



Abandoned Hives

Their identification and removal

This leaflet has been prepared by the BBKA in response to a number of questions about hive ownership and how to deal with apparently abandoned hives.

Whilst the BBKA has taken due care in compiling this advice, each case is different and more complete legal advice should be taken in the event of a serious dispute.

This advice has been prepared under English Law; questions of property and landholding may vary in other countries of the UK. Also, some of this advice has never been tested in any court, so legal precedent is not well established.

Q1. What should I do to make sure my hives are not removed by mistake?

Firstly, make sure the landowner knows how to contact you and make it clear that this information should be passed if requested to anyone with a reasonable right to know.

Secondly, make sure that all equipment is indelibly marked. Your BBKA membership number is ideal for this purpose; it will never be used by another beekeeper. Additionally, a note in permanent ink of how to contact you in a sealed container under the roof of each hive, or your phone number on a 'Dymo' label pinned to the outside of a hive roof are standard techniques.

If you cannot visit the hives or there is a possibility that they may look 'abandoned', (e.g. because of prolonged illness), make sure that the landowner, neighbours, local police and local Bee Inspector are made aware of the circumstances. It might be an idea to enlist the help of another beekeeper to keep the hives looking 'cared for'.

If members of the public pass close to the hives (e.g. on a foot-path) a sign giving your name and phone number may be reassuring.

If you keep your hives as concealed as possible, say to limit vandalism or theft, remember that if they are discovered, they are more likely to be regarded as abandoned.

Q2. I have taken ownership of some land (or taken a lease/tenancy on it) and have found some beehives which I know nothing about. What should I do?

Bees are important pollinators. If the hives appear to be 'occupied', then the bees may well be doing something useful for the surrounding crops and flora and belong to someone. However, honey bees are prone to a number of serious diseases and an unmanaged hive represents a possible threat to all honey bees in the area.

Firstly, try to find the owner of the hives. Are there any names or numbers visible on the hives? A number like 12-34-56 could well be a BBKA membership number (contact details below) and they may be able to help, but there may be data protection issues.

Contact your local beekeeping association; again, the BBKA can

put you in touch with them. Even if the hives belong to someone who is not a member, an experienced beekeeper will be able to examine the hives both for other information about the owner (e.g. by looking inside the hive) and assess their state of health.

Secondly, leave a note for the beekeeper in an obvious place near the hives (or inside the hive). This should be protected from the elements and from the bees (who will chew paper to destruction).

A responsible beekeeper will visit their hives regularly in the active season from April to September. In winter (October to March) they may not visit so often as there is no need to for beekeeping reasons, so please be patient if you can.

If you have taken ownership/tenancy 'with vacant possession' then the previous owner may be in breach of their obligations if the hives remain.

Q3. I cannot easily find the owner of the hives. What else should I do?

Firstly, ensure that you have made reasonable efforts to find the owner, including:

- contacting all local sources of information (and the BBKA) as above,
- keep a record of all attempts to contact the owner, ideally having dated photographic evidence if the site appears overgrown or the bees appear to be a nuisance,
- notify the police of your attempts to find the owner.

If all reasonable attempts fail, then you can assume ownership of the hives. Where you have left a note with the hives, then a period of 28 days is regarded as a reasonable time to wait between April – September, but in the winter beekeepers may not visit their hives for considerably longer.

Secondly, you could give notice to the previous land owner to remove the hives by way of notice under Section 12 of the Goods (Interference with Goods) Act 1997.

This is a good way to proceed if you wish to follow a formal route as it may cause the previous owner to contact the hive owner. You should allow a reasonable period of time for removal; again, 28 days is likely to be sufficient in law between April – September, but longer in the winter.

Thirdly, a possible route would be to report the hives to the local police as 'lost property'. This has never been tested in law as far as the BBKA is aware. The police are likely to waive the need to bring the 'property' to the police station but may like to have some photographs of the hives and location. After a period of time, then the property reverts to the 'finder'.

Q4. I have found the owner but he/she refuses to remove the hives. What can I do?

In principle, provided you have a reliable record of this refusal (or reliable witnesses to, for instance, a conversation) then you can immediately deal with the hives when and how you wish.

If you feel the need for more legal protection for your actions, you can serve notice on the owner as in Q3 above. After the 'reasonable period' you may deal with the hives as you wish, if they remain.

Q5. I am a beekeeper who has been approached to deal with some hives that appear to be abandoned. What should I do?

Before you do anything to the hives, make sure that you have the right to do so. If you are being directed by the landowner/tenant then proceed as follows:

- Make sure they put all their requests in writing or that you have a reliable witness.
- Be aware the colonies may be infected with a notifiable disease. Be meticulous in your hygiene and quarantine arrangements. Remember, you could be accused of bringing disease into the hive(s) as well.
- Limit your first actions to the minimum necessary to try and establish ownership of the hives using any possible information stored inside. Ensure that the landowner has exhausted other means of establishing this. Take photographs before and after to protect yourself from any accusation of damaging the hives, should the owner reappear.
- If asked to destroy the colonies, make quite sure that the landowner has tried to find the owner. Inspect all his/her documentation to that effect before proceeding. Destruction should (on a worst case basis) follow the procedures for AFB destruction specified by the NBU and NOT by using an insecticide.
- If you are asked to move the hives, apart from the question of ownership, you may be acting in contravention of a standstill order. Check with the Bee Inspector that there is no such order in force.

Q6. I am a landowner and I want to destroy beehives on my property as a last resort. What should I do?

Firstly, try to get help from the local beekeeping association or a local beekeeper, as for Q5 above.

Secondly, try contacting the BBKA for further advice.

Thirdly, the Fera Bee Inspector may be able to help. However, they can only destroy hives if the presence of certain diseases has been confirmed. In any case, you should contact the Bee Inspector to make sure there is no standstill notice in force relating to the hives. You could be inadvertently committing an offence if you move such hives.

If no help is forthcoming, then the last resort is that you destroy the colonies yourself or with the help of a licensed pest controller. There is a recognised specialised procedure for honey bee colony destruction used by Fera when required. Information can be obtained via the National Bee Unit or the Bee Inspector in writing or from their website.

Please do not attempt to destroy the colonies in any other way. Insecticides may be picked up by other bees and carried to properly managed colonies. Many 'poisonings' of beehives occur for this reason.

Please bear in mind that hive components, equipment, wax and debris can all contain disease for many years, regardless of whether they contain live bees or not. Do not keep 'souvenirs'. The BBKA recognises that colony destruction is a measure of last resort, but this is preferable to allowing potentially infected bees and equipment to remain in the open environment.

Q7. What can the 'Ministry' do?

Fera maintains a number of Bee Inspectors under the direction of its 'National Bee Unit'. They have statutory powers of inspection of hives if a notifiable bee disease is suspected in the hive(s) or has been found in other hives in the area. They also have powers to order treatment or destruction of hives if certain diseases are confirmed.

The NBU prefers to deal with beekeepers in a co-operative fashion. Where disease inspection is required and the beekeeper cannot be contacted, it is usual for the Bee Inspector to place a note in the hive or in the apiary and allow two weeks for the beekeeper to respond before taking more severe action.

Similarly, if treatment or destruction is required, notice must be served on the colony owner. The Bee Inspectors will follow the same general approach described in Q2 and Q3 above before taking matters into their own hands, as they have no specific legal powers to assume ownership of a hive.

The NBU and its staff have no powers to intervene in questions of ownership of colonies and equipment.

Q8. The owner has reappeared – what are his or her rights?

If the hives are still intact and you are satisfied this is the owner, then the sensible thing is to ask for the hive(s) to be removed forthwith.

If you have previously made all reasonable attempts to contact the owner (as described in Q3 above), then you can keep the hives if you wish. In anticipation of this eventuality it is vital that you keep a full record of all your attempts to contact the previous owner.

General points:

This leaflet is one of a series intended to help beekeepers and non-beekeepers. If you believe the contents of this leaflet are relevant to you, please seek further advice from an experienced beekeeper or your tutor.

Information is updated regularly – please check with the BBKA web site at: www.bbka.org.uk – for the latest information.

This leaflet supersedes: (No:2 2008 1st edition).

Note: The same information is published in our printed leaflet L016 available from the BBKA.

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