

DESTRUCTIVE INSECTS AND PESTS (CONSOLIDATION) ACT 1958

- LONG TITLE

An Act to consolidate the destructive insects and pests acts, 1877 to 1954, and certain other enactments relating to destructive insects and pests. [7th May, 1958.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Interpretation.

1.—In this Act— the expression "agents for the biological control of plant pests" means parasites, predators and micro-organisms in every stage or condition of development which are used for the control of any destructive insects or pests; the word "crop" includes— (a) any agricultural or horticultural crop, (b) trees, (c) bushes, (d) seed, plant and any part of a seed or plant; references to destructive insects or pests shall be construed as references to— (i) insects destructive to crops, or (ii) fungi or other pests destructive to crops, or (iii) bacteria and other vegetable or animal organisms causative of a transmissible crop disease, or (iv) agents causative of a transmissible crop disease; the expression "the Minister" means the Minister for Agriculture.

Orders for preventing introduction of destructive insects or pests or agents for the biological control of plant pests.

2.—(1) The Minister may from time to time make such orders as he thinks expedient for preventing the introduction into the State of any destructive in or pest or any agent for the biological control of plant pests. (2) An order under this section, if the Minister thinks fit, may prohibit or regulate the landing in the State of any article brought from a place out of the State, the landing whereof may appear to the Minister likely to introduce any destructive in or pest or any agent for the biological control of plant pests into the State, and may direct or authorise the destruction of any such article, if landed.

Orders for preventing spreading of destructive insects or pests or agents for the biological control of plant pests.

3.—(1) The Minister may from time to time make such orders as he thinks expedient for preventing the spreading in the State of destructive insects or pests or agents for the biological control of plant pests. (2) An order under this section may, if the Minister thinks fit, (a) direct or authorise— (i) the removal or destruction of any crop or substance on which is found any destructive in or pest in any stage of existence or any agent for the biological control of plant pests, or to or by means of which any such destructive in or pest or any agent for the biological control of plant pests may appear to the Minister likely to spread, and (ii) the entering on any lands for the purpose of such removal or destruction, or for the purpose of any examination or inquiry authorised by the order, or for any other purpose of the order; (b) prohibit the keeping, selling or exposing or offering for sale, or the keeping or the distribution in any manner of living specimens of— (i) any destructive in or pest in any stage of existence, or (ii) any agent for the biological control of plant pests; (c) empower any inspector authorised in that behalf by the Minister to do all or any of the following things— (i) to remove or destroy or cause to be removed or destroyed any crop infected with any destructive in or pest or any agent for the biological control of plant pests introduced into the State and specified in the order or any crop to or by means of which such destructive in or pest or such agent for the biological control of plant pests is likely to spread, (ii) generally to take such steps as he may think expedient in connection with any crop for preventing the spread of any such destructive in or pest or any such agent for the biological control of plant pests, (iii) to enter on any land for any of the

purposes aforesaid or for any examination or inquiry authorised by the order or for any other purpose of the order; (d) impose, in respect of any certificate given in pursuance of the order after an insectinspection, such fee or other charge as the Minister, with the consent of the Minister for Finance, may prescribe; (e) impose penalties for offences against the order not exceeding, in the case of a first offence, a fine of ten pounds or, in the case of a second or any subsequent offence, a fine of twenty pounds. (3) Every person who contravenes (by act or omission) any order made under this section shall be guilty of an offence under this section and shall be liable on summary conviction to the penalties imposed by the order.

Compensation for crops.

4.—Whenever any crop is removed or destroyed by or under the instructions of an inspector authorised by the Minister under an order made under section 3 of this Act for the protection of crops from a destructive insect or pest or an agent for the biological control of plant pests introduced into the State and specified in the order, the Minister may pay the owner of the crop in respect of such removal or destruction compensation assessed under and in accordance with the following provisions— (a) the amount of such compensation shall be assessed by the Minister at such amount as the Minister considers reasonable having regard to all the circumstances, (b) if such owner is dissatisfied with the amount of compensation so assessed, he may by notice in writing to the Minister request that the matter be referred to arbitration, and thereupon the assessment of the amount of such compensation shall be referred to and determined by a single arbitrator agreed upon by such owner and the Minister or, in default of such agreement, appointed by the Minister, and the determination by such arbitrator shall be final.

Publication of orders.

5.—Every order under this Act shall be published in the *Iris Oifigiúil*, save that where the order affects only specified lands, the insertion in the *Iris Oifigiúil* of a notice of the making of the order shall be sufficient.

Laying of orders before Houses of the Oireachtas.

6.—Every order made under this Act shall be laid before each House of the Oireachtas within ten days after the making thereof if that House be then sitting and if not, then within ten days after the next meeting of that House.

Time for instituting proceedings.

7.—Notwithstanding anything to the contrary contained in any other Act, proceedings for an offence under this Act may, where such offence is an offence in connection with the movement, sale, consignment or planting of potatoes, be instituted at any time within twelve months from the date on which the alleged offence was committed.

Spraying of potatoes.

8.—(1) Whenever in relation to a particular district an order is made under section 3 of this Act for the protection of crops from a destructive insect or pest or an agent for the biological control of plant pests introduced into the State and specified in the order and the order is in force, the Minister may serve on any owner of a potato crop planted in that district a notice (in this section referred to as a spraying notice) in the prescribed form requiring him within the time specified in such notice to spray such potato crop with the prescribed spraying mixture in the prescribed manner. (2) Where a spraying notice is served on the owner of a potato crop and the notice is not complied with within the time limited thereby— (a) the Minister may cause that potato crop to be sprayed with the prescribed spraying mixture in the prescribed

manner at the expense of such owner, and for that purpose any insectspectator authorised in that behalf by the Minister may enter on the land on which that potato crop is planted and there do all things necessary for or incidental to the spraying of that potato crop; (b) the cost of such spraying shall be paid by such owner to the Minister on demand and may be recovered as a simple contract debt in any court of competent jurisdiction. (3) Any person who obstructs or impedes the Minister or any person duly authorised by the Minister in the exercise of any of the powers conferred by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds. (4) A spraying notice may be served— (a) by delivering it to the person to whom it is addressed, or (b) by leaving it for him with a person over sixteen years of age on the land on which the potato crop to which it relates is planted, or (c) by sending it by post to the person to whom it is addressed at his last known place of abode. (5) A spraying notice may be signed and issued by an insectspectator authorised in that behalf by the Minister on behalf of the Minister and when so signed and issued shall be deemed to have been signed and issued by the Minister. (6) The Minister may make regulations in relation to any matter referred to in this section as prescribed, and the word "prescribed" in this section means prescribed by such regulations.

Expenses of the Minister.

9.—All expenses incurred by the Minister in the execution of this Act shall be paid out of moneys provided by the Oireachtas, but the amount so paid shall not in any one financial year, without the sanction of the Minister for Finance, exceed the sum of one thousand pounds.

Repeals and savings.

10.—(1) The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule. (2) Without prejudice to sections 20 of the Interpretation Act, 1937 (No. 38 of 1937)— (a) nothing in the repeal effected by subsection (1) of this section shall affect any insectstrument made or other thing whatsoever done under any of the enactments repealed by subsection (1) of this section, but every such insectstrument or thing shall, if in force at the commencement of this Act, continue in force and, so far as it could have been made or done under this Act, shall have effect as if made or done under this Act; (b) any document referring to any enactment repealed by subsection (1) of this section shall, unless the contrary intention appears, be construed as referring to the corresponding enactment of this Act.

Short title and commencement.

11.—(1) This Act may be cited as the Destructive insects and Pests (Consolidation) Act, 1958. (2) This Act shall come into operation on the 1st day of June, 1958. section 10 (1)

SCHEDULE ENACTMENTS REPEALED

Short Title

Extent of Repeal

The Destructive insects Act, 1877.	The whole Act.
The Local Government (Adaptation of Irish Enactments) Order, 1899.	Article 42.7 Ed. VII,c.4.
The Destructive insects and Pests Act, 1907.	The whole Act
The Destructive insects and Pests Act, 1929.	The whole Act.
The Agriculture Act, 1931	In the First Schedule the
words "The Destructive insects and Pests Acts, 1877 to 1929."	section 65.No. 31 of 1954.
The Forestry Act, 1946	The whole Act.
The Destructive insects and Pests Act, 1954.	