

1991 No. 8

PUBLIC HEALTH

**Food Protection (Emergency Prohibitions) Order
(Northern Ireland) 1991**

Made 10th January 1991

Coming into operation 14th January 1991

The Department of Agriculture, in exercise of the powers conferred on it by sections 1(1) and 24(3) of the Food and Environment Protection Act 1985(a) and of every other power enabling it in that behalf, being of the opinion in accordance with section 1(1) of that Act that there exist or may exist circumstances which are likely to create a hazard to human health through human consumption of food and that in consequence food which is or may be in the future derived from sheep in the areas described in the Schedule to the following Order, is, or may be, or may become, unsuitable for human consumption, hereby makes the following Order:—

Title, commencement and interpretation

1.—(1) This Order may be cited as the Food Protection (Emergency Prohibitions) Order (Northern Ireland) 1991 and shall come into operation on 14th January 1991.

(2) In this Order—

- (a) “consent” means a consent given under section 2(1) of the Act;
- (b) “designated area” means an area described in the Schedule;
- (c) “sheep” means an animal of the genus *Ovis* of whatever age or sex;
- (d) “the Act” means the Food and Environment Protection Act 1985;
- (e) “the Department” means the Department of Agriculture.

(3) The Interpretation Act (Northern Ireland) 1954(b) shall apply to this Order as it applies to a Measure of the Northern Ireland Assembly.

Designated circumstances

2. In the opinion of the Department, food which is or may be in the future derived from sheep in the areas described in the Schedule is, or may be, or may become unsuitable for human consumption in consequence of the elevated levels of radioactivity found in those areas following the escape on or after 26th April 1986 of radioactive substances from a nuclear powered reactor situated at Chernobyl in the Ukraine, USSR.

(a) 1985 c. 48 as amended by the Food Safety Act 1990 (c. 16). *See also* section 25(2) 1985 c. 48
(b) 1954 c. 33 (N.I.)

Designated areas

3. The areas described in the Schedule are hereby designated for the purposes of Part I of the Act.

Activities prohibited in a designated area

4. A person shall not, in a designated area, slaughter any sheep for human consumption or for use in the preparation of feedingstuffs from which food could be derived.

Prohibitions on movement

5.—(1) A person shall not move any sheep from a farm, holding or agricultural premises situated in a designated area.

(2) A person shall not move into a designated area any sheep which has previously been removed from that area, or from an area which is at the time of removal designated by an order under section 1 of the Act which refers to the escape of substances described in Article 2, in accordance with a consent which was subject to the condition that the sheep to which it applied should be marked with a green, blue or apricot paint mark.

Activities prohibited throughout the United Kingdom

6.—(1) Subject to paragraph (2) a person shall not, in the United Kingdom—

- (a) slaughter for human consumption or for use in the preparation of feedingstuffs from which food could be derived any sheep that was in a designated area at any time after 14th September 1987; or
- (b) supply, or have in his possession for supply, any meat derived from a sheep, or any food which contains any such meat, if that sheep was in a designated area at any time after 14th September 1987.

(2) Paragraph (1) shall not apply—

- (a) in the case of any sheep which was moved from a designated area in accordance with a consent which did not require that sheep to be marked with a paint mark and did not require it to be returned to that area;
- (b) in the case of any sheep—
 - (i) which was moved from a designated area in accordance with a consent which was subject to the condition that the sheep to which it applied should be marked with a paint mark; and
 - (ii) which has been examined and marked with an ear tag by a person authorised in that behalf by the Department;
- (c) in the case of any sheep—
 - (i) which was moved from a designated area in accordance with a consent; and
 - (ii) which was marked with a blue paint mark in accordance with that consent,

on or after 1st April of the year following the year in which it was so marked;

- (d) in the case of any sheep—
- (i) which was moved from a designated area in accordance with a consent; and
 - (ii) which was marked with an apricot paint mark in accordance with that consent;
- on or after 1st August of the year in which it was so marked;
- (e) in the case of any sheep—
- (i) which was moved from a designated area in accordance with a consent; and
 - (ii) which was marked with a green paint mark in accordance with that consent,
- on or after 1st December of the year in which it was so marked.

Revocations

7. The Food Protection (Emergency Prohibitions) Order (Northern Ireland) 1987(a), the Food Protection (Emergency Prohibitions) (Amendment No. 2) Order (Northern Ireland) 1988(b) and the Food Protection (Emergency Prohibitions) (Amendment No. 4) Order (Northern Ireland) 1990(c) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 10th January 1991.

(L.S.)

D. A. J. Hirrell

Assistant Secretary

(a) S.R. 1987 No. 367
(b) S.R. 1988 No. 194
(c) S.R. 1990 No. 354

The designated areas*Glenshane, County Londonderry*

The area comprising those parts of County Londonderry which lie within the following boundary:—

From the junction of the Lisnamuck Road and the Glenshane Road (OS Map Ref C796016) eastwards along the Glenshane Road to OS Map Ref C806013; north east along the Ranaghan Road to OS Map Ref C819020; north along the Seefin Road and Seefin Hill Road to OS Map Ref C815038; northwards along the Pollan Water to Tullykeeran Bridge (OS Map Ref C818045); north along the Tirkane Road to OS Map Ref C812049; west along fences and the Altcrea Burn which mark the townland boundary between Tullykeeran and Currudda on the one hand and Slaghtneill and Eden on the other to OS Map Ref C773054; southwards along the River Roe which marks the townland boundary between Currudda and Corick to OS Map Ref C773043; westward along fences marking the townland boundary between Glenshane and Moydamlaght on the one hand and Corick, Cluntygeeragh and Moneyneany on the other to OS Map Ref C738006; south along the boundary of Moydamlaght Forest to OS Map Ref H750988; south along the townland boundary separating Moydamlaght and Dunmurry to the junction of Fivemilestraight Road OS Map Ref H757973; east along the Fivemilestraight Road to OS Map Ref H805990; north along the Lisnamuck Road to the junction with the Glenshane Road (OS Map Ref C796016).

The area excludes any part of a road, fence, or river by reference to which its boundary is defined.

Belraugh, County Londonderry

The area comprising those parts of County Londonderry which lie within the following boundary:—

From Coolnasilla Bridge OS Map Ref C778174; northwards along the Belraugh Road to OS Map Ref C796201; westwards along unnumbered road to OS Map Ref C790204; southwards along the Gamlaght River to OS Map Ref C777197; south and west along the boundary of Cam Forest to OS Map Ref C761187; southwards along fences marking the townland boundary between Coolnasilla and Tremain to OS Map Ref C761178; south and east to Evish Burn and along Evish Burn to Coolnasilla Bridge OS Map Ref C778174.

The area excludes any part of a road, fence or river by reference to which its boundary is defined.

Glenwherry, County Antrim

The area comprising those parts of County Antrim which lie within the following boundary:-

From the junction of the Douglas Road and Road A36 (OS Map Ref D240996); eastwards along the A36 and Glenhead Roads to OS Map Ref D279998; northwards along the Eastern boundary of the Department of Agriculture's hill farm to OS Map Ref D306029; westward along the South and West boundary of Capanagh Forest to OS Map Ref D292054; north west along the Starbog Road to OS Map Ref D288063; westwards along fences to OS Map Ref D264057; westwards along the Drumcrow and Shillanavogy roads to OS Map Ref D249048; westwards along the Shillanavogy Water, fences and Douglas Burn which form the townland boundary between Shillanavogy and Douglas on the one hand and Ballynacaird, Carnstroan and Racavan on the other to OS Map Ref D222035; southwards along the Douglas Road to the junction of the Douglas Road and Road A36 (OS Map Ref D240996).

The area excludes any part of a road, fence or river by reference to which its boundary is defined.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order consolidates with amendments the Food Protection (Emergency Prohibitions) Order (Northern Ireland) 1987, as amended.

The Order contains emergency prohibitions on various activities in order to prevent human consumption of food which is derived from sheep in the designated areas in Northern Ireland and which has been or may have been rendered unsuitable for human consumption in consequence of the elevated levels of radioactivity found in those areas following the escape of radioactive substances from a nuclear reactor situated at Chernobyl in the USSR.

The designated areas in Northern Ireland are described (Article 3 and the Schedule). Within those areas the slaughter of sheep is prohibited (Article 4). Movement of sheep from farms, holdings and agricultural premises in the designated areas is prohibited (Article 5(1)), and movement of sheep into those areas is controlled (Article 5(2)). Prohibitions on the slaughter of sheep from the designated areas and the supply of meat derived from such sheep extend throughout the United Kingdom, subject to exceptions (Article 6).

The principal changes of substance effected by this Order are—

- (a) a reduction in the size of the designated areas in Glenshane and Belraugh, Co. Londonderry (Article 3 and the Schedule);
- (b) a revision of the exceptions to the prohibitions throughout the United Kingdom on the slaughter of sheep from the designated areas and the supply of meat derived from such sheep (Article 6(2)); in particular—
 - (i) the prohibitions do not apply in the case of any sheep moved from those areas in accordance with a consent given under section 2(1) of the Food and Environment Protection Act 1985 (“the 1985 Act”), regardless of the date of the consent, if the consent was subject to the condition that the sheep should be marked with a paint mark, and the sheep has been examined and marked with an ear tag by a person authorised by the Department of Agriculture (Article 6(2)(b));
 - (ii) a fixed timetable for exceptions to these prohibitions is introduced in the case of any sheep moved from those areas in accordance with a consent given under section 2(1) of the 1985 Act and marked with a blue, apricot or green paint mark in accordance with that consent (Article 6(2)(c) to (e)).

The Order also makes certain drafting changes.

Any person who contravenes the provisions of this Order is guilty of an offence and is liable, on summary conviction, to a fine not exceeding £2,000 or on conviction on indictment to a fine or to imprisonment for a term of not more than two years or to both.