



An Bille um an mBeach Mheala Dhúchasach Éireannach a Chosaint, 2021
Protection of the Native Irish Honey Bee Bill 2021

Mar a tionscnaíodh

As initiated



**AN BILLE UM AN mBEACH MHEALA DHÚCHASACH ÉIREANNACH A
CHOSAINT, 2021
PROTECTION OF THE NATIVE IRISH HONEY BEE BILL 2021**

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ACT REFERRED TO

Animal Health and Welfare Act 2013 (No. 15)



AN BILLE UM AN mBEACH MHEALA DHÚCHASACH ÉIREANNACH A
CHOSAINT, 2021
PROTECTION OF THE NATIVE IRISH HONEY BEE BILL 2021

Bill

entitled

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An Act to ban the importation of non-native honey bees with the aim of reducing the threat to and adverse impact upon biodiversity and the ecosystem arising from the introgression/crossing/cross-breeding of the native Irish Honey Bee, *Apis mellifera mellifera*, due to the importation of non-native species or sub-species of and/or strains derived from *Apis mellifera* and to provide for the appointment of authorised officers; to make it an offence to forge an animal health certificate; and to provide for related matters. 10

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act— 15

“authorised officer” means—

- (a) an authorised officer appointed under section 37 of the Animal Health and Welfare Act 2013,
- (b) a member of the Garda Síochána, or
- (c) an officer of Customs and Excise; 20

“honey bees” means bees of the species *Apis mellifera*;

“Minister” means the Minister for Agriculture, Food and the Marine;

“native Irish honey bee” means the European Dark Honey Bee classified as *Apis mellifera mellifera* and includes such bees at any stage in their life.

Expenses

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2. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Prohibition on import

3. (1) A person shall not bring into the State or cause or permit another person to bring into the State, either directly or indirectly, bees, at any stage of their life cycle, that cannot be classified as native Irish honey bees *Apis mellifera mellifera*.
- (2) A person shall not have honey bees that have been brought into the State in contravention of *subsection (1)* in his or her possession or under his or her control. 5

Functions of authorised officer

4. (1) If an authorised officer has reasonable cause to suspect that honey bees, other than native Irish honey bees, *Apis mellifera mellifera*, have been imported or are being imported, the authorised officer may enter the premises and may— 10
- (a) search the premises,
 - (b) stop a person, vehicle, vessel or container,
 - (c) board and search a vehicle, vessel or container,
 - (d) examine the honey bees, a vehicle, vessel, container, equipment, machinery or other thing, 15
 - (e) take, without payment, samples of honey bees or other thing or an article, substance or liquid as they may reasonably require and carry out or cause to be carried out on a sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient,
 - (f) require the production of a document (including a document in non-legible form in a legible form) or thing relating to the honey bees, a vehicle, vessel, container, equipment, machinery or other thing, 20
 - (g) retain a document or thing (for so long as is necessary),
 - (h) make a record using any means including writing, photography or video,
 - (i) give a direction to, or request information of, a person regarding honey bees, a vessel, vehicle, container, machinery, equipment, premises or other thing as he or she considers necessary, 25
 - (j) require the name and address of a person and the name and address of any other person including the owner of, or person to whom the honey bees, or other thing is being delivered or who is causing it to be delivered, 30
 - (k) require of a person the ownership, identity and origin of the honey bees, a vessel, vehicle, container, equipment, machinery or other thing,
 - (l) require a person in charge or control of a vessel, vehicle or container to refrain from moving it,
 - (m) carry out surveys or other investigations, or 35
 - (n) mark or otherwise identify bees, a vessel, vehicle, machinery, equipment or other thing or a sample taken under *paragraph (e)*.
- (2) If a member of the Garda Síochána has reasonable grounds to suspect that a person has committed an offence under this Act, the member may without warrant arrest the

person.

- (3) If in the course of exercising any powers under this section an authorised officer or a member of the Garda Síochána finds or comes into possession of any thing that the officer or member believes to be evidence of an offence or suspected offence under this section it may be seized and retained for use in evidence in criminal proceedings. 5
- (4) Nothing in this section operates to prejudice a power conferred by another enactment to search, or to seize or detain property, which may be exercised by a member of An Garda Síochána or an officer of Customs and Excise.

Obstruction etc.

- 5. A person shall not— 10
 - (a) obstruct or impede an authorised officer (or a person who accompanies an authorised officer) in the exercise of his or her powers under *section 4*,
 - (b) fail, without reasonable cause, to comply with a requirement or direction of an authorised officer under *section 4*,
 - (c) in purporting to give information to an authorized officer for the performance of the officer's powers under *section 4*— 15
 - (i) make a statement that he or she knows to be false in a material particular or recklessly make a statement which is false in a material particular, or
 - (ii) fail to disclose a material particular.

Forgery

- 6. (1) A person shall not forge or utter knowing it to be forged, an animal health certificate purporting to comply with the form specified in either Chapters 55 to 57 of Annex I or Chapters 36 and 37 of Annex II of Commission Implementing Regulation (EU) 2021/403¹. 20
- (2) A person shall not alter with intent to defraud or deceive, or to utter knowing it to be so altered, an animal health certificate purporting to comply with the form specified in either Chapters 55 to 57 of Annex I or Chapters 36 and 37 of Annex II of Commission Implementing Regulation (EU) 2021/403². 25
- (3) A person shall not have, without lawful authority (the proof of which lies on him or her), in his or her possession or under his or her control a forged document or an altered document. 30

Offences, etc.

- 7. (1) A person who contravenes or aids or abets a contravention of—
 - (a) *section 3*,
 - (b) *section 5*, 35
 - (c) *section 6*, or

¹ OJ L 113, 31.3.2021, p.1

² OJ L 113, 31.3.2021, p.1

- (d) a direction or requirement of an authorised officer under *section 4*,
commits an offence and is liable—
- (i) on summary conviction, to a class A fine, or to imprisonment for a term not exceeding 6 months, or to both, or
 - (ii) on conviction on indictment— 5
 - (I) in the case of a first offence, to a fine not exceeding €125,000, or to imprisonment for a term not exceeding 1 year, or to both, or
 - (II) in the case of a second or subsequent offence to a fine not exceeding €250,000, or to imprisonment for a term not exceeding 3 years, or to both.
- (2) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was acting or purporting to act in such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 10
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- (3) Summary proceedings for an offence under this Act may be brought and prosecuted by the Minister for Agriculture, Food and the Marine or such person or body authorised by the Minister in writing.

Short title and commencement

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- 8.** (1) This Act may be cited as the Protection of the Native Irish Honey Bee Act 2021.
- (2) This Act shall come into operation one month after the date of its passing or on such earlier date than the said one month as the Minister for Agriculture, Food and the Marine may by order appoint.

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do chur cosc le beacha nach beacha meala dúchasacha Éireannacha a allmhairiú, d'fhonn laghdú a dhéanamh ar an mbagairt, agus ar an drochthionchar, ar an mbithéagsúlacht agus ar an éiceachóras a eascraíonn as ionghabháil/crosáil/crosphóru na Beiche Meala dúchasai Éireannaí, *Apis mellifera mellifera*, mar gheall ar allmhairiú speiceas neamhdhúchasach nó fospeiceas d'*Apis mellifera* agus/nó tréithchineálacha a dhíorthaíonn as *Apis mellifera* agus do dhéanamh socrú maidir le hoifigigh údaraithe a cheapadh; do dhéanamh cion de dheimhniú um shláinte ainmhi a bhrionnú; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Na Seanadóirí Vincent P. Martin, Éirinn Ní Ghreacháin, Róisín Ní Gháirbhith, Mary Seery-Kearney, Lynn Boylan, Niall Ó Donnghaile, David Norris, Alice-Mary Higgins, Gerard P. Craughwell, Pól Ó Gábháin, Fintan Warfield, Marcas de Bhál, a thug isteach,

20 Deireadh Fómhair, 2021

BILL

(as initiated)

entitled

An Act to ban the importation of non-native honey bees with the aim of reducing the threat to and adverse impact upon biodiversity and the ecosystem arising from the introgression/crossing/cross-breeding of the native Irish Honey Bee, *Apis mellifera mellifera*, due to the importation of non-native species or sub-species of and/or strains derived from *Apis mellifera* and to provide for the appointment of authorised officers; to make it an offence to forge an animal health certificate; and to provide for related matters.

Introduced by Senators Vincent P. Martin, Erin McGreehan, Róisín Garvey, Mary Seery-Kearney, Lynn Boylan, Niall Ó Donnghaile, David Norris, Alice-Mary Higgins, Gerard P. Craughwell, Paul Gavan, Fintan Warfield, Mark Wall,

20th October, 2021

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8, D08 XAO6.
Teil: 046 942 3100
r-phost: publications@opw.ie
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