

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

1993 No. 1515 (S.196)

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

**The Food Protection (Emergency Prohibitions)
(Paralytic Shellfish Poisoning) (No.5) Order 1993**

Made - - - - 15th June 1993

Laid before Parliament 17th June 1993

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.5) Order 1993 and shall come into force at 1800 hours on 15th June 1993.

⁽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 “scallops” means scallops of the class of *Pecten Maximus* and Queen Scallops of the class of *Chlamys Opercularis*, “mussels” means *Mytilus Edulis*, “razor clams” means *Ensis s.p.p.* and “relevant time” means one minute past midnight on 15th June 1993.

Designated circumstances

2. In the opinion of the Secretary of State, scallops, mussels and razor clams 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, mussels or razor clams in the designated area.

Prohibited movement of scallops, mussels or razor clams

5. No person shall move any scallops, mussels or razor clams 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, mussels or razor clams 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, mussels or razor clams which were taken from waters in the designated area after the relevant time,
 - (c) supply, or have in possession for supply, any scallops, mussels or razor clams 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 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.

Pentland House,
Edinburgh
15th June 1993

E.C. Davison
Assistant Secretary, Scottish Office

SCHEDULE

Article 3

The Designated Area

The area of sea around the Orkney Islands below mean high water springs enclosed by a line extending from a point on the line of mean high water springs at Brough Head at 59° 8.3' N latitude and 3° 20.2' W longitude on the Mainland of Orkney; in a northerly direction to a point at 59° 25' N latitude and 3° 20' W longitude; then in a south easterly direction to Farraclett Head on the Island of Rousay at 59° 11.33' N latitude and 2° 58' W longitude; then generally in a south easterly direction following the line of mean high water springs to the Point of Avelshay at 59° 8.20' N latitude and 2° 57.82' W longitude on that island; then in a south easterly direction to Ness of Ork on the Island of Shapinsay at 59° 5.25' N latitude and 2° 48.10' W longitude; then extending generally in a southerly direction following the line of mean high water springs on the eastern shore of that island to Stream Taing at 59° 04.13' N latitude and 2° 48.10' W longitude; then generally in a south easterly direction to a point at 59° 00' N latitude and 2° 34.6' W longitude; then in an easterly direction to a point at 59° 00' N latitude and 2° 15' W longitude; then in a southerly direction to a point at 58° 51.1' N latitude and 2° 15' W longitude; then in a westerly direction to Burray Ness on the Island of Burray at 58° 51.1' N latitude and 2° 51.5' W longitude; then generally in a northerly and westerly direction following the line of mean high water springs to the point of beginning at Brough Head at 59° 8.3' N latitude and 3° 20.2' W longitude.

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

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 £5,000);
- (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.