

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 scallops or food which is derived from scallops originating in the area described in the Schedule (“the designated area”), which scallops have or may have been rendered unsuitable for human consumption in consequence of their having been affected by the toxin which causes amnesic shellfish poisoning in human beings (*articles 2 and 3*).

Fishing for and taking scallops and the movement of scallops out of the designated area is prohibited (*articles 4 and 5*). The preparation or processing of food or feeding stuffs derived from scallops that were in the designated area on or after 0001 hours on 28 July 2004 is also prohibited (*article 6*). The designated area extends south from the limit of “the Scottish Zone”. For the purposes of the Food and Environmental Protection Act 1985, the Scottish Zone is as defined in section 126(1) of the Scotland Act 1998 (c. 46) (“the 1998 Act”). Detailed co-ordinates for the purposes of that definition are contained in the Scottish Adjacent Wales Boundaries Order 1999 (S.I.1999/1126), made under section 126(2) of the 1998 Act.

Any person who contravenes the provisions of this Order is guilty of an offence and is liable, on summary conviction, to a fine not exceeding the statutory maximum (at present £5,000) or on conviction on indictment to a fine, to imprisonment for a term of not more than 2 years or to both.

No Regulatory Impact Assessment has been prepared in respect of this Order.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Food Protection (Emergency Prohibitions) (Scallops) (Irish Sea) Order 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. substituted by [S.I. 2004/2123 art. 2\(3\)](#)
- art. 4 substituted by [S.I. 2004/2123 art. 2\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order revoked by [S.I. 2004/2686 art. 2](#)