuals deemed to be “authorised persons” (defined in section 3 of the Bees Act 1980 as “a person generally or specially authorised in writing by the responsible Minister).

11. In its response, the Scottish Government stated—

“Rural Payments and Inspections Directorate (RPID) bee inspectors are “authorised persons” for the purposes of the Bees Act 1980 and for any order made in exercise of the powers conferred by section 1 of the Bees Act 1980 (including the Bee Diseases and Pests Control (Scotland) Order 2007). All RPID Bee inspectors are trained on an annual basis to ensure they are competent in carrying out colony disease inspection including control of the bees, safe handling of equipment, demonstrating proper consideration of health and safety principles and disease recognition. All RPID bee inspectors are assessed each year in the field by the Lead Bee Health Officer or assistant to ensure they have suitable apiary skills.”

12. Second, the Committee also asked why, according to the policy note, the new power to declare special measures introduced by this instrument is considered to be a more effective tool for preventing the introduction of a bee pest or disease than the existing power.

13. In its response, the Scottish Government stated—

“In addition to the fact that the new power allows special measures to be declared in relation to the importation of bees, bee products, hives, appliances (including containers or any other equipment used in connection with keeping or transporting bees) or any other thing which has or may have been exposed to infection, the Scottish Ministers will be able to authorise such persons as they consider appropriate for the enforcement of any special measures declared under this new power, which may include people with specialist knowledge of bee health and beekeeping. This flexibility will be particularly useful for imported beekeeping equipment which is not required to enter Great Britain via a border control post. In contrast, enforcement of special measures declared under the Trade in Animals and Related Products (Scotland) Regulations 2012 is carried out per regulation 27 of those Regulations by different enforcement authorities depending on whether the enforcement relates to “animals” or “products” and depending on where the enforcement is taking place.”

## Parliamentary procedure – negative instruments

14. The negative parliamentary procedure is set out in Chapter 10 of the Parliament's Standing Orders. Instruments subject to the negative procedure come into force on a specified date and remain in force unless it is annulled by the Parliament. Thus, the Parliament does not need to agree to the instrument in order for it to come into force.
15. The Parliament may, however, and on the recommendation of the lead committee, recommend the instrument be annulled within 40 days of the instrument being laid. Any MSP may by motion propose to the lead committee that the committee recommends "that nothing further is to be done under the instrument". Any motion for annulment would be debated by the lead committee and a report made to Parliament.

## For decision

16. **The Committee is invited to note the instrument set out above.**

**Rural Affairs and Islands Committee clerks  
May 2023**

## Policy Note

# The Bee Diseases and Pests Control (Scotland) (Amendment) Order 2023

The above instrument was made in exercise of the powers conferred by section 1 of the Bees Act 1980 (a)

The instrument is subject to *negative procedure*.

## Summary Box

This instrument will introduce a power allowing the Scottish Ministers to declare special measures on the importation into Scotland of bees, combs, bee products, hives, appliances or any other thing which has or may have been exposed to infection with any notifiable pest or notifiable disease. The power may be exercised where the Scottish Ministers have reasonable grounds for suspecting the existence of a notifiable disease or pest in the whole or part of a country or territory outside of Great Britain, and where it is necessary to prevent the introduction of the notifiable pest or notifiable disease from that country or territory.

## Policy Objectives

1. The general conditions for the importation of bees into Great Britain are laid down by [Commission Regulation \(EU\) 206/2010](#) which lists the countries from which bees may be imported. The Trade in Animals and Related Products (Scotland) Regulations 2012 sets out requirements for animals and products (including bees and bee products) to be imported into Scotland and details the controls that imported animals and products are subject to. [The Bee Diseases and Pests Control \(Scotland\) Order 2007](#) makes provision in relation to notifiable pests and notifiable diseases of bees, including post-importation requirements for imported bees.
2. When there is an outbreak of a notifiable disease or notifiable pest of bees in a country or territory outside of Great Britain, it is important that the Scottish Ministers are able to act quickly and effectively to prevent the introduction of that disease or pest into Scotland. Per article 2 of the Bee Diseases and Pests Control (Scotland) Order 2007, “notifiable disease” means American foul brood or European foul brood, and “notifiable pest” means the small hive beetle (*Aethina tumida*) or any species of the Tropiclaelaps mite. This instrument will allow the Scottish Ministers to declare special measures prohibiting the importation into Scotland of bees, combs, bee products, hives, appliances (including containers or any other equipment used in connection with keeping or transporting bees) or any other thing which has or may have

been exposed to infection. Special measures may also impose conditions to be observed before, during or after importation, and provide for exemptions from a prohibition of importation under the authority of a licence issued by the Scottish Ministers. The Scottish Ministers may also declare such other measures as they consider necessary to prevent the introduction of a notifiable pest or notifiable disease.

3. Outbreaks of notifiable disease and notifiable pests do occur in countries from which bees may be imported, and are currently dealt with by way of special measures under regulation [25\(1\) of the Trade in Animals and Related Products \(Scotland\) Regulations 2012](#). Under regulation 25 of the Trade in Animals and Related Products (Scotland) Regulations 2012, the Scottish Ministers may declare special measures suspending the entry into Scotland of any animal or product in certain circumstances, including where the Scottish Ministers have reasonable grounds for suspecting the existence of a disease, zoonosis, phenomenon or circumstance in a country or territory outside of Great Britain, and where the animals or products originating from the whole or part of that country or territory are liable to pose risk to human or animal health. For example since 16 January 2023 the Scottish Ministers have put in place special measures under regulation 25 of the Trade in Animals and Related Products (Scotland) Regulations 2012 suspending the import of bees and certain bee products from the region of Calabria, Italy in response to an ongoing outbreak of small hive beetle (a notifiable bee pest) in the area. Small hive beetle is a serious pest of honey bees and is notifiable in the EU and the UK. It is native to Africa but has become endemic in other countries. It is not known to be present in the UK but it is considered that the UK would be a suitable environment for the pest to become established. Whilst the UK does not have a significant export trade in bees and bee products, domestic production could be severely impacted if the small hive beetle were to become established.
4. The new power to declare special measures that will be introduced by this instrument is considered to be a more effective tool for preventing the introduction of a bee pest or disease than the existing power to declare special measures under regulation 25 of the Trade in Animals and Related Products (Scotland) Regulations 2012. The new power allows special measures to be declared in relation to the importation of bees, bee products, hives, appliances (including containers or any other equipment used in connection with keeping or transporting bees) or any other thing which has or may have been exposed to infection.
5. Enforcement of special measures declared under the Trade in Animals and Related Products (Scotland) Regulations 2012 is carried out per regulation 27 of those Regulations by different enforcement authorities depending on whether the enforcement relates to “animals” or “products” and depending on where the enforcement is taking place. In contrast, the new power to declare special measures will be introduced by way of amendment to the Bee Diseases and Pests Control (Scotland) Order 2007 which is enforced by

“authorised persons”, defined in section 3 of the Bees Act 1980 as “a person generally or specially authorised in writing by the responsible Minister”. This will allow the Scottish Ministers to authorise such persons as they consider appropriate for the enforcement of any special measures declared under this new power, which may include people with specialist knowledge of bee health and beekeeping. This flexibility will be particularly useful for imported beekeeping equipment which is not required to enter Great Britain via a border control post.

6. The new power will therefore provide a more effective means by which the small hive beetle outbreak in Calabria, and future outbreaks in other countries and territories, may be dealt with.

## Consultation

7. There is no statutory duty to consult, and policy officials have concluded that a consultation is not necessary.

## Impact Assessments

8. There is no, or no significant, impact on business, charities or voluntary bodies.

## Financial Effects

9. The Cabinet Secretary for Rural Affairs and Islands confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.