

**2005 No. 205**

**PUBLIC HEALTH**

**Food Protection (Emergency Prohibitions) Order  
(Northern Ireland) 2005**

*Made* - - - - - *7th April 2005*

*Coming into operation* *7th April 2005*

The Department of Health, Social Services and Public Safety<sup>(a)</sup> in exercise of the powers conferred on it by sections 1(1) and (2) and 24(3) of the Food and Environment Protection Act 1985<sup>(b)</sup> and of all other powers enabling it in that behalf, being of the opinion in accordance with section 1(1) of that Act 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 scallops 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) Order (Northern Ireland) 2005 and shall come into operation on 7th April 2005.

(2) In this Order –

“designated area” means the area designated in Article 3 and the Schedule;

“relevant time” means, in relation to the designated area, 0001 hours on 4th April 2005;

“scallops” means scallops of the species *Pecten maximus*;

“the Department” means the Department of Health, Social Services and Public Safety.

(3) The Interpretation Act (Northern Ireland) 1954<sup>(c)</sup> shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

**Designated circumstances**

**2.** In the opinion of the Department, scallops in the designated area may be affected by a toxin which causes diarrhetic shellfish poisoning in human beings and are likely to create a hazard to human health if they are consumed.

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(a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I. 1) Article 3. See also section 25(2) of the Food and Environment Protection Act 1985; functions formerly exercisable by the Department of Agriculture (now the Department of Agriculture and Rural Development; see Article 3 of S.I. 1999/283 (N.I. 1)) are now exercisable by the Department of Health, Social Services and Public Safety pursuant to paragraph 6(5) and (6) of Schedule 5 to the Food Standards Act 1999 c. 28 which amended the said section 25(2)

(b) 1985 c. 48; section 1(1) and (2) was amended by section 51(2)(a) and (b) of the Food Safety Act 1990 (c. 16); section 1(2) was further amended by S.I. 1999/1756

(c) 1954 c. 33 (N.I.)

**Designated area**

3. The area described in the Schedule is hereby designated for the purposes of Part I of the Food and Environment Protection Act 1985.

**Activity prohibited in the designated area**

4. A person shall not fish for or take any scallops in the designated area.

**Prohibition on movement**

5. A person shall not move any scallops out of the designated area or from one place to another within the designated area.

**Restrictions**

6. A person shall not –

- (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); or
- (e) feed to any creature a feeding stuff in the preparation or processing of which anything was used in contravention of paragraph (a).

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 7th April 2005.

(L.S.)

*Deirdre Kenny*

A senior officer of the Department of Health, Social Services and Public Safety

## SCHEDULE

Article 3

### THE DESIGNATED AREA

Waters in that part of ICES (International Council for the Exploration of the Sea) area VIIa which is within British fishery limits and which is adjacent to Northern Ireland (off the East Coast).

## 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”) and which has been or may have been rendered unsuitable for human consumption in consequence of scallops having been affected by a toxin which causes diarrhetic shellfish poisoning in human beings (Articles 2 and 3).

Fishing for or taking scallops (Article 4) and the movement of scallops out of the designated area is prohibited (Article 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 4th April 2005 is also prohibited (Article 6).

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 £5,000 or on conviction on indictment to a fine or to imprisonment for a term of not more than 2 years or to both.

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