

S.I. No. 289 of 1992.

**DISEASES OF ANIMALS (BOVINE SPONGIFORM ENCEPHALOPATHY)
(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:

1. (1) This Order may be cited as the Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) Order, 1992.

(2) The Diseases of Animals (Bovine Spongiform Encephalopathy) Orders, 1989 and 1990 and this Order may be cited together as the Diseases of Animals (Bovine Spongiform Encephalopathy) Orders, 1989 to 1992.

2. The Diseases of Animals (Bovine Spongiform Encephalopathy) (Amendment) (No. 2) Order, 1990 (S.I. No. 195 of 1990), is hereby amended by the insertion in Article 4 after paragraph (3) of the following paragraphs:

"(4) Consideration of an application for compensation referred to in paragraph (1) of this Article in respect of any animal shall be postponed pending the institution or determination of a prosecution for an offence under the Act in relation to such animal and the provisions of section 58 (3) of the Act shall apply where there is a conviction.

(5) 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 an animal to which the application relates or, in the case of an imported animal, where it is shown to have been diseased when imported, the Minister may, after the market value has been fixed under paragraph (2) of this Article, 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 7th day of October, 1992.

BERTIE AHERN,

Minister for Finance.

EXPLANATORY NOTE.

This Order provides that, in the case of a herd compulsorily slaughtered due to the occurrence of Bovine Spongiform Encephalopathy, 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.