

*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.*

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STATUTORY INSTRUMENTS

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**1994 No. 2029**

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

**The Food Protection (Emergency Prohibitions)  
(Paralytic Shellfish Poisoning) (No. 3) Order 1994**

*Made* - - - - *29th July 1994*

*Laid before Parliament* *2nd August 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<sup>(1)</sup>, 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. 3) Order 1994 and shall come into force at 20.00 hours on 29th July 1994.

(2) In this Order “cockles” means *Cerastoderma*, “mussels” means *Mytilus Edulis*, “razor clams” means *Ensis s.p.and* “scallops” means scallops of the class of *Pecten Maximus* and Queen Scallops

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(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”.

of the class of *Chlamys Opercularis* and “relevant time” means one minute past midnight on 29th July 1994.

**Designated circumstances**

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

**Prohibited movement of cockles, mussels, razor clams or scallops**

5. No person shall move any cockles, mussels, razor clams or 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 cockles, mussels, razor clams or 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 cockles, mussels, razor clams or scallops which were in waters in the designated area after the relevant time,
  - (c) supply, or have in possession for supply, any cockles, mussels, razor clams or scallops 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  
29th 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 Faraclett Head at 59° 11.33'N latitude and 002° 58.1'W longitude on the Island of Rousay; in a northerly direction to Berst Ness at 59° 15.6'N latitude and 002° 58.8'W longitude on the Island of Westray; then following the line of mean high water springs in an easterly, southerly and generally northerly direction along the southern, eastern and northern shores of Westray to Bow Head at 59° 21.6'N latitude and 002° 57.1'W longitude; north to 59° 25'N latitude and 002° 57.1'W longitude; then in a south-easterly direction to 59deg; 18'N latitude and 002° 15'W longitude; south to 58° 51.1'N latitude and 002° 15'W longitude; west to Burray Ness at 58° 51.1'N latitude and 002° 51.5'W longitude on the Island of Burray; then generally in a northerly, south-easterly and then northerly direction following the line of mean high water springs along the coastline, including Churchill Barriers numbers 3, 2 and 1 to Mull Head on the Mainland of Orkney at 58° 58.4'N latitude and 002° 42.7'W longitude; then in a northerly direction to Rothiesholm Head at 59° 04.5'N latitude and 002° 40.7'W longitude on the Island of Stronsay; then following the line of mean high water springs along the southern, eastern and northern shores of Stronsay to Links Ness at 59deg; 09.12'N latitude and 002° 40.35'W longitude; then generally in a northerly direction to Spur Ness at 59° 12.1'N latitude and 002° 41.3'W longitude on the Island of Sanday; then following the line of mean high water springs along the southern, eastern, northern and western shores of Sanday to a point at 59° 14.88'N latitude and 002° 38.18'W longitude; then west to Grey Head at 59° 14.88'N latitude and 002° 44.19'W longitude on the Island of Calf of Eday; then in a westerly direction to Red Head at 59° 15.1'N latitude and 002° 45.25'W longitude on the Island of Eday; then in a westerly direction to Weather Ness at 59° 14.82'N latitude and 002° 50.1'W longitude on the Island of Westray; then in a south westerly direction following the line of mean high water springs to Point of Huro at 59° 13.72'N latitude and 002° 53.2'W longitude; then in a south westerly direction to the point of beginning at Faraclett Head.

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

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

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.