

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

1994 No. 1950

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

**The Food Protection (Emergency Prohibitions)
(Paralytic Shellfish Poisoning) Order 1994**

Made - - - - - *20th July 1994*

Laid before Parliament *21st July 1994*

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) Order 1994 and shall come into force at 1400 hours on 20th July 1994.

(2) In this Order “razor clams” means *Ensis s.p.p.*, “scallops” means scallops of the class of *Pecten Maximus* and Queen Scallops of the class of *Chlamys Opercularis*, “mussels” means *Mytilus Edulis* and “relevant time” means one minute past midnight on 20th July 1994.

(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”.

Designated circumstances

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

Prohibited movement of razor clams, scallops or mussels

5. No person shall move any razor clams, scallops or mussels 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 razor clams, scallops or mussels 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 razor clams, scallops or mussels which were in waters in the designated area after the relevant time,
 - (c) supply, or have in possession for supply, any razor clams, scallops or mussels 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
20th July 1994

A J Matheson
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 mean high water springs at Aiker Ness at 59°07.48'N latitude and 003°04.4'W longitude on the Mainland of Orkney; in a northerly direction to a point at 59°08.2'N latitude and 003°04.0'W longitude on the Island of Rousay then generally in an easterly thence northerly direction following the line of mean high water springs following the eastern shore of that island to Farraclett Head at 59°11.33'N latitude and 002°58.1'W longitude then in a north easterly direction to Point of Huro on the Island of Westray at 59°13.72'N latitude and 002°53.2'W longitude then in a north easterly direction following the line of mean high water springs to Weather Ness at 59°14.82'N latitude and 002°50.1'W longitude then in an easterly direction to Red Head on the Island of Eday at 59°15.1'N latitude and 002°45.25'W longitude then in an easterly direction to Grey Head on the Island of Calf of Eday at 59°14.88'N latitude and 002°44.19'W longitude and then due east to a point on the Island of Sanday at 59°14.88'N latitude and 002°38.18'W longitude then in a southerly direction following the line of mean high water springs to Spur Ness at 59°12.1'N latitude and 002°41.3'W longitude then generally in a southerly direction to Links Ness on the Island of Stronsay at 59°09.12'N latitude and 002°40.35'W longitude then in a generally southerly direction following the line of mean high water springs to Rothiesholm Head at 59°04.5'N latitude and 002°40.7'W longitude then in a generally southerly direction to Mull Head on the Mainland of Orkney at 58°58.4'N latitude and 002°42.7'W longitude then, following the line of mean high water springs along the northern shore of the Mainland of Orkney returning to the point of beginning at Aiker Ness.

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

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