EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations revoke regulation 5 and regulation 20 of the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations (Northern Ireland), 1948.

In consequence of the transfer, in pursuance of section 1 of the Family Allowances and National Insurance Act (Northern Ireland), 1959, of the responsibility for the determination of questions under the Family Allowances Act (Northern Ireland), 1945, from the Ministry of Labour and National Insurance, with the right of appeal to the Umpire appointed under the Family Allowances Act (Northern Ireland), 1945, to insurance officers, local tribunals and the Umpire appointed under the National Insurance Act (Northern Ireland), 1946, regulation 5 of the Regulations of 1948, which modifies provisions of the old Family Allowances adjudication system in their application to the determination of certain questions arising under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, has become redundant.

Section 4 of the Act of 1959 provides that leave shall not be required for an appeal to the Umpire from a decision of a local appeal tribunal constituted for the purposes of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and accordingly regulation 20 of the Regulations of 1948, which contains provisions as to the manner in which and time within which applications for such leave were to be made, is no longer required.

1959. No. 144 **[NC]**

DISEASES OF ANIMALS

Eradication of Bovine Tuberculosis

ORDER, DATED 26TH AUGUST, 1959, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTIONS 4 AND 12 OF THE DISEASES OF ANIMALS ACT (NORTHERN IRELAND), 1958(a).

The Ministry of Agriculture for Northern Ireland by virtue of and in exercise of the powers vested in it under Sections 4 and 12 of the Diseases of Animals Act (Northern Ireland), 1958, and of every other power enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Tuberculosis (Slaughter of Reactors) Order (Northern Ireland), 1959, and shall come into operation on the 1st day of September, 1959.

Interpretation

2. In this Order:—

"Act" means the Diseases of Animals Act (Northern Ireland), 1958.

(a) 1958. c. 13.

"Animal" means bovine animal

"Eradication Area" and "Attested Area" mean respectively an area which is for the time being an eradication area or an attested area as the case may be for purposes connected with the control of tuberculosis by virtue of an Order made under Section 3 of the Act.

"Ministry" means the Ministry of Agriculture for Northern Ireland.

Application of Order

3. This Order shall apply only to such areas as may be from time to time declared to be Eradication Areas or Attested Areas under Section 3 of the Act.

Slaughter of reactors in Eradication Areas and Attested Areas

4. Where a veterinary inspector has certified that an animal kept on premises in an Eradication Area or an Attested Area has reacted to a tuberculin test and the Ministry proposes to cause to be slaughtered that animal or any animal kept as aforesaid which has been exposed to the infection of tuberculosis by contact with the first mentioned animal, a veterinary inspector may give notice (in the form set forth in the Schedule hereto) to the owner or person in charge of the animal requiring him to detain the animal on the premises specified in the notice and to isolate it as far as practicable from other animals.

Compensation

5.—(1) Where the Ministry causes an animal to be slaughtered in accordance with this Order, compensation shall be payable to the owner of the animal at the market value of the said animal determined in accordance with this Article.

(2) For the purposes of this Order the market value of an animal means the price which might reasonably have been obtained from a purchaser in the open market who had no knowledge that the animal had been tested with tuberculin.

(3) The market value of an animal which has reacted to a tuberculin test or which has been exposed to the infection of tuberculosis by contact with the first mentioned animal and which the Ministry proposes to cause to be slaughtered shall before slaughter be determined, for the purposes of payment of compensation, by agreement between an inspector of the Ministry and the owner of the animal, or if they shall fail so to agree, by a valuer appointed by the Ministry and agreed to by the owner and paid by the Ministry, and such valuer shall give to the Ministry and to the owner a certificate in writing of the said value.

Movement of reactors

6. A person shall not move or permit to be moved from his premises any animal in respect of which a notice has been served in accordance with Article 4 hereof except under the authority of a permit issued by the Ministry in the form set forth in the Schedule hereto.

Offences

7. Any person committing or aiding, abetting, counselling or procuring the commission of any breach of the provisions of this Order or the conditions of any licence granted or notice served under this Order is liable on summary conviction to the penalties provided by Section 46 of the Act.