

## FOWL PEST (AMENDMENT) ORDER 1992

I, JOE WALSH, Minister for Agriculture and Food, in exercise of the powers conferred on me by sections 3 of the Diseases of Animals Act, 1966 (No. 6 of 1966), as adapted by the Agriculture (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 97 of 1987), with the consent of the Minister for Finance, hereby order as follows:

### REG 1

1. This Order may be cited as the Fowl Pest (Amendment) Order, 1992.

### REG 2

2. The Fowl Pest (Amendment) Order, 1950 (S.I. No. 18 of 1950) is hereby amended by the substitution of the following for Article 4:—

"4 (1) Valuation for the purpose of compensation payable by reason of the operation of Article 3 of this Order shall be ascertained by a person appointed by the Minister in that behalf.

(2) Consideration of an application for compensation referred to in paragraph (1) of this Article in respect of any poultry, carcasses or eggs shall be postponed pending the institution or determination of a prosecution for an offence under the Diseases of Animals Act, 1966 (No. 6 of 1966) in relation to such poultry, carcasses or eggs and the provisions of section 58 (3) of that Act shall apply where there is a conviction.

(3) Where an application for compensation referred to in paragraph (1) of this Article is made and there is failure by the applicant to take reasonable precautions to protect against the disease any poultry, carcasses or eggs to which the application relates or, in the case of imported poultry, where they are shown to have been diseased when imported, the Minister may in assessing the compensation make a deduction estimated by him to be the amount of any loss to the Exchequer or to the applicant himself arising by reason of such failure or importation".

GIVEN under my Official Seal, this 7th day of October, 1992.

JOE WALSH,  
Minister for Agriculture and Food.

The Minister for Finance consents to the making of the foregoing order.

GIVEN under the Official Seal of the Minister for Finance, this 18th day of September, 1992.

BERTIE AHERN,  
Minister for Finance.

### EXPLANATORY NOTE.

This Order provides that, in the case of a flock compulsorily slaughtered due to the occurrence of Fowl Pest, consideration of an

application for compensation shall be postponed pending the determination of a prosecution and a deduction equal to the loss to the Exchequer or to the applicant may be made from the compensation where there is failure to take reasonable precautions to protect against the disease.