

Trespassers should know Bumble Bee Law!



By Brian Madigan LL.B.

Are you a trespasser? Do you frequently find yourself on someone else's property? Then, you should become familiar with *Bumble Bee law*.

There are certain rules that have been established when it comes to real estate and bumble bees and people chasing them. You might wonder why, but making honey is a valuable business and it is engaged in by both fulltime and part-time beekeepers.

By the way, an “**apiary**” is a place where bees and beekeeping equipment are kept. This is one word that you should memorize, so when you are caught trespassing, it will immediately come to mind.

So, here are some of the **rules**:

Bees in hive private property

2. Bees reared and kept in hives are private property.

Right of owner to pursue and recover swarm

3. (1) Subject to subsections (2), (3) and (4), where a swarm of bees leaves a hive, the owner of the swarm may enter upon the premises of any person and recover the swarm.

Where owner declines to pursue swarm

(2) Where the owner of a swarm of bees that leaves its hive declines to pursue it and another person takes up the pursuit, such other person is subrogated to all the rights of the owner in respect of the swarm.

Owner of premises to be notified

(3) Where the right to recover a swarm of bees is claimed under subsection (1) or (2), the person claiming the swarm shall notify the owner of the premises on which the swarm has settled before entering the premises and shall compensate the owner for any damage to the premises caused by the entry.

When right of property in swarm lost

(4) Where a swarm of bees leaves a hive and settles in an occupied hive owned by a person other than the owner of the swarm, the owner of the swarm loses all right of property in the swarm.

So, when it comes to bees, you own them, if they are in a hive on your property. And you can chase them if they fly away, even onto someone else's property. You better be a good runner, because if you slow down, and it appears that you may have given up, someone else and this could be anyone, can take up the chase. And, what's worse, is they get all your rights. In fact, they can continue the chase while you are catching your breath.

The only little qualification here is that you are supposed to notify the owner first. But, that could be difficult when you are in hot pursuit.

Also, it would probably be best if you had some sort of net with you. Otherwise, you just look like an ordinary trespasser. And, remember you are after the swarm, not just one bee. Billy Bee doesn't count, but he and a few friends will. Now, I'm not quite sure whether two bees constitute a swarm or not.

Up until now we have considered you as the aggressor chasing after this swarm of bees all seeking a new hive. However, I would not think it unreasonable to be running from the bees. You would have to say that you were attempting to lure them back. If they can't be found, then they just can't fly as fast as you can run.

This is a great piece of legislation to have in mind if you are a frequent trespasser. It's just as good as being a surveyor (who is legally allowed to trespass everywhere) and you don't have to lug all that equipment around.

Just remember when you are confronted:

- You are chasing a swarm of bees
- You are luring a swarm of bees
- The bees were not your bees
- The bees belonged to someone else
- That other person obviously ran out of breath
- So, you are in hot pursuit
- You are now legally subrogated to all of the former owner's rights
- You are the legal owner of the swarm of bees

- You haven't named them yet because you haven't caught them
- You thought that your swarm of bees had settled on someone's property
- You just didn't quite have a chance to notify them yet
- You are aware of your legal obligation to compensate the owner for any damage

And, that's the *legal reason* why you are on someone else's property. You can't be a trespasser. You're a bee chaser. You are simply exercising your rights under the *Bees Act*. One other piece of advice: carry a net!

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