

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

1995 No. 1422 (S.106)

**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 1995**

Made - - - - *1st June 1995*

Laid before Parliament *5th June 1995*

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 1995 and shall come into force at 1800 hours on 1st June 1995.

(2) In this Order “scallops” means scallops of the class of *Pecten Maximus* and Queen Scallops of the class of *Chlamys Opercularis*, and “relevant time” means one minute past midnight on 1st June 1995.

(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, 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 scallops in the designated area.

Prohibited movement of scallops

5. No person shall move any 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 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 scallops which were in waters in the designated area after the relevant time,
 - (c) supply, or have in possession for supply, any 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
1st June 1995

IM Whitelaw
Assistant Secretary, Scottish Office

SCHEDULE

Article 3

The Designated Area

The area of sea off the east coast of Scotland below mean high water springs enclosed by a line extending from a point on the coast at 58° 15' N latitude 003° 24.4' W longitude in an easterly direction to 58° 15' N latitude 001° 0' W longitude, then in a southerly direction to 57° 45' N latitude 001° 0' W longitude, then in a westerly direction to 57° 45' N latitude 002° 0' W longitude, then in a southerly direction to a point on the coast at 57° 41.86' N latitude 002° 0' 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 of sea in the Moray Firth within which taking scallops is prohibited (articles 3 and 4 and the Schedule). It prohibits the movement of scallops out of that area (article 5). Other restrictions are imposed throughout the United Kingdom in relation to the use of any 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.

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.