

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. 1977

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

**The Food Protection (Emergency Prohibitions)
(Paralytic Shellfish Poisoning) (No.2) Order 1994**

Made - - - - *22nd July 1994*

Laid before Parliament *26th 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) (No.2) Order 1994 and shall come into force at 14.00 hours on 22nd July 1994.

(2) In this Order “cockles” means *Cerastoderma*, “mussels” means *Mytilus Edulis*, “scallops” means scallops of the class of *Pecten Maximus* and Queen Scallops of the class of *Chlamys*

(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”.

Opercularis, “razor clams” means *Ensis s.p.p.* and “relevant time” means one minute past midnight on 22nd July 1994.

Designated circumstances

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

Prohibited movement of cockles, mussels, scallops or razor clams

5. No person shall move any cockles, mussels, scallops 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 cockles, mussels, scallops 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 cockles, mussels, scallops or razor clams which were in waters in the designated area after the relevant time,
 - (c) supply, or have in possession for supply, any cockles, mussels, scallops 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
22nd July 1994

A J Matheson
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 mean high water springs at The Ness 58°57.15'N latitude and 3°17.75'W longitude on the mainland of Orkney in a south-westerly direction to Braebuster Point 58°55.95'N latitude and 3°21.10'W longitude on the Island of Hoy; then in a southerly direction along the line of mean high water springs on the eastern shore of that Island to North Ness at 58°48.3'N latitude 3°12.15'W longitude; and then in an easterly direction to a point on Hoxa Head at 58°49.0'N latitude and 3°01.95'W longitude on the Island of South Ronaldsay; 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 in a westerly direction along the southern shore of the Mainland to the point of beginning at The 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 cockles, mussels, scallops and razor clams is prohibited (articles 3 and 4 and the Schedule). It prohibits the movement of cockles, mussels, scallops and razor clams out of that area (article 5). Other restrictions are imposed throughout the United Kingdom in relation to the use of any cockles, mussels, scallops and 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);

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

- (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.