

Order made by the Secretary of State, 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. 1958 (S. 164)

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

**The Food Protection (Emergency Prohibitions)
(Paralytic Shellfish Poisoning) (No.10) Order 1991**

Made - - - - 30th August 1991

Laid before Parliament 2nd September 1991

Coming into force in accordance with article 1(1)

The Secretary of State, 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 bivalve molluscs in the area described in the following Order, is, or may be, or may become, unsuitable for human consumption, hereby makes the following Order:

Citation, commencement and interpretation

1. –

(1) This Order may be cited as the Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (No.10) Order 1991 and shall come into force at 17.00 hours on 30th August 1991.

⁽¹⁾ 1985 c. 48; section 1(1) and (2) were amended by section 51(2)(a) and (b) 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”.

(2) In this Order “bivalve mollusc” means bivalve molluscs of the class of lamellibranchia, and “relevant time” means one minute past midnight on 30th August 1991.

Designated circumstances

2. In the opinion of the Secretary of State, bivalve molluscs 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 bivalve molluscs in the designated area.

Prohibited movement of bivalve molluscs

5. No person shall move any bivalve molluscs 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 bivalve molluscs 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 bivalve molluscs which were in waters in the designated area after the relevant time,
 - (c) supply, or have in possession for supply, any bivalve molluscs which were in 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 sub-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 sub-paragraph (a) of this article.

Revocation

7. The Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (No.9) Order 1991(2) is hereby revoked.

Pentland House,
Edinburgh
30th August 1991

E. C. Davison
Assistant Secretary, Scottish Office

SCHEDULE

Article 3

THE DESIGNATED AREA

That area of the sea within Scapa Flow, Orkney Islands below mean high water springs enclosed by a straight line extending from a point on the line of the mean high water springs at The Ness at 58° 57.15'N latitude and 3° 17.58'W longitude on the mainland of Orkney to the Point of Oxan at 58° 56.36'N latitude and 3° 18.7'W longitude on the Island of Graemsay then in a south westerly direction to Bu Point at 58° 55.7'N latitude and 3° 19.5'W longitude on the Island of Hoy; then in a south easterly and southerly direction along the line of the mean high water springs on the north eastern and eastern shores of that Island to North Ness; then in a westerly, southerly and easterly direction along the northern, western and southern shore of North Bay to The Ayre; then in an easterly direction across The Ayre to the Island of South Walls; then in a north easterly direction easterly and southerly direction along the north western, northern and eastern shores of that Island to Cantick Head at 58° 47.25'N latitude and 3° 7.8'W longitude and then in an easterly direction to Herston Head at 58° 48.45'N latitude and 3° 1.2'W longitude on the Island of South Ronaldsay; then in a north easterly, south easterly, north easterly, north westerly and westerly direction around the western, southern, eastern and northern shores of Widewell Bay to Hoxa Head Lighthouse at 58° 49.34'N latitude at 3° 2'W longitude then extending generally in an easterly direction along the line of the mean high water springs on the northern shore of that Island until it meets Churchill Barrier No.4; then in a north easterly direction across that barrier to the southern shore of the Island of Burray, then in a westerly direction along the line of the mean high water springs on the southern shore of the Island of Burray to Hunda Reef, then in a north westerly direction across Hunda Reef to the eastern shore of the Island of Hunda; then in a south westerly, north westerly, north easterly and south westerly direction around the eastern, western, northern and eastern shores of that Island; then in a south easterly direction across Hunda Reef then in a north easterly, south easterly and northerly direction along the northern shore of the Island of Burray to Churchill Barrier No.3; then in a northerly direction across Churchill Barrier No.3 to the southern shore of the Island of Glimps Holm, then in a westerly, northerly and easterly direction along the southern, western and northern shores of that Island until it meets Churchill Barrier No.2; then in a north easterly direction across that Barrier to the western shore of the Island of Lamb Holm, then in a north easterly direction along the western shore of that Island until it meets Churchill Barrier No.1; then in a northerly direction across that Barrier to the southern shore of the Mainland; then in a westerly and northerly direction along the southern and western shores of the Mainland to Scapa Bay; then in a northerly, westerly and southerly direction along the eastern, northern and western shores of Scapa Bay; then a westerly direction along the southern shore of the Mainland to Houton Head; then in a northerly direction along the western shore of the Mainland to the Bay of Ireland; then in a northerly direction along the eastern shore of that Bay; then in a northerly, westerly and southerly direction along the eastern, northern and western shores of The Bush and then in a southerly direction along the western shore of the Bay of Ireland; then in a westerly direction along the southern shore of the Mainland to Hamnavoe; then in a northerly, westerly and southerly direction along the eastern, northern and western shores of Hamnavoe and then southerly around the harbour at Stromness to the point of beginning at The Ness.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 rendered unsuitable for that purpose by virtue of shellfish having been affected by the toxin which causes paralytic shellfish poisoning in human beings.

The emergency prohibitions imposed by the Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (No.9) Order 1991 require to be imposed on a larger area of the sea within the Orkney Islands. Accordingly, the area of sea already designated in the Schedule to that Order requires to be extended. This Order redesignates the area within which fishing for, or taking bivalve molluscs is prohibited (articles 3 and 4 and the Schedule). It prohibits the movement of bivalve molluscs out of that area (article 5). Other restrictions are imposed throughout the United Kingdom in relation to the use of any bivalve molluscs taken from that area.

This order re-enacts the emergency prohibitions which are imposed on the area described in the Schedule to this Order. This Order revokes the Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (No.9) Order 1991.

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.