



Food and Environment Protection Act 1985

1985 CHAPTER 48

PART I

CONTAMINATION OF FOOD

Emergency orders etc.

1 Power to make emergency orders.

(1) If in the opinion of the designating authority—

[^{F1}(a) there exist or may exist circumstances which are likely to create a hazard to human health through human consumption of food;]and

(b) in consequence food which is or may be in the future in an area—

- (i) of land in the United Kingdom ;
- (ii) of sea within British fishery limits ; or
- (iii) both of such land and of such sea,

or which is or may be in the future derived from anything in such an area, is, or may be, or may become, unsuitable for human consumption,

that designating authority may by statutory instrument make an order designating that area and containing emergency prohibitions.

(2) In this Act—

“designating authority” means the Ministers or either of them;

^{F2}

“emergency order” means an order under this section—

- (a) which designates an area; or
- (b) which amends or re-enacts an order which designated an area;

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 1. (See end of Document for details)

“emergency prohibitions” means the prohibitions specified in Schedule 1 to this Act; and

“designated area” means an area designated by an emergency order.

- (3) Food derived from any creature is to be treated for the purposes of this Act as also derived—
- (a) from any feeding stuff which that creature has eaten ; and
 - (b) from anything from which any feeding stuff was derived,
- and references in this Act to anything from which food could be derived shall be construed accordingly.
- (4) The Ministers may jointly by order made by statutory instrument amend Schedule 1 to this Act.
- [^{F3}(5) An emergency order shall refer to the circumstances or suspected circumstances in consequence of which in the opinion of the designating authority making it food such as is mentioned in subsection (1)(b) above is, or may be, or may become, unsuitable for human consumption; and in this Act “designated circumstances” means the circumstances or suspected circumstances to which an emergency order refers in pursuance of this subsection.]
- (6) Subject to subsection (7) below, and to section 2(2) below, any person who—
- (a) contravenes an emergency prohibition ; or
 - (b) causes or permits any other person to do so,
- shall be guilty of an offence.
- (7) It shall be a defence for a person charged—
- (a) with contravening an emergency prohibition contained in an emergency order by virtue of paragraph 2 or 3 of Schedule 1 to this Act ; or
 - (b) with causing or permitting any other person to contravene such a prohibition, to show—
- (i) that the contravention took place on a foreign vessel, foreign aircraft, foreign hovercraft or foreign marine structure ; and
 - (ii) that nothing to which the prohibition related was landed from it in the United Kingdom.
- (8) An emergency order—
- (a) shall be laid before Parliament ; and
 - (b) shall cease to have effect at the expiry of a period of 28 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by resolution of each House of Parliament, but without prejudice to anything previously done or to the making of a new order.
- (9) In reckoning for the purposes of subsection (8) above any period of 28 days, no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.
- (10) An order under this section which—
- (a) wholly or partly revokes an emergency order ; and
 - (b) does nothing else, or nothing else except make provision incidental or supplementary to the revocation,
- shall be laid before Parliament after being made.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 1. (See end of Document for details)

- (11) No order under subsection (4) above shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

Textual Amendments

- F1** S. 1(1)(a) substituted (*retrosp.*) by Food Safety Act 1990 (c. 16, SIF 53:1, 2), **ss. 51(1)(2)(a)**, 54
- F2** Definition of “escape” repealed (*retrosp.*) by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 51(1)(2)(b), 54, 59(4), **Sch. 5**; and expressed to be repealed (N.I.) (21.5.1991) by S.I. 1991/762 (N.I. 7), art. 51(4), **Sch. 4**; S.R. 1991/175, **art. 2(1)**
- F3** S. 1(5) substituted (*retrosp.*) by Food Safety Act 1990 (c. 16, SIF 53:1, 2), **ss. 51(1)(2)(c)**, 54

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 1.