

Swarms & Ownership

Swarms and ownership rely on a number of facts and come under Common Law, a swarm has no ownership unless you see it emerge from your hive and follow it, you must have the permission of the land owner to enter their land to recover it, if you do not follow procedure, then you have lost ownership.

To take a swarm easily either with a drawn comb and the balance of frames fitted with foundation in a hive is the surest way of securing a swarm that can be dropped in or run up, a skep is an alternative but the bees have to be transferred into a hive that same day. Putting a swarm back into the hive it left is a no no, it will emerge again. Collecting swarms from awkward places, drawn combs secured above the bees usually work well as bees travel upwards more easily than downwards. Permission to enter private land must be sought, otherwise Trespass is involved.

If you are new to bee keeping or considering starting, you should consider whether you have sufficient space when managing your colony **not** to have **your bees sting** your neighbours or whether any neighbours are subject to **anaphylactic shock**. Wearing a full bee suit is a statement that bees are **dangerous** and is **evidential***. Most new beekeepers give up between 4 to 6 years for various reasons.

The Bees Act 1980 intended to bring bees into one Act of Parliament. Basically allows the NBU to put Orders in Place eg. Statutory Instruments, Regulating the imports of bees and queens, inspections for disease, giving instructions for treatment or destruction and other matters.

The *Environmental Protection Act 1990 does not specifically mention bees however shortly after coming into force a number of beekeepers received Abatement Notices which were challenged in the Magistrates Court, some were upheld, those bee keepers were obliged to reduce their stocks or move them away.

A Council Environment Officer has power to issue an Abatement Notice, this can be escalated with an Abatement Order from a Magistrates Court and appealed at Crown Court.

The Act gives the right of the aggrieved (plaintiff) to apply directly for an Abatement Order to the Magistrates Court. Since the introduction of the Environmental Protection Act 1980 such a nuisance is no longer a private nuisance but a public nuisance. If the bee keeper is aggrieved by the Abatement Order, an appeal can be made to the Crown Court. This can be costly!

There is other Statute law concerning bee keeping, too many to list here. Bees-at-Law is a good reference book by Noël Sweeny LL.B Dip. Crim. I M.A. at Gray's Inn, barrister-at-law available from Northern Bees Books £35.00 published 2017

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