

FOWL PEST ORDER 1950

I, JAMES M. DILLON, Minister for Agriculture, by virtue and in exercise of the powers conferred on me by the joint operation of the Agriculture Acts, 1931 to 1948, and of the Diseases of Animals Acts, 1894 to 1949, and of every and any other power me in this behalf enabling, hereby, after consultation with and with the consent of the Minister for Finance, order as follows :—

REG 1

Short Title.

1. This Order may be cited as the Fowl Pest Order, 1950.

REG 2

Definitions.

2. In this Order—

the expression " the Minister " means the Minister for Agriculture;

the word " poultry " means domestic fowls, turkeys, ducks, geese, guinea fowls, pigeons, pheasants and partridges,

the word " eggs " means eggs of poultry or parts of eggs of poultry,

the word " carcasses " means carcasses of poultry or parts of carcasses of poultry,

the expression " fowl pest " means fowl pest in any of its forms (including Newcastle disease and fowl plague),

the expression " approved disinfectant " means a disinfectant approved by the Minister under the Diseases of Animals (Disinfection) Order, 1931 (S. R. & O. No. 59 of 1931),

the word " inspector " means a person appointed by the Minister to be an inspector for the purposes of this Order,

the expression " infected area " means an area declared under Article 11 of this Order to be a fowl pest infected area.

REG 3

Notification of disease.

3. (1) Every person having or having had in his possession or under his charge any poultry, or the carcasses of any poultry, affected with or suspected of being affected with fowl pest shall immediately give notice of the infection or suspicion of infection to a member of the Garda Síochána at the nearest Garda Síochána station who shall immediately inform the Secretary, Department of Agriculture, Dublin.

(2) A member of the Garda Síochána may prevent any person from leaving the land or premises concerned, and may also prevent the removal of any poultry, carcasses, eggs, or thing from such land or premises pending the result of inquiries as to the existence of fowl pest.

REG 4

Notification of disease by veterinary surgeon.

4. (1) A veterinary surgeon who examines any poultry or carcasses and is of opinion that the poultry or carcasses are affected with fowl pest, shall immediately give notice of the infection or suspicion of infection to a member of the Garda Síochána at the nearest Garda Síochána station.

(2) The member of the Garda Síochána shall immediately inform the Secretary, Department of Agriculture, Dublin.

(3) A veterinary surgeon before leaving any land or premises on which fowl pest exists or is suspected to exist shall thoroughly disinfect his hands, boots, clothes and overalls and take all other reasonable precautions to prevent the spread of disease.

REG 5

Precautions to be adopted on premises on which disease exists or is suspected.

5. (1) The occupier of premises on which there are any poultry or carcasses affected with or suspected of being affected with fowl pest, shall forthwith—

(a) prevent the access of poultry, or of any person (other than the person attending the poultry), to the premises or part of the premises on which any poultry or carcasses affected with or suspected of being affected with fowl pest are or have been kept,

(b) detain on the premises all poultry, carcasses or eggs thereon,

(c) render all such reasonable assistance as may be required by an inspector for inquiry into the existence of disease.

(2) The restrictions imposed by this Article shall remain in operation until they are withdrawn by a notice served on the occupier of the premises by an inspector or until a notice (Form A) has been served on the occupier of the premises by an inspector under Article 6 of this Order.

(3) Nothing in this Article shall prevent the burning or burying of the carcasses on the premises or the transmission by an inspector of any poultry or carcasses for diagnosis.

REG 6

Declaration of an infected place.

6. (1) Where an inspector has grounds for suspecting the existence of fowl pest on any premises, a notice (in the Form A set forth in the Second Schedule hereto or in a form to the like effect) shall be served by the inspector on the occupier of the premises declaring the said premises, within the limits specified in the notice, to be an infected place for the purposes of this Order.

(2) On service of the notice, the premises to which the notice refers shall become an infected place within the limits specified in

the notice and shall be subject to the rules contained in the First Schedule to this Order.

(3) An inspector may from time to time, by a notice in writing served on the occupier of an infected place, direct that—

(a) the limits of the infected place shall be altered in the manner described in the notice ; or

(b) any of the rules contained in the First Schedule to this Order shall cease to apply to the infected place or shall be modified to the extent or in the manner specified in the notice ; or

(c) such additional rules as may be specified in the notice shall apply to the infected place.

(4) A notice (Form A) under this Article shall continue in force until it is withdrawn by a further notice (in the Form B set forth in the Second Schedule hereto or in a form to the like effect) signed by an inspector.

REG 7

Power of the Minister to slaughter and to dispose of carcasses.

7. (1) The Minister may, if he thinks fit, cause to be slaughtered any poultry affected with fowl pest.

(2) The Minister may, if he thinks fit, cause any carcasses, being in an infected place or area or removed thereout, to be destroyed or otherwise disposed of.

REG 8

Compensation for poultry slaughtered.

8. Compensation shall be paid by the Minister for poultry slaughtered under Article 7 of this Order. The compensation shall be the value of the poultry immediately before slaughter. Such value shall for the purpose of compensation be ascertained by a person appointed by the Minister in that behalf.

REG 9

Cleansing and disinfection.

9. (1) Any premises, or any part thereof, on which there has been any poultry or carcasses affected with fowl pest and any utensil, appliance or other thing thereon shall be cleansed and disinfected with an approved disinfectant by the occupier of the premises in accordance with a notice in writing served upon the occupier of the premises by an inspector and to the satisfaction of the inspector.

(2) If the occupier of any premises fails to comply with a notice served under this Article, the Minister, without prejudice to the recovery of any penalty for an infringement of this Article, shall cause the cleansing and disinfection directed by the notice to be carried out and may recover summarily the expense thereof from the occupier as a simple contract debt.

REG 10

Restrictions of movement of poultry exposed to infection.

10. (1) Where an inspector has reason to believe that there has been, within the immediately preceding twenty-eight days, on any premises any poultry, carcasses or eggs which have in any manner exposed to the infection of fowl pest, he may, if he considers it expedient so to do for the purpose of preventing the spread of that disease, forthwith serve a notice (in the Form C set forth in the Second Schedule to this Order or in a form to the like effect) on the occupier of the said premises or on the owner or person in charge of any such poultry, carcasses or eggs, and thereupon the premises and any such poultry, carcasses or eggs, thereon shall be subject to the provisions of the notice: Provided that if such poultry, carcasses or eggs are—

(a) in a market, fairground, saleyard, place of exhibition or other public or private place where poultry, carcasses or eggs are commonly exposed for sale or exhibition, or
(b) in a landing place, wharf, railway station or other place during transit, or

(c) on common or unenclosed land or other place not in the possession or occupation or under the control of the owner of the poultry, carcasses or eggs or his authorised agent, the inspector shall, before the service of the notice, cause the poultry, carcasses or eggs to be moved to some convenient isolated place approved by him for the purpose of the detention of the poultry, carcasses or eggs under the provisions of the said notice.

(2) A notice served under this Article shall remain in force until the date specified in the notice, or if no date is specified, until it is withdrawn by a further notice in writing (in the Form D set forth in the Second Schedule hereto or in a form to the like effect) served by an inspector on the occupier of the premises or on the owner or person in charge of any such poultry, carcasses or eggs (as the case may be).

REG 11

Declaration of infected area.

11. (1) The Minister may by order declare a specified area to be a fowl pest infected area for the purposes of this Order.

(2) The Minister may by order amend or revoke an order made under this Article.

(3) Any holding or enclosure partly within and partly without an infected area shall be deemed to be wholly within such area.

REG 12

Movement of poultry, carcasses and eggs.

12. (1) Poultry, carcasses or eggs intended for hatching shall not be moved into, out of or within an infected area unless accompanied by and in accordance with a licence granted by an inspector.

(2) No poultry, carcasses or eggs intended for hatching shall be

brought to any market, fair, sale, exhibition or gathering held in an infected area.

REG 13

Prohibition on effacing notices

13. A person shall not efface, obliterate or remove or attempt to efface, obliterate or remove any notice or poster displayed for the purposes of this Order in an infected area.

REG 14

Prohibition on hunting and shooting of wild birds.

14. The hunting and shooting of wild birds is hereby prohibited in an infected area.

REG 15

Transmission of copies of notices.

15. An inspector shall with all practicable speed send copies of any notice served by him under this Order to the officer in charge of the nearest Garda Síochána station and to the Secretary, Department of Agriculture, Dublin.

REG 16

Offences.

16. Any person committing or aiding, abetting, counselling or procuring the commission of any breach of the provisions of this Order or of any Rules required to be observed thereunder, or of the requirements of any notice served or of the conditions of any licence issued thereunder, shall be guilty of an offence and shall be liable on summary conviction to the penalties provided by the Diseases of Animals Acts, 1894 to 1949.

FIRST SCHEDULE.

Article 6.

RULES APPLICABLE TO INFECTED PLACE.

1. No poultry shall be moved into or out of an infected place.
2. No poultry carcasses shall be removed out of an infected place except in accordance with a licence granted by an inspector.
3. No poultry eggs shall be moved out of an infected place except in accordance with a licence granted by an inspector.
4. No foodstuffs, litter, droppings, utensil, foodbag, crate, hurdle, poultry appliance, vehicle or other thing shall be removed out of an infected place except in accordance with a licence granted by an inspector.
5. All droppings, litter and waste food shall be thoroughly disinfected with an approved disinfectant to the satisfaction of an inspector before being permitted to be removed from any building, house, shed, pen, yard or other place in which the affected or suspected poultry or poultry carcasses are or have recently been kept.
6. No person, other than an inspector or the person attending the poultry, shall enter or leave an infected place unless authorised

by, and in accordance with, a written permit obtained from an inspector.

7. Any person whatsoever entering any part of an infected place shall wear suitable overall clothing and boots which are capable of being disinfected and shall, before leaving such place, thoroughly cleanse and disinfect such clothing and boots and also his hands.

8. Any person attending affected or suspected poultry shall not attend poultry not so affected or suspected unless authorised by, and in accordance with, a written permit obtained from an inspector.

9. The occupier of any premises subject to these Rules shall supply the disinfectant required to be used at his own expense and, if he fails to do so, it shall be lawful for the Minister, without prejudice to the recovery of any penalty for the infringement of this rule, to supply the disinfectant and to recover summarily as a simple contract debt from the occupier the expense of so doing.

SECOND SCHEDULE.

FORM A.

DISEASES OF ANIMALS ACTS, 1894 TO 1949. FOWL PEST ORDER, 1950.
(ARTICLE 6).

Notice defining infected place.

To

of

.....

I, the undersigned, being an inspector for the purposes of the above-mentioned Order, hereby give you notice, as the occupier of the under-mentioned premises, that in accordance with the provisions of the said Order the under-mentioned premises are hereby declared to be an infected place for the purposes of the Fowl Pest Order, 1950, and that the said premises accordingly become subject to the Rules set out on the back hereof. Any person infringing these Rules is liable to heavy penalties.

This notice remains in force until it is withdrawn by a subsequent notice served by an inspector on the occupier of the infected place.

Dated this day of, 19.....

(Signed)

Address

.....

Description of infected place, stating exact location.

FORM B.

DISEASES OF ANIMALS ACTS, 1894 TO 1949.

FOWL PEST ORDER, 1950.

(ARTICLE 6).

Withdrawal of notice defining infected place.

To

of

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I, the undersigned, being an inspector for the purposes of the above-mentioned Order, hereby withdraw as from the day of, 19....., the notice (Form A) signed by

..... and served upon you on the day of

....., 19.....

Dated this day of, 19.....

(Signed)

Address

.....

Note: If the limits of the infected place have been altered by a notice served by an inspector, this notice applies to the infected place as so altered.

FORM C.

DISEASES OF ANIMALS ACTS, 1894 TO 1949.

FOWL PEST ORDER, 1950.

(ARTICLE 10).

Notice imposing restrictions on movement of poultry, poultry carcasses or poultry eggs exposed to infection.

To

of

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I, the undersigned, being an inspector for the purposes of the above-mentioned Order, hereby give you notice as the occupier of the under-mentioned premises or the owner or person in charge of the poultry, poultry carcasses or poultry eggs thereon that, in accordance with the provisions of the said Order, the movement of poultry, poultry carcasses or poultry eggs into or out of the under-mentioned premises becomes subject to the restrictions specified below. These restrictions will continue to operate until

* the

* they are withdrawn by a further notice (Form D) served by an inspector on the occupier of the premises or * the owner or person in charge of the poultry, poultry carcasses or poultry eggs, as the case may be.

* Strike out the words inapplicable.

Restrictions imposed by this Notice.

1. Poultry, poultry carcasses or poultry eggs shall not be moved out of the said premises except on the following conditions :—

(a) the movement must be authorised by a licence granted by an inspector ;

(b) the licence shall forthwith after completion of the movement be delivered up at, or sent by post to, the nearest Garda Síochána station by the person in charge of the poultry, poultry carcasses or poultry eggs at the time of completing the movement.

2. Poultry, poultry carcasses or poultry eggs shall not be moved into the said premises unless such movement is authorised by a licence granted by an inspector and any poultry, poultry carcasses or poultry eggs so moved shall be kept separate from other poultry, poultry carcasses or poultry eggs on the premises until this notice is withdrawn.

Description of Premises under Movement Restrictions, stating exact location.

Dated this day of, 19.....

(Signed)

Address

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FORM D.

DISEASES OF ANIMALS ACTS, 1894 TO 1949.

FOWL PEST ORDER, 1950.

(ARTICLE 10).

Withdrawal of Notice (Form C) restricting movement of poultry exposed to infection.

To

of

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I, the undersigned, being an inspector for the purposes of the above-mentioned Order, hereby withdraw, as from the day

of 19....., the Notice (Form C) signed by

..... and served upon you

on the day of, 19.....

Dated this day of, 19.....

(Signed)

Address

.....

GIVEN under my Official Seal, this 21st day of January, 1950.

(Signed) JAMES M. DILLON,

Minister for Agriculture.