



THE LAW OF THE HIVE

How England (and everybody else) learned to regulate an animal that cannot be told what to do

By Carlos Schmidt, CPA | La Presa Partners LLC | October 27, 2026

A cow can be fenced in. A honey-bee colony can leave. One warm afternoon the old queen and thousands of workers may settle in your neighbour's tree, leaving you with a question lawyers have been answering since Roman times: whose bees are they now? England asks no licence of you to keep them and does not make you register them, though it will want to hear from you the moment disease appears. The law classes the animal as wild, has taken rent from it in honey, and has been writing rules about it for fifteen hundred years. Numbers are rounded and sourced in the notes.

01 Start with the problem the Romans solved first

Every system of bee law begins with the same awkward fact. A bee stays in a hive because it wants to, and one warm afternoon in May more than half the colony will decide it no longer wants to, pour out of the entrance with the old queen, and hang from your neighbour's apple tree like a humming rugby ball. Who owns it now?

The Emperor Justinian's lawyers took this on in the *Institutes* (about AD 533) and got it, more or less, right for the next fifteen centuries. Bees, they said, are *ferae naturae*: wild by nature. You have a qualified property in them while they are in your hive, and the foragers that fly out and come home again stay yours, because they mean to return. A swarm is different. It has left for good, and it is yours only so long as you keep it in sight and pursuit is not difficult. Give up the chase and it belongs to nobody, and then to whoever hives it first.

Blackstone lifted that rule almost word for word into the *Commentaries* in 1766, and English courts have never seen a reason to change it:

A swarm which fly from and out of my hive are mine so long as I can keep them in sight, and have power to pursue them.

Sir William Blackstone, *Commentaries on the Laws of England*, Book II, ch. 25 (1766)

Notice what the rule does. It cares nothing for who fed the bees, who bought the queen, or whose name is on the hive. It cares about pursuit. Property in a swarm lasts exactly as long as the chase, which makes it a leasehold on your own vigilance. (The bee, for her part, has never read Blackstone and would not be impressed.)

There is a second half to Blackstone's passage that gets forgotten. Keeping the swarm in sight gives you ownership; it does not give you a right of entry. If the swarm settles in Mrs Patel's magnolia, you own the bees and she owns the magnolia, and you had better bring biscuits.

The Court of Appeal said so, with no biscuits on the record, in *Kearry v Pattinson* [1939] 1 KB 471. Kearry watched his swarm leave his hive and settle in Pattinson's garden next door. He asked to fetch them. Pattinson refused. The next day Pattinson relented and said Kearry could come in; by then the bees had flown. Kearry sued and lost. The court held that "power to pursue" means lawful power, not a good pair of legs: a keeper has

no right to insist on entering a neighbour's land, so when his swarm settles where he cannot lawfully follow, his qualified property in it ends. The neighbour may let him in, and often will, but owes him nothing if he does not, and nothing for the bees that leave while he makes up his mind. Blackstone's test survived, and so did the neighbour's gate.

E. J. Cohn savaged the decision in the *Law Quarterly Review* that same year, and he had a point. The civil codes had already solved this. The German BGB (§§961 to 964) gives the beekeeper an express right to follow a swarm onto someone else's land, and even to open a stranger's empty hive to retrieve it, paying for any damage done on the way; the Swiss ZGB (arts. 700 and 719) and the French rural code of 1889 keep the swarm yours for as long as you follow it. On the Continent the swarm stays yours because you may chase it. In England it stops being yours because you may not. The Court of Appeal cited and applied *Kearry* as recently as 2020, in *Borwick Development Solutions v Clear Water Fisheries* [2020] EWCA Civ 578, a case about carp in a lake, and in doing so treated lawful pursuit as the heart of the rule and sight as a detail (paragraph 50). Blackstone's "in sight" is the picturesque half of the test; the operative half is whether you may lawfully follow. The swarm rule was last restated over fish.

Whose swarm is it? The English common-law test

A swarm leaves your hive (more than half the bees, plus the old queen). English law protects your qualified interest in it while you pursue it, but gives you no general right to enter a neighbour's land to recover it. Permission matters. The modern cases put the weight on lawful pursuit.

Where the swarm has settled	What the cases say
Your own land, or ground you may lawfully walk on	Your qualified property continues while you keep up the pursuit. A stranger who hives it there has taken your property.
A neighbour's land, and the neighbour lets you in	You may lawfully follow, so the pursuit <i>Kearry</i> requires can continue. Whether consent given after a refusal revives a title already lost is a point the cases do not settle.
A neighbour's land, and the neighbour refuses	<i>Kearry</i> : once the swarm is where you have no right to follow, your qualified property ends. If the neighbour hives the bees, they are his.
Anywhere, once you have given up the chase	<i>Res nullius</i> : nobody's. The first person to hive them lawfully owns them, and "lawfully" includes having the right to be where the bees are.

An illustration. A prime swarm of 20,000 bees, once hived and built up, is worth something like what a nucleus colony costs, say £200 to £300 in 2026 (an illustration, not a price list). Watch it cluster on your own apple tree at 4 pm and it is yours. Go indoors for tea, give up the chase, and it is nobody's, though a stranger still needs your leave to come into the garden and hive it. Now put the same swarm in the neighbour's apple tree. Ask nicely; most neighbours say yes. If he says no, *Kearry* says your interest ended when the swarm settled where you could not lawfully follow, and you may not even watch it go from his side of the fence.

The test has three moving parts: pursuit, lawful access, and hiving. The Roman core has lasted; the English gloss on access is what *Kearry* added.

02 Five chapters the modern rules grew out of

The rules in the 2006 Order did not arrive from nowhere. They sit on top of fifteen centuries of people arguing about bees, and the arguments are better than the Order. Three of them matter most: the Irish sharing rules,

the English honey economy, and the epidemic that made the state pick up a smoker. Two shorter ones, a German guild and the straw skep, explain what England did not do and could not see.

1. The Bee Judgements of seventh-century Ireland

England likes to think of its bee law as ancient. Ireland's is older than anything written in England and, frankly, better drafted. The *Bechbretha* ("bee judgements") is a full legal tract on honey bees, written down in the seventh century by a lawyer who was clearly worried that bees did not fit the ordinary law of animal trespass and was determined to make them fit anyway. Its longest section is on a keeper's relations with his neighbours, which tells you what medieval Irish farmers actually argued about.

The core problem is one every beekeeper still has. Your bees forage on land you do not own, invisibly, ten thousand times a day. The tract's solution was to treat the honey as partly the neighbours' and to build a schedule for paying them back.

Situation	The *Bechbretha*'s answer
Your bees forage on the four neighbouring farms	You keep the honey for three years. After that the neighbours whose land fed the bees are owed swarms, on a schedule the edition spreads over the fourth and fifth years, with pledges given beforehand.
Neighbour denies it was your bees	Dust them with flour at the hive and follow the white trail. Bees return to the same flowers; the flour settles the argument (as read by Charles-Edwards and Kelly).
A swarm settles in a tree on someone's land	The finder takes a share of the honey for three years; after that the swarm belongs to the owner of the land.
A swarm is found in the wild wood	The finder keeps nearly all of it. The church and the head of his kin-group each take a portion.
A passer-by is stung, unprovoked	Compensation in honey, on his oath that he did not kill the bee. If he killed it, the bee's death is payment enough.
A sting blinds an eye	Lots are cast over every hive in the apiary. Whichever hive the lot falls on is forfeit to the victim.
Someone shakes or disturbs a hive and is stung	No liability. He asked for it.

Two things in that table deserve a second look. The flour trick is an early bee-tracing technique, and it is still roughly how an inspector would trace robbing bees to the hive they came from. And the three-year rule reads like a depreciation schedule, though the tract never calls it one. The keeper who raised the colony gets three seasons of full return, then starts paying his neighbours in kind. A tax lawyer would call it a recovery period. The seventh century called it fairness.

The tract also carries a story about a verifiable historical person, and it is a good one. Congal Cáech, king of Tara around 630, was stung in the eye by a bee and blinded. A blemished man could not be king, so the sting cost him the throne (his epithet, *cáech*, means "one-eyed"). The bees, the tract says, belonged to Domnall mac Áedo, a rival king. The judgment: one hive to Congal, chosen by casting lots over Domnall's apiary. The Ulstermen thought this thin and demanded the eye of Domnall's son instead. The judges refused. The tradition has Congal going to war over it and dying at the battle of Mag Rath in 637. Modern scholars read the case as a literary set piece rather than a record of a hearing, and the war had causes of its own; but if the story was made up, someone in seventh-century Ulster thought a tale about bee law was the most damaging thing he could say about a king.

If it be an eye which it has blinded, it is then that it requires the casting of lots on all the hives; whichever of the hives it falls upon is forfeit.

Bechbretha §31, trans. Charles-Edwards and Kelly (1983)

Wales had a parallel tradition, close enough that Kelly thinks both are pre-Christian. The tenth-century laws of Hywel Dda begin with the lovely note that bees came from Paradise, which is why they may not be killed with impunity, and then descend briskly into valuation: an old stock of bees was worth 24 pence, a first swarm 16, with later and smaller swarms marked down from there. Any valuer will recognise the method. Established, income-producing asset at par; new spin-outs at a discount; a swarm of a swarm at a discount to that. Paradise, it turns out, had a price list.

2. Honey as rent, wax as money

Before sugar, honey was the sweetener, and the English state taxed it accordingly. The clearest evidence is in the laws of Ine of Wessex, written around 694, which fix the *feorm* (food-rent) owed to the king from an estate of ten hides.

Food-rent owed from ten hides of land, Laws of Ine (c. 694)	Quantity
Honey	10 vats
Loaves	300
Welsh ale	12 ambers
Clear ale	30 ambers
Full-grown cows (or ten wethers)	2
Geese	10
Hens	20
Cheeses	10
Butter	1 amber
Salmon	5
Fodder	20 pounds
Eels	100

Honey is the first item on the list. It comes before the bread. Ten vats from ten hides is a vat per hide, and a hide was notionally the land needed to support one household; how the estate found the honey (pooled hives, purchase, or a tenant who kept bees) the law does not say. Nor is it settled what the render was for. The textbook reading is an annual food-rent; Tom Lambert and Sam Leggett have argued it provisioned the king's episodic feasts rather than his larder. Either way, honey was counted.

Four hundred years later the Domesday clerks were still counting hives manor by manor in the eastern counties, for the same reason a modern valuer counts rental units: a hive was income, or at least rent.

Wax was the larger money. Medieval England ran on candlelight, and canon law required beeswax, which burns clean and smells faintly of honey, for altar candles; tallow smokes and smells of mutton. Every parish, every chantry, every guild with a patron saint bought wax by the pound, and wills left wax to the altar the way a modern will leaves a sum to the roof fund. London's wax dealers incorporated as the Worshipful Company of Wax Chandlers by royal charter from Richard III on 16 February 1484 (1483 by the old reckoning, which began the year in March). The company still exists, which is more than can be said for Richard.

A hypothetical gives the scale. Take the usual rule of thumb that a colony burns about 8 kg of honey to make 1 kg of wax, and suppose a large church used 100 kg of wax a year. That is 800 kg of honey-equivalent, or the

surplus of something like 40 hives at 20 kg each, to light one building. None of those inputs is a measurement from a medieval account, but multiply the order of magnitude by every church in a diocese and you can see why a king would grant a forest full of beekeepers their own court.

Sugar ended all this, slowly. Crusaders brought it home in the twelfth century as a spice; it stayed a luxury for four hundred years; then Caribbean plantations made it cheap in the seventeenth, and honey's days as a unit of rent were numbered. By the time Blackstone wrote, bees were a cottager's sideline and the law's interest in them had shrunk to the one question left: whose swarm is it? Wax held on longer (the Church did not switch its candles) until paraffin, distilled from petroleum after 1850, finished the job.

3. The Zeidler: what England never had

Germany did something England never did: it gave beekeepers their own jurisdiction. In the imperial forest around Nuremberg a class of forest beekeepers, the *Zeidler*, kept colonies in cavities cut into living trees. A charter of 22 August 1296 confirmed one Hilteprant as their Zeidelmeister at the village of Feucht, with authority to judge disputes among them, and on 1 June 1350 Charles IV (then King of the Romans; the imperial crown came in 1355) confirmed the arrangement in the *Zeidel Fryheit Brieff*. Read as a term sheet, following Baake's edition, it gave the Zeidler their own court, toll-free sale of honey and wax across the Empire, free timber for hive-trees, and the exclusive right to keep bees in the forest; later custom added the crossbow, the green coat, and the long pointed cap (the medieval forester's hi-vis, with better tailoring). Ownerless swarms in the forest were reserved to "our and the Empire's bee garden," which inverts Justinian: the guild's forest, not the first catcher, got the stray. In exchange Charles wanted safe passage through his own forest. As deals go, the Zeidler did rather well. The court last sat in 1779; its crossbowman-and-beehive arms are still Feucht's, and the honey went into Nuremberg's *Lebkuchen*. England had nothing like it. Whether that absence has anything to do with the shape of English bee law today is a hypothesis of mine, not a finding.

4. Skeps, boles, and the brimstone pit

For most of English history a hive was a *skep*: an upturned basket of coiled straw, bound with bramble, about the size of a bucket. It cost almost nothing. It was also opaque, which is the most important fact about pre-modern bee law. The bees built their combs straight onto the straw, so there was no way to inspect the brood systematically, or to harvest comb repeatedly, without wrecking the nest.

The English solution was the brimstone pit. In September the cottager dug a small hole, lit sulphur in it, set the skep over the fumes, and killed the colony. The convention was to take up the heaviest skeps (most honey) and the lightest (least likely to survive the winter) and keep the middling ones, which is roughly how a badly run firm treats its staff.

Skep economics: a hypothetical cottager's year, 1750	Number
Skeps in April (overwintered)	10
Skeps in July (after swarming)	16
Of which killed over the brimstone pit in September	6
Skeps kept back for winter	10

The heaviest and the lightest were taken up. Swarming replaced what the sulphur took. The system was stable and cheap, and in a year like the one above it killed well over a third of the cottager's colonies every autumn. The objectors came in the eighteenth century.

The skep also produced its own folk law. When a swarm rose, the cottager ran after it banging a pan or a key against a warming-pan. Virgil recommends it in the *Georgics* on the theory that the noise makes the swarm settle. It almost certainly does nothing of the kind. What tanging more plausibly did was advertise a claim. A swarm followed with a clanging pan was a claimed swarm; everyone in the parish could hear whose it was, and

Blackstone's rule rewards the keeper who is seen to pursue. No court ever called tanging evidence, so this is custom read with a lawyer's eye rather than a rule. But it is the loudest claim of title in English rural life, and possibly the only one that also frightened the postman.

The end of the skep took two hundred years and three books: Butler's *Feminine Monarchie* (1609) established that the big bee was a queen; Wildman's *Treatise* (1768) argued that killing the colony for its honey was wasteful; Nutt's *Humanity to Honey Bees* (1832) turned the argument moral. Then, in 1851, an American clergyman named Langstroth noticed that bees leave gaps of about 6 to 9 mm between their combs and glue up anything narrower. Hang frames that exact distance apart and the bees will not fix them to the box. You can lift a comb out, look at it, and put it back, as often as you like. Systematic inspection and repeated non-destructive harvest became ordinary rather than heroic. Within two generations the skep was a curiosity, and the law could finally ask what was inside.

5. Isle of Wight disease and the birth of the inspector

Every regulatory regime has a founding disaster. English bee law's was a wave of real losses that acquired a single, misleading name.

In 1904 beekeepers on the Isle of Wight began finding their bees crawling on the ground outside the hive, wings askew, unable to fly. Colonies emptied in weeks. By 1906 the press had a story and "Isle of Wight disease" had a name; within a decade beekeepers across Britain were reporting the loss of most or all of their stocks. The received story, repeated in beekeeping books for a century, is that one disease did it and that it wiped out the native British black bee. The hunt for a cause ran for twenty years: a Cambridge team blamed a gut parasite in 1912, and in 1921 John Rennie at Aberdeen found a mite in the bees' breathing tubes.

The mite is the one that stuck. Rennie named it *Acarapis woodi* after the man who had paid for the research, and the newspapers declared the mystery solved. Rennie himself was more careful. Within two years he was conceding that the label had covered several maladies with similar surface symptoms (Bailey's 1964 paper is where most readers meet the admission). Nobody listened; the mite made a better story. It took Leslie Bailey at Rothamsted, working from the 1960s, to take it apart: he found the mite in healthy colonies as often as in dying ones, could not reproduce the crawling with it, and concluded that "Isle of Wight disease" was a collective name for several things, with chronic bee paralysis virus the likeliest culprit for the crawlers. The losses were real; the single diagnosis was the myth. The native black bee, meanwhile, turned out not to be extinct; it survived, while imported bees and interbreeding changed the managed population around it.

None of which mattered to the people living through it. The fear was real, and it left three things behind.

What the panic produced	How
A new bee	At Buckfast Abbey the young Brother Adam noticed that every colony to survive the winter of 1915 had Italian blood, and spent the next seventy years breeding from that fact. The Buckfast bee is now kept widely around the world.
An import trade	The government's post-war restocking scheme brought in Dutch and Italian bees by the thousand, which is why the "native" British bee of 1930 was already a hybrid.
An inspector, eventually	The Board of Agriculture had funded research since 1907 but had no power to enter an apiary, order a hive destroyed, or stop a beekeeper selling infected stock. Bills died in committee before the First World War. The Foul Brood Disease of Bees Order of 1942 was the first English instrument that let an inspector open your hive; the wartime push for food security helped it through, though the direct line from the Isle of Wight to 1942 is my reading rather than anything the Order recites.

Across the Atlantic the panic had a longer reach. Congress passed the Honeybee Act on 31 August 1922, by every account in response to Isle of Wight disease, and banned the import of live adult bees into the United

States. The mite it was meant to keep out did not arrive until 1984, in Texas and Florida, by which time the Act had been on the books for sixty-two years. It is still there, amended several times and now run by APHIS on a disease-risk basis that permits queens and packages from a few approved countries. The trigger was a British epidemic whose diagnosis a British scientist later took apart; the present rationale is a different, and better documented, list of pests.

03 What English law says today, in one sitting

Anyone who has dealt with the UK's treatment of, say, sheep will find this odd. In England you need no licence to keep honey bees and no compulsory registration; BeeBase, the national register, is voluntary. There is no ear tag, no passport, no annual return. You may put a hive on a London balcony tomorrow and, unless your neighbours object or your lease forbids it, the state will not mind until something goes wrong with the bees' health.

That is now unusual. Since 1 October 2024 every keeper of birds kept outdoors in England and Wales, down to a single hen or a racing pigeon, must register with the Animal and Plant Health Agency (Scotland followed by December). Pigs need a county parish holding number and a movement licence before they leave the yard. Cattle carry passports; sheep carry ear tags. Bees, along with a few other outliers such as alpacas, are about the last farm livestock in England the state has not asked to be counted. (Counting them would, admittedly, take a while.) In a March 1945 Commons debate the reason given for not registering beekeepers was staff and paperwork, not principle; the Lords were still discussing the idea, including a temporary register of every keeper, in May 2009.

What the state does mind, very much, is disease. That is the historic shape of English bee law: light on ownership, silent on husbandry, fierce about a short list of pathogens. The economics are those of any contagious livestock disease, with one twist: the animals do the spreading themselves. A sick hive is every hive's problem within flying range, because bees rob weak colonies and carry what they find home.

The statute and the Order

The Bees Act 1980 is the enabling statute. It is short and does two things: it lets ministers make orders to control pests and diseases, and it lets them control imports. The operative rules sit in the Bee Diseases and Pests Control (England) Order 2006, as amended, made under that Act. The Order names four notifiable pests and diseases, with varroa added separately in 2021 (below).

Notifiable in England	What it is	What happens
American foulbrood (AFB)	Spore-forming bacterium, <i>Paenibacillus larvae</i> . Kills larvae in the sealed cell.	Bees killed and the combs burned under the inspector's notice; boxes and metalwork may be sterilised and kept. No treatment permitted. Standstill on the apiary.
European foulbrood (EFB)	Bacterium, <i>Melissococcus plutonius</i> . Kills larvae before capping.	Destroy, or shook-swarm onto clean comb; antibiotic only under vet direction in limited cases.
Small hive beetle	<i>Aethina tumida</i> . Larvae tunnel through comb and ferment the honey.	Never yet found in the UK. Found in Italy in 2014. Contingency plan on the shelf.
<i>Tropilaelaps</i> mites	Asian brood mite, nastier cousin of varroa.	Never yet found in the UK. Same contingency machinery.

"Notifiable" means what it says. If you suspect one of these you must tell the National Bee Unit; failing to do so is an offence. Bee inspectors (Parliament was told there were about sixty in England and Wales) may, on

reasonable grounds and showing their authority if asked, enter your apiary, open your hives, take samples, and serve notices. They do not need a warrant. They do usually bring their own smoker, and most of the county's gossip.

Varroa is the odd one out. The mite reached Devon in 1992, was briefly notifiable, and was de-listed once it had reached everywhere, because notifying the state of something it already knows is a waste of a stamp. Then, in April 2021, SI 2021/420 inserted a new article 3A into the English Order: a keeper who knows varroa is present must notify the Secretary of State as soon as practicable, one notice covers every hive at the same location, and failing to notify is an offence. The duty came in to keep Great Britain's animal-health rules in step with its trading partners after Brexit. In practice it is a one-off online form and no inspector follows it up, which makes it light, but it is a real duty with a real sanction.

Why do the English burn the combs?

Visitors from the United States are startled by this. In much of America AFB was for decades held at bay with oxytetracycline in the syrup (since 2017, only under veterinary oversight, by prescription or a Veterinary Feed Directive). In England the answer to AFB has been to kill the colony and burn the combs, under supervision, since 1942. *Paenibacillus larvae* forms spores that survive in old comb for decades. Antibiotics suppress the symptoms; they do not touch the spores. Treat, and you create a hive that looks healthy and seeds every colony within robbing range. Destroy the colony and burn the combs, and that colony at least is no longer a source; the boxes, if sound, can be scorched or sterilised and used again. The rest is process: the inspector confirms the diagnosis, serves a standstill notice on the apiary, directs the destruction and the disinfection of the kit, and comes back to check the neighbouring colonies, because infection may already have travelled. A keeper who finds suspect brood reports it; he does not light the match himself.

Rules track biology. Varroa dies in days off a host and is a chronic condition managed by everyone; EFB bacteria persist for a few years and the infection is treatable; AFB is a fire hazard with a decades-long fuse.

A back-of-the-envelope on one AFB colony (illustrative)	
	£
Value of the infected colony and comb destroyed (the keeper's loss)	350
Cost of a replacement nucleus, if he restocks (not an additional loss)	250
Value of 20 nearby colonies within robbing range (exposed, not expected to be lost)	7,000

Bees rob weak hives within about 3 km. One unburnt AFB colony puts every hive in that circle at some risk; not all of them would catch it, but the value exposed runs to thousands of pounds, and it belongs to other people. The destroyed colony costs its owner a few hundred.

This is the rationale behind most bee-disease regimes, and the reason they are, by the standards of hobby law, aggressive. The cost of the rule falls on one keeper. The benefit is spread across a three-kilometre circle of keepers who have never met. That is a textbook externality, and the textbook answer is a standstill notice and a bonfire.

BeeBase: the register that is not compulsory

England's national register, BeeBase, is run by the National Bee Unit (part of the Animal and Plant Health Agency). It is free and voluntary, and it may be the most useful piece of bee policy the country has, because everything the inspectors do starts from knowing where the hives are. Register your apiary and you may be inspected, free of charge, you get disease alerts for your postcode, and the inspector who does turn up will tell you what you are doing wrong. The Healthy Bees Plan 2030, published by Defra and the Welsh Government in 2020, "strongly encourages" registration. There is no fine for staying off it. There is also nobody to warn you that the hive two fields over just burned.

Suppose, hypothetically, a parish has 40 hives and 30 are on BeeBase. AFB turns up in one. The inspector traces the outbreak through the register and checks the 30 in a fortnight; the 10 unregistered hives are found only if someone talks. Whether the unregistered hives are any sicker than the registered ones nobody knows, which is rather the point.

There is a sting in the arithmetic that the Order does not soften. A dairy farmer whose herd is slaughtered for bovine tuberculosis may receive statutory compensation, generally at published market-price categories. A beekeeper whose colony is burned under the 2006 Order gets nothing from the state: the Bees Act 1980 lets ministers write a compensation scheme, and none has been written. Private cover exists (Bee Diseases Insurance Ltd pays set amounts for equipment destroyed after a notifiable disease, on its own terms), but the colony itself is the keeper's loss. The statute asks the one person with the most to lose to volunteer it. Whether that keeps hives off the register is a fair question; I have not seen it measured. Every few years someone proposes compulsory registration. Every few years the beekeeping associations say, in effect, that they would rather be trusted, and the proposal goes back in the drawer.

Medicines, imports, and what you may call honey

Honey bees are food-producing animals, so the Veterinary Medicines Regulations apply. Varroa treatments should be authorised products; a vet may prescribe outside that list only down the usual cascade. Anything that would mask a notifiable disease is off limits unless an inspector's notice directs it, which is why suspected foulbrood goes to the National Bee Unit before anyone reaches for a treatment. Records of what you bought, what you administered, and how you disposed of the rest must be kept for five years. The record-keeping is the bit most hobbyists forget, and the bit the inspector asks about first.

Since 1 January 2021 the import rules changed sharply. Packages and full colonies from the European Union may no longer enter Great Britain; only queens (with a health certificate, in cages with a handful of attendants) may come in. The 1980 Act's import power finally earned its keep, and produced a brief, magnificent row in 2021 when it emerged that Italian packages could still reach Northern Ireland and travel onward. The government's position evolved, as positions do when 15 million bees are sitting in a lorry.

The Honey (England) Regulations 2015 define what may be sold under that word. Honey must be honey: nothing added, nothing taken out beyond what filtering allows, not overheated. The schedule then names the exceptions, because real honey is messy: "filtered honey" may have had its pollen removed and must say so on the label; "baker's honey" may fail some of the quality limits and may only be sold for cooking; and honey labelled by floral source must mainly come from it. The composition limits are moisture (20 per cent; 23 for heather and for baker's honey; 25 for baker's honey from heather), sugars, acidity, hydroxymethylfurfural, and diastase, which between them test for water, heat, age, and syrup feeding. The moisture line is there because wet honey ferments; it is a limit, not a cliff edge. And there is a ceiling on water-insoluble solids (0.1 g per 100 g, 0.5 g for pressed honey), which is the nearest the statute book comes to deciding how much bee is too much bee.

Selling a jar at the garden gate is lawful. Whether you must register as a food business turns on whether what you do is one: regular, organised selling tends to be, a one-off surplus tends not to be, and the local council is the place to ask. Registration is free and is due 28 days before you start. A compliant label carries, among other things, the word "honey," the weight, a best-before date, a lot mark (a date showing at least day and month can do that job), your name and address, and the country of origin. That last line is where England and the EU have just parted company.

04 Spray, the other half of the statute book

A sick hive is every hive's problem within flying range. So, it turns out, is a sprayed field, and the law on the second is newer, shakier, and still being written. For twenty years the fiercest argument in bee politics has not been foulbrood. It has been a class of insecticides, the neonicotinoids, that move through the plant into pollen and nectar and stay there.

The EU restricted clothianidin, imidacloprid, and thiamethoxam on flowering crops in 2013 and widened that to a near-total outdoor ban in 2018; the United Kingdom, still a member, followed. After Brexit the restriction stayed, with a hole in it: pesticides law allows emergency authorisation of a product that is not otherwise authorised. Cruiser SB, a thiamethoxam seed treatment for sugar beet, was granted that emergency use in England in 2021, 2022, 2023 and 2024, to hold off aphids that carry virus yellows. Sugar beet is not a flowering crop in the year it is harvested, which is the industry's best argument; the counter-argument is residue in soil and field-edge flowers, which is why the authorisations barred any flowering crop from the treated field for 32 months.

The Continent closed that hole in court. In January 2023 the Court of Justice of the European Union ruled, in Case C-162/21, that member states may not use the emergency procedure to authorise seed treated with a neonicotinoid whose use on treated seed the EU has expressly prohibited. The ruling is narrow (it does not abolish emergency authorisations) but it closed the specific door France had been using. From that date France could no longer do what England went on doing for two more seasons.

In January 2025 the government refused Cruiser SB for the first time in five years. Gideon Henderson, Defra's chief scientific adviser, had advised in December that there was "clear and abundant evidence" that these chemicals harm pollinators, bees above all, including at doses that do not kill outright but scramble foraging and navigation. The Health and Safety Executive published tighter guidance on emergency authorisations in September 2025: any applicant must now take full account of the risk to pollinators. That looked like an ending. It was not quite. On 26 June 2026 the Office for Environmental Protection closed a statutory investigation into the 2023 and 2024 Cruiser SB authorisations, finding that Defra had failed to comply with environmental law on four of six grounds (the Habitats Regulations and the duties owed to Sites of Special Scientific Interest), though not on the two grounds concerning the precautionary principle. Defra has undertaken to rewrite its assessment process by November 2026. That is the regulator's finding about how the decision was made, not a court striking the decisions down. And on 28 May 2026 HSE granted an emergency authorisation (ref. 0888 of 2026) for one further spray of Insyst SG on sugar beet in July. Its active ingredient, acetamiprid, is a neonicotinoid, but it is the one the EU and the UK still approve, subject to conditions. What was granted was a fourth insecticide application in the season, one treatment at 250 g of product per hectare (50 g of active ingredient), and only once aphid counts crossed a set threshold. It is a different chemical and a different use from Cruiser, and it reverses nothing about the January 2025 refusal. But the emergency door is still on its hinges, and the neonics fight is still a live file.

Two legal facts sit under the noise. First, the honey bee is the test animal in the dossier because she is the one we can put in a box and count. A solitary mason bee, who never sees an inspector and does not make a surplus the Treasury can measure, absorbs the same residue and has no lobby. Second, spray law and disease law do not talk to each other. The 2006 Order will burn your hive for a spore. It will not ask what was sprayed in the next field. The Bees Act 1980 gives ministers power over pests and imports. The spray decision lives in a different building, under a different statute, on a different clock.

There is one procedural bridge, and few keepers know it exists: the Wildlife Incident Investigation Scheme, which will collect a carpet of dead foragers, test them for residues, and refer a confirmed misuse for enforcement. It is free, it is slow, and it is the only place where a dead hive and a spray record meet on the same file.

05 Stings, theft, tax, and the will

Nothing in statute stops your neighbour keeping bees. Between neighbours, the common law of nuisance does most of the work (a single bad sting can raise other questions, but nuisance is the usual one). Bees that repeatedly foul washing, sting the postman, or drink from the neighbour's pool in a drought (they do; a colony needs about a litre of water a day in July, and it does not pay for the pool) can be a nuisance, and a court can order the hives moved. Reported English cases are rare because reasonable beekeepers move the hive first. The one that gets cited, *Johnson v Martin* [1950] 1 WLUK 177, is a county court decision and binds nobody. (It

survives mainly in a 2024 note by St Philips Chambers, which also warns that the point may never have been argued; I have not found a primary report.) Judge Campbell’s view has nonetheless stood for three quarters of a century: keeping bees is an ordinary use of land, and keeping 750,000 of them (roughly fifteen hives) was not of itself unreasonable. In nuisance, a sting is not automatically a cause of action. Liability turns on whether the interference with the neighbour’s use or enjoyment of his land is substantial and unreasonable; how often it happens and how long it lasts are part of that judgment, not a separate test.

The Environmental Protection Act 1990 adds a statutory-nuisance route, though not the one people reach for first. Section 79(1)(fa), the insect provision, applies only to insects emanating from “relevant industrial, trade or business premises,” and the Act excludes some land, including land used for certain agricultural purposes, so most garden hives fall outside it even where a few jars are sold. Councils use section 79(1)(f) instead: any animal “kept in such a place or manner as to be prejudicial to health or a nuisance” can found an abatement notice, and a bee is an animal for that purpose. Associations teach the etiquette that keeps both dockets empty: a two-metre hedge so the bees climb before they cross the boundary, and a water source in your own garden.

Insurance is how most keepers actually manage the risk. Membership of the British Beekeepers Association, and of several of the national associations, includes public and product liability cover in the millions. That is the policy that answers the postman, the walker with an allergy, and the customer who found a wing in the jar. Disease is a separate policy (Bee Diseases Insurance, usually bundled with membership too, covers equipment destroyed under a notice, on its own terms), and neither replaces the duty to keep the bees like a reasonable neighbour.

Hives also walk. A populated hive can be lifted by two people in a minute, so keepers now put trackers in the floorboard, and a stolen colony is theft of property once the bees are hived (Theft Act 1968, section 4(4)). An empty box is equipment. A box with 40,000 bees in it is livestock that the common law still calls wild.

Then there is the Revenue. Where an activity qualifies as farming, which means occupying land wholly or mainly for husbandry, HMRC treats it as a trade whether or not you meant it to be one. Whether a few hives at the bottom of the garden occupy the garden for husbandry is a question of fact, and where they do not, the beekeeper is tested the ordinary way, on the badges of trade. A few jars at the gate will not trouble anyone. A shed full of supers, a shop account, and a website might. Hobby expenditure is not a loss at all; a trading loss may be set against other income, and here the Income Tax Act 2007 has rules written for exactly this taxpayer. Sideways relief needs a trade run on a commercial basis with a view to profit (section 66), which can shut the door from year one. For farming there is a second gate: once the five preceding tax years have each shown a loss (computed before capital allowances, and ignoring the year the farm started), sideways relief against general income is restricted (section 67), so a farm that loses money from the outset is first caught in its seventh year. The escape (section 68) is narrow: a competent farmer would still expect the activities to turn a profit eventually, and a competent farmer starting at the beginning of the loss run could not reasonably have expected to be profitable yet. A trading loss that is refused sideways still carries forward against the same trade; what goes is the right to set it against the day job. Most hobby apiaries, if they were trades at all, would be well past year seven. VAT treats the point with its usual precision.

What is supplied	VAT
Honey	Zero-rated (food)
Hire of honey bees for pollination	Zero-rated, because the bees yield food for human consumption
The hive the bees arrive in	Standard-rated; apportion the invoice
Hire of bumblebees for pollination	Standard-rated: same insect order, but they make no honey the law recognises as food

That first row is why the association newsletters carry the same argument every spring: a keeper who registers for VAT charges nothing on the jars and can reclaim the VAT on the supers and the smoker. The catch is that registration does not turn a hobby into a business or a private purchase into a business input; recovery is limited to VAT attributable to taxable supplies, apportioned where the kit does double duty, and evidenced by proper invoices. HMRC has heard the argument too.

When the keeper dies, the bees do not read the will. They are chattels, once hived, and they pass with the estate. They are also alive, and a strong colony left alone in July can swarm itself to nothing or starve in a bad week. Executors who do not know a beekeeper have a short time to find one, which is less time than probate takes to find anything. The old custom of telling the bees was a way of saying the household had changed. The modern equivalent is a sentence in the letter of wishes: who has the smoker, and who gets the honey house key.

06 The yellow-legged hornet: a rule written in real time

Every generation gets one bee crisis. For the Edwardians it was Isle of Wight disease. For the 1990s it was varroa. For ours it is *Vespa velutina nigrithorax*, the yellow-legged (or Asian) hornet, first recorded in south-west France in 2004 (a consignment of Chinese pottery is the usual suspect, though that is inference rather than a sighting) and eating its way north ever since.

Year first confirmed	Where
2004	France (Lot-et-Garonne)
2010	Spain
2011	Portugal and Belgium
2012	Italy
2014	Germany
2016	United Kingdom (Tetbury, Gloucestershire) and Jersey
2017	Netherlands and Switzerland

One pot of garden ceramics, twenty-two years, nine countries and a Crown dependency. The hornet hawks outside hive entrances and picks off returning foragers; an established nest can consume around 11 kg of insects in a season. In Britain the 2026 season has run like this:

NBU rolling update, 2026	Credible sightings	Nests found
20 August	145	41
15 October	226	85 (Kent to Lincolnshire)

Both rows are taken from the NBU’s rolling page on the dates shown and should be read against an archived capture before anyone quotes them.

Numbers move weekly in season, so date the figure or it lies.

The British response is a good example of how a rule gets written in the field before Parliament gets round to it. The hornet has a statute of sorts: since the Invasive Alien Species (Enforcement and Permitting) Order 2019 it has been an offence to keep or release one, which no beekeeper was proposing to do. There is no duty to report one. What there is instead is a contingency plan, a free app (Asian Hornet Watch, which is more than the hornet has), volunteer “hornet action teams,” and a National Bee Unit that tracks and destroys nests within days of a credible report. And from 2026, on a Defra decision taken in December 2025, Fera is no longer commissioned to

run genetic analyses on every hornet found in England; the stated reason is scale and turnaround time. That is a tell of a kind: a pest stops being sequenced one by one when there are too many to sequence.

Whether the hornet becomes widely established in Britain, as it has in France and Jersey, is no longer wholly a question for the future. The NBU's genetic analysis of the 2025 nests, published in August 2026, points to some resident breeding alongside new arrivals from across the Channel. The questions now are how far it spreads and whether the response can keep up. If it does establish, one option open to ministers is to amend the 2006 Order and add a line to the notifiable list; nothing requires them to.

07 How other countries do it

Bee law is a natural experiment. Across Europe, the Americas, and Australasia the kept bee is the same species; the rules differ wildly. (Asia keeps *Apis cerana* in boxes too, under rules of its own that this piece does not reach.)

Country	Registration	AFB policy	Distinctive rule
England and Wales	Voluntary (BeeBase)	Burn, no state compensation	No licence; disease-first regime; no right to enter a neighbour's land after a swarm (<i>Kearry</i>); EU packages barred since 2021.
France	Compulsory annual declaration (1 Sept to 31 Dec), NAPI number	Destroy or treat under vet	Even one hive must be declared every year. The rural code keeps a followed swarm yours (art. L211-9); whether that carries a right of entry is less clear than Germany's rule. Home of the hornet.
Germany	Compulsory, with the local veterinary office	Destruction, or an officially approved artificial-swarm treatment where the vet expects it to clear the disease; restricted zone of at least 1 km	Bee disease law draws a literal circle on the map. BGB §962: the owner may follow a swarm onto anyone's land and open a stranger's empty hive to get it back.
United States	Varies by state (Florida yes; many states voluntary)	Historically antibiotics; since 2017 under veterinary oversight; several states burn	Federal Honeybee Act (1922, since amended) restricts live imports to approved sources. Most of the rest is state and city law.
Canada	Compulsory, by province	Destroy or treat, by province	Border closed to US package bees since 1987 (tracheal mite, then varroa); queens are treated differently from packages, and CFIA decided to keep the package restriction in August 2025 after a fresh risk assessment and consultation.
New Zealand	Compulsory; annual disease return by 1 June	Destroy within 7 days; antibiotics prohibited	National AFB Pest Management Plan since 1998. Also regulates what may be called mānuka.
Australia	Compulsory in every state	Destroy	Varroa-free until June 2022; eradication attempted, abandoned September 2023.
Slovenia	Compulsory	Destroy	Only the native Carniolan bee may be kept. Any other subspecies is an offence.

Scotland runs a parallel order under the same Act; its property law on swarms is a separate subject this piece leaves alone. Four patterns fall out of the table.

Islands are strict. New Zealand and Australia regulate hardest because geography gave them something to lose. New Zealand's regime is the purest: every keeper registered, AFB colonies destroyed within seven days, antibiotics simply illegal, and an AFB rate measured in fractions of a per cent. Australia held varroa off for thirty years after Britain lost that battle, found it at the Port of Newcastle in June 2022, spent well over A\$100 million trying to eradicate it, and gave up in September 2023. That decision moved the country from one of the strictest regimes on earth to the same management regime as everyone else.

The Continent counts; England trusts. France and Germany register every keeper; England registers the willing and makes everyone notify disease. Why the systems differ is a matter for historians (my guess is that the Continent has always treated bees as livestock and England as wild things in boxes, but that is a guess). Whether one works better than the other nobody has measured; the French certainly have better data. Slovenia goes furthest of all: only the native Carniolan bee may be kept, so a Slovene who imports an Italian queen has committed an offence, and the bee is the wrong sort of bee. The same divide runs through the swarm. Germany lets you chase it onto anyone's land; France keeps it yours while you follow; England, since *Kearry*, makes you ask.

America is fifty experiments, and one industrial fact. Federal law is mostly the amended Honeybee Act and the APHIS import rules under it. Nearly everything else is state and city. Florida registers everyone and inspects hard; some states barely know their beekeepers exist. (New York City only made hives lawful in 2010; the beekeepers of Brooklyn spent the 2000s as outlaws, which suited them.) And the great American peculiarity is scale. USDA's February 2026 survey counted 1.63 million colonies in paid almond pollination in 2025, at \$209 a colony, which is \$341 million for one crop in one month; the two-million figure often quoted counts every colony that turns up for the bloom, paid or not, and takes the market to something like \$400 million. It is what turns a hobby into an industry, and an industry into a lobby. English bee law is written for a man with three hives and a neighbour. American bee law, such as it is, is written for a contractor with a lorry.

Britain, for scale, keeps about a quarter of a million colonies and about 45,000 beekeepers, most of them hobbyists with a few hives; India keeps more colonies than any country in Europe. The numbers come from different registers with different definitions, so treat them as orders of magnitude.

Conservation law and beekeeping law are not the same subject. Britain has about 270 species of bee. One of them lives in a box, makes a surplus, and has an inspector. The others pollinate the same orchards, take the same residue, and appear in habitat rules and species lists rather than in the 2006 Order. "Save the bees" is often used as if it meant "save the honey bee"; the statute book knows the difference even when the slogan does not. The two bodies of law collide in the city. By 2020 Greater London had some 7,000 registered hives, and Kew's modelling (Stevenson and colleagues, *Plants, People, Planet*, 2020) found many London neighbourhoods with more honey bees than the available forage can feed. Where that is so, every new rooftop hive is another mouth at a table the wild bees were already short on. The result is a model, not a body count, and it is a London result, not a national one. There is no rule against the rooftop hive. There may, eventually, have to be.

08 The honey-label war of 2026

If you want to see rules evolving in front of you, look at a honey label. For a quarter of a century EU (and British) law allowed the cheapest blends to be labelled "blend of EU and non-EU honeys," a phrase that told the shopper nothing except that the honey came from Earth. Since 14 June 2026, under Directive (EU) 2024/1438, EU labels must list every country of origin in descending order with its percentage share (where there are more than four origins and the four largest make up more than half the blend, member states may require percentages for those four only; the rest are still named). Jars labelled before that date may sell through, so the

shelves changed over the summer rather than overnight. Slovenia and Portugal first raised the idea at the EU Agriculture Council in 2020. It took four years to agree and six to take effect, which for Brussels is brisk.

In the EU’s coordinated “From the Hives” operation, reported in March 2023, 147 of 320 imported honey samples (46 per cent) were suspected of being extended with sugar syrup, and all ten of the samples that had come in via the United Kingdom were among them (the Commission notes they may have been foreign honey blended in Britain, and warns against reading the sample as a market share). The British response was to check the chemistry. In February 2025 Defra and the Food Standards Agency published an expert review of the survey’s methods, looking at 13 UK-linked samples, and concluded that “suspicious” overstated it: several of the markers can occur naturally or arise in processing, the evidence varied from marker to marker, and the right phrase was “flag for further investigation.” Suspected is the word that survives. Origin labelling and authenticity testing answer different questions: the first tells you where the jar says it came from, the second whether it is honey at all. That is why the harmonised syrup-detection methods the Directive asks the Commission to deliver by 2028 matter at least as much as the label.

England, post-Brexit, did not follow. A jar sold in Sussex may still carry a generic more-than-one-country line, and Defra has been consulting on whether to tighten it. So the same generic origin line that still passes in England will not pass in Dublin, where the countries and their shares must be named (the precise form depends on how Ireland implements the Directive). A packer may of course print the fuller label for both markets; the difference is what the law requires. This is what “the rules differ between countries” looks like in practice: one Channel, two minimums.

09 The bee’s balance sheet

Honey is a small industry. British honey production is worth tens of millions of pounds, which in Treasury terms is a rounding error on a rounding error. The reason a state employs sixty bee inspectors is pollination, not honey.

Annual value attributed to pollination	Estimate	Coverage	Basis
Global, high (IPBES 2016)	\$577bn	All animal pollination	2015 dollars
Global, low (IPBES 2016)	\$235bn	All animal pollination	2015 dollars
United States (USDA ARS)	at least \$18bn	Managed honey-bee pollination	Agency estimate
United Kingdom (Defra)	£600m	Insect pollination of UK crops	Stated 2020

The figures are not a league table: they cover different pollinators, different years, and different methods, and are here for scale. Honey bees are one contributor among many. IPBES gives two global measures that are easy to confuse: about 35 per cent of crop output by volume comes from crops that depend on pollinators to some degree, while 5 to 8 per cent of output is directly attributable to animal pollination. The popular “one bite in three” is the first number wearing the second’s clothes. Of all the pollinators, the honey bee is the one most convenient to move in bulk: a strong colony is a box, and a lorry holds four hundred boxes. Bumblebees and mason bees are shipped commercially too, but not by the million. That convenience is why the almond industry exists at the scale it does, why apple orchards in Kent pay for hives in April, and why a disease that halves the honey-bee population is an agricultural problem rather than a hobbyist’s sorrow.

An illustrative budget, in honey-equivalent (nectar is wetter than honey, so everything here is on the ripened basis): a strong colony in a good English year brings in something like 90 kg and burns most of it keeping 50,000 bees alive, warm, and airborne. Flight fuel, brood, wax, and the winter stores that carry the cluster through January take 60 to 70 kg. What is left, in a good year, is 20 to 30 kg for the beekeeper, a harvestable share of roughly a quarter to a third (22 to 33 per cent on these numbers). UK hobbyists report an average nearer 12 kg,

because the English summer is a variable input. The figures are rounded from the extension literature and exclude the keeper’s labour, kit, and any sugar fed in autumn, so they are a share by weight, not a margin.

10 The biology the law actually needs

Two facts about the animal decide most of the rules above: how far she flies, and what, if anything, is going on inside a brain the size of a sesame seed.

How far she flies, and why England gave up on compensating the neighbour

Most honey-bee foraging happens within two or three kilometres of the hive. That is a circle of about 20 square kilometres, roughly the area of a small market town with its fields, though the circle is the ground the bees could reach, not the ground they actually work. At that radius a single hive in an English village is drawing on land owned by many different people. The Irish rule asked the keeper to share honey with four of them. English law asks nothing, and my guess at why is that bees trespass so universally that no scheme of compensation could ever be run. That is a guess; no English court has had to say.

They will go further when they must. Beekman and Ratnieks, decoding waggle dances at a Sheffield hive during the heather bloom, when the nearest good forage was on the moors, found a median advertised trip of 6.1 km (mean 5.5 km), with some dances pointing 10 km out. Later work by Ratnieks and Shackleton puts the practical maximum nearer 14 km. Whether a trip that long pays is a question the bees answer for themselves, and the paper does not say.

Illustrative travel distances and the circles they describe	km	Circle area
Solitary mason bee, typical foraging	0.3	0.3 km ²
Bumblebee worker, typical foraging	1	3 km ²
Honey bee worker, typical foraging	2.5	about 20 km ²
Honey bee drone, flight to a mating area	5	about 80 km ²
Honey bee worker, exceptional foraging (Sheffield heather study)	10	314 km ²
Honey bee worker, proposed maximum (Ratnieks and Shackleton)	14	about 616 km ²

The circles are geometric reach, not territory visited or held. A single honey-bee colony’s potential map is the size of a small town. A solitary bee provisioning six cells does not need one. That short range is one reason orchard growers like the mason bee: she works the trees she was put under rather than the rape field two miles off.

Swarms are the short movers, which is why Blackstone’s test is not a fantasy. A swarm usually settles within 100 metres of the parent hive, hangs there for a day or two while scouts argue, then flies to a new home one to three kilometres away. That first stop is the one the common law cares about, and it is close enough that keeping it in sight is actually possible. Drones fly further, to congregation areas two to five kilometres out, the same spots year after year, with no drone alive to remember last summer.

A brain the size of a sesame seed

A honey bee’s brain is about a cubic millimetre and holds roughly 960,000 neurons. A human has 86 billion. On that budget she navigates by the sun’s position corrected for time of day; she remembers the location, colour, scent, and opening hours of a dozen flower patches; she can learn abstract rules (“choose the one that matches”) and apply them to things she has never seen; in the laboratory she can be trained to discriminate small quantities and to treat an empty set as less than one; and she can be trained to pick out a photograph of a human face she has seen before, days later (whether she wants to is not recorded). Karl von Frisch won a Nobel prize in 1973 for showing that when she gets home she tells her sisters where the flowers are, encoding

distance and direction relative to the sun as the angle and duration of a dance on a vertical comb, in the dark, which no other insect does.

Her Asian cousin, *Apis cerana*, co-evolved with hornets and has a trick for them: guard bees mob a hornet scout at the entrance and heat it to death with their own bodies. Western honey bees can heat-ball too (Tan and colleagues showed it in 2010 in a small Chinese comparison, three colonies of each species, the Western ones Italian), but they did it later, less often, and less well, which is at least part of why the yellow-legged hornet has been so costly in France. Bumblebees, with a similar neuron count but colonies of a few hundred and no dance, do well on problems a single bee has to solve. Lars Chittka's laboratory has taught them to pull strings, roll a ball to a target and, in 2024, open a two-step puzzle box; in that study five of fifteen untrained bees learned the whole sequence by watching a trained demonstrator, having failed to work it out alone. Control bees did not solve it on their own under the study conditions. That is social learning of a task the bees could not crack alone, which is close enough to culture that the authors used the word. The study had no honey-bee arm, so it says nothing about which bee is cleverer, only that a bumblebee can learn from a colleague what she cannot learn from a box.

Chittka, whose book *The Mind of a Bee* is the best single account of all this, argues from the evidence that bees have something like emotional states and possibly a basic form of consciousness. That is a claim, not a finding, and it is contested. But it is being made seriously by the people who know the animal best, and it is a question fifteen centuries of bee law have not had to ask. Justinian said wild. Blackstone said wild, with a leasehold for the vigilant. The Theft Act says property, once hived. The 2006 Order treats the colony as a vector. The Animal Welfare (Sentience) Act 2022, which makes ministers account for animal welfare in policy, lists vertebrates, cephalopods, and decapod crustaceans and stops there; the Animal Welfare Act 2006, which protects animals from their keepers, covers vertebrates. Insects are in neither, though both Acts let ministers extend the list. Welfare and personhood are different questions, and the first is the live one: if the evidence for insect sentience keeps growing, the question is whether a destruction order should carry welfare conditions, the way a slaughter order for cattle does, long before anyone asks whether the colony is a someone.

11 How the rules have evolved, and where they are going

The rules have trailed the animal for fifteen centuries. Five things look likely next.

- **Compulsory registration in England, eventually.** Most of Europe and Australasia have it, parts of America do, and since 2024 so does nearly every other kind of English livestock. The hornet is the argument that may finally carry it, because a rapid-response programme against a predator works better when you know where the prey is kept. Nothing requires Parliament to rewrite the Act; an amendment to the Order would do.
- **Origin labelling catching up with the EU.** The British minimum now says less than the EU's, and the argument for keeping it that way is hard to make out loud.
- **Adulteration testing.** The Directive asks the Commission for harmonised methods of detecting syrup in honey by 2028. Methods are not prosecutions, but they make prosecutions possible, and some quiet relabelling likely.
- **Spray law settling, or not.** The 2025 refusal of Cruiser SB looked like a principle, the OEP's June 2026 findings put process behind it, and the acetamiprid authorisation showed the emergency door still opens. Defra's revised procedure, due in November 2026, is the next thing to read.
- **Welfare language creeping toward the insect.** Sentience law in Britain was written for vertebrates and then stretched to decapods and cephalopods. Bees are not on that list. The science is moving faster than the schedule. A future Order that still talks only of "stock" and "destruction" will look, to a later reader, the way the brimstone pit looks to us.

And through all of it, a swarm will still settle in a neighbour's tree, and the keeper will still want it back. Fifteen centuries of law have made the answer more precise. They have not made the bees stay put.

Sources and notes

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7. Laws of Hywel Dda (the Cyfraith Hywel), valuation of swarms as translated in the standard editions; values are approximate across manuscripts.
8. Hansard, Commons, 21 March 1945, "Development of Bee Keeping," and Hansard, Lords, 21 May 2009, on registration of beekeepers. Bees Act 1980 (s.2 entry powers on reasonable grounds, authority to be shown on request; Schedule para. 10 permits compensation provisions, none made); Bieneneseuchen-Verordnung §9 (Germany, artificial-swarm alternative to destruction); Bee Diseases and Pests Control (England) Order 2006, art. 3A as inserted by SI 2021/420 on 21 April 2021 (varroa notification; offence noted in the explanatory memorandum); Importation of Bees Order 1955; Veterinary Medicines Directorate, "Bee medicines availability in the UK" (cascade, records, notifiable-disease restriction); NBU, *Statutory Procedures for Controlling Honey Bee Pests and Diseases*; Bee Diseases Insurance Ltd, compensation rates and claims guidance; Honey (England) Regulations 2015, regs. 2 and 14–16 and Schedule 1 (filtered, baker's, and pressed honey; composition table, including 25 per cent moisture for baker's honey from heather); Food Information Regulations 2014 and the lot-marking rules for the date-marking exception; GOV.UK, food business registration, and FSA Food Law Practice Guidance §2.12.6.1; Honey (England) Regulations 2015; Veterinary Medicines Regulations 2013; Theft Act 1968 s.4(4); Environmental Protection Act 1990 s.79(1)(f) and (fa); Invasive Alien Species (Enforcement and Permitting) Order 2019; Animal Welfare (Sentience) Act 2022 s.5; Animal Welfare Act 2006 s.1. *Johnson v Martin* [1950] 1 WLUK 177 (county court) on nuisance, as reported in St Philips Chambers, "Local authority enforcement powers and domestic beekeeping" (2024), which also discusses *Tandridge DC v Homewood* (1986) 1 P.A.D. 410; no primary report located. *O'Gorman v O'Gorman* [1903] 2 IR 573. Bird registration: Avian Influenza (Preventive Measures) (England) Regulations 2006, reg. 7, as amended; in force for all outdoor bird keepers in England and Wales from 1 October 2024, with Scotland following between 1 September and 1 December 2024.
9. APHA National Bee Unit (BeeBase): registration, notifiable diseases, yellow-legged hornet rolling updates (20 August and 15 October 2026 snapshots); NBU notice that Fera will not be commissioned for genetic analysis of hornets found in England in 2026, following a Defra decision of December 2025, and the Defra Bee Health Policy Team statement of 13 May 2026 on scale and turnaround (as reproduced by Barnsley Beekeepers; original not retrieved); NBU, yellow-legged hornet 2025 nest genetic analysis (August 2026). Defra and Welsh Government, *Healthy Bees Plan 2030* (2020) for the £600m pollination estimate. Wildlife Incident Investigation Scheme (WIIS), HSE and Natural England.
10. Directive (EU) 2024/1438 of 14 May 2024 amending Directive 2001/110/EC (honey), in force 13 June 2024, applicable from 14 June 2026 (art. 5), with a stock transition (art. 6); Irish implementing rules not checked. European Commission and OLAF, "From the Hives" coordinated action, results published 21 March 2023 (147 of 320 samples, 46%, suspected of adulteration); the 10-of-

10 figure for samples imported via the UK is in the Commission's own results page, with its caveat on representativeness. Defra and FSA, *Review of methods applied in the From the Hives survey on honey authenticity* (13 February 2025), on 13 UK-linked samples.

11. IPBES, *Assessment Report on Pollinators, Pollination and Food Production* (2016) Summary for Policymakers, key messages 2–3, for the \$235bn to \$577bn range (2015 dollars), the 35 per cent of output from pollinator-dependent crops, and the 5 to 8 per cent directly attributable; USDA ARS, estimate of at least \$18 billion for managed honey-bee pollination (APHIS uses the same figure in broader shorthand); Defra, *Healthy Bees Plan 2030 launch* (2020) for the £600m.
12. Colony counts: FAOSTAT “beehives,” around 2022, for most rows; EU total roughly 20 million hives; UK from Defra and BBKA estimates; New Zealand from the AFB register; definitions differ by country. FAO, *Beekeeping in Asia: keeping Apis cerana in box hives* (2020). London hive density: Stevenson et al., “The state of the world's urban ecosystems: What can we learn from trees, fungi, and bees?,” *Plants, People, Planet* 2 (2020) 482–498, DOI 10.1002/ppp3.10143, Figure 3, and Royal Botanic Gardens, Kew, *State of the World's Plants and Fungi* (2020), and the London Natural History Society; USDA NASS, *Cost of Pollination* (February 2026): 1.63 million colonies in paid almond pollination in Regions 6 and 7 in 2025 at \$209 per colony, \$340.67 million. Colony biology figures follow Seeley, *The Wisdom of the Hive* (1995) and standard extension literature; treat them as order-of-magnitude.
13. Lifespan and range: Winston, *The Biology of the Honey Bee* (1987); Beekman and Ratnieks, “Long-range foraging by the honey-bee,” *Functional Ecology* 14 (2000) 490–496 (median 6.1 km, mean 5.5 km during heather bloom); Ratnieks and Shackleton, “Does the waggle dance help honey bees to forage at greater distances than expected for their body size?” (2015) for the approximate 14 km maximum; Seeley, *Honeybee Democracy* (2010) on swarm site selection.
14. Cognition: von Frisch, *The Dance Language and Orientation of Bees* (1967); Giurfa et al., *Nature* 410 (2001); Dyer, Neumeyer and Chittka, *J. Exp. Biol.* 208 (2005); Howard et al., *Science* 360 (2018); Loukola et al., *Science* 355 (2017); Bridges et al., “Bumblebees socially learn behaviour too complex to innovate alone,” *Nature* 627 (2024) 572–578 (five of fifteen observers; no honey-bee comparison); Tan et al., “Wasp hawking induces endothermic heat production in guard bees,” *Journal of Insect Science* 10 (2010) 142 (heat-balling in both *A. cerana* and *A. mellifera*); Chittka, *The Mind of a Bee* (2022).
15. Australia: NSW Department of Primary Industries varroa response, June 2022 to September 2023. New Zealand: Biosecurity (National American Foulbrood Pest Management Plan) Order 1998. Canada: Health of Animals Regulations, prohibition on importation of honey bee packages from the continental United States (1987, renewed); CFIA decision of 6 August 2025 to maintain the restriction on US package bees following risk assessment and consultation; CFIA statement on *Paradis Honey Ltd v Canada* (December 2024). United States: 7 USC §281 (Honeybee Act as amended); USDA APHIS, permitted import categories for honey bees and other bees, and requirements for importing bees other than honey bees from Canada (January 2026).
16. Neonics: Commission Implementing Regulations (EU) 485/2013 and 2018/783–785; CJEU, Case C-162/21 *Pesticide Action Network Europe*, judgment of 19 January 2023; Defra, “A new approach to the use of certain neonicotinoids on crops grown in England” (December 2024); GOV.UK, statement of reasons refusing Cruiser SB emergency authorisation (23 January 2025), publishing Professor Gideon Henderson's advice of 5 December 2024; Office for Environmental Protection, investigation report on the 2023 and 2024 Cruiser SB emergency authorisations and closing statement (26 June 2026); HSE guidance on emergency authorisations (September 2025); HSE emergency authorisation ref. 0888 of 2026 for Insyst SG (acetamiprid 200 g/kg) on sugar beet, 28 May to 1 August 2026, one application at 250 g product/ha (50 g a.i./ha); the notice's two July cut-off clauses are not identically worded. CJEU C-162/21, paragraphs 29–54 and the operative part.
17. Tax and VAT: ITTOIA 2005 s.9 (farming treated as a trade); ITA 2007 ss.66–67 (commerciality and the five-year farming loss rule); HMRC VFOOD3860 (hire of honey bees zero-rated; hive apportioned; bumblebee hire standard-rated); HMRC BIM55110, BIM55051, and BIM55100 (farming as a trade; occupation and husbandry); BIM85620 and ITA 2007 ss.67–70 (five-year test and exceptions); VAT Notice 700, §§4.1, 4.6, and 10.3 (input tax recovery and business/private apportionment).
18. Insurance practice: BBKA and sister-association public and product liability schemes for members.

This essay is for general information and commentary. It is not tax, legal, investment, or accounting advice. Questions: Carlos Schmidt, CPA, carlos@lapresallc.com, (917) 558-6393.