

Order made by the Minister of Agriculture, Fisheries and Food, laid before Parliament under section 1(8) of the Food and Environment Protection Act 1985, for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the Order was made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

1991 No. 1235

**PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND
PUBLIC HEALTH, NORTHERN IRELAND
CONTAMINATION OF FOOD**

**The Food Protection (Emergency Prohibitions)
(Paralytic Shellfish Poisoning) Order 1991**

<i>Made</i>	- - - -	<i>22nd May 1991</i>
<i>Laid before Parliament</i>		<i>23rd May 1991</i>
<i>Coming into force</i>	- -	<i>22nd May 1991</i>

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 1(1) and (2) and section 24(1) and (3) of the Food and Environment Protection Act 1985⁽¹⁾, and of all other powers enabling him in that behalf, being of the opinion 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 derived or may be in the future derived from scallops in the area described in 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) (Paralytic Shellfish Poisoning) Order 1991 and shall come into force at 18.00 hours on 22nd May 1991.

(2) In this Order “scallop” means shellfish of the species *pecten maximus* or *chlamys operculata*, and “relevant time” means one minute past midnight on 22nd May 1991.

(1) 1985 c. 48; section 1 was amended by section 51 of the Food Safety Act 1990 (c. 16), and section 24(1) was amended by paragraph 29 of Schedule 3 to that Act; section 1(2) defines “designating authority” and section 24(1) defines “the Ministers”.

Designated circumstances

2. In the opinion of the Minister of Agriculture, Fisheries and Food, scallops in the area designated in article 3 below may be affected by the toxin which causes Paralytic Shellfish Poisoning in human beings and are likely to create a hazard to human health if they are consumed.

Designated area

3. The area described in the Schedule to this Order is hereby designated for the purposes of Part I of the Food and Environment Protection Act 1985.

Activity prohibited in the designated area

4. No person shall fish for or take any scallops in the designated area.

Prohibited movement of scallops

5. No person shall move any scallops out of the designated area.

Restrictions throughout the United Kingdom

6. No person shall, in the United Kingdom or in United Kingdom waters—
- (a) use any scallops taken out of the designated area after the relevant time in the preparation or processing for supply of food and anything from which food could be derived,
 - (b) land any scallops taken from waters in the designated area after the relevant time,
 - (c) supply, or have in possession for supply, any scallops, or any product derived from scallops, from which food could be derived if such scallops were taken from the designated area after the relevant time,
 - (d) supply, or have in possession for supply, any food or anything from which food could be derived in the preparation or processing of which anything was used in contravention of paragraph (a) of this article,
 - (e) feed to any creature a feeding stuff in the preparation or processing of which anything was used in contravention of paragraph (a) of this article.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd May 1991 at 17.20 hours.

L.S.

Derek Andrews
Permanent Secretary, Ministry of Agriculture,
Fisheries and Food

SCHEDULE

Article 3

THE DESIGNATED AREA

That area in the North Sea bounded by a line drawn from the seaward limit of United Kingdom territorial waters along 55° 48.6'N latitude westward to the shore line at mean high water springs and from that point along that shoreline southward to 55° N latitude and from that point along 55° N latitude eastward to the limit of United Kingdom territorial waters and from that point along the limit of United Kingdom territorial waters northward to 55° 48.6'N latitude.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order contains emergency prohibitions restricting various activities in order to prevent human consumption of food likely to have been rendered unsuitable for that purpose by virtue of shellfish being affected by the toxin which causes paralytic shellfish poisoning in human beings.

The Order designates an area within which taking scallops is prohibited (articles 3 and 4 and the Schedule). It prohibits the movement of scallops out of that area (article 5). Other restrictions are imposed throughout the United Kingdom in relation to the use of any scallops taken from that area (article 6).

Under section 21 of the Food and Environment Protection Act 1985 the penalty for contravening an emergency prohibition is—

- (a) on summary conviction, a fine of an amount not exceeding the statutory maximum (at present £2,000);
- (b) on conviction on indictment, an unlimited fine, or imprisonment for a term of not more than two years, or both.

Powers of enforcement in relation to emergency prohibitions are conferred by section 4 of, and Schedule 2 to, the 1985 Act. Obstruction of enforcement officers is an offence under paragraph 10 of that Schedule.