

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

1997 No. 1565

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

**The Food Protection (Emergency Prohibitions)
(Paralytic Shellfish Poisoning) Order 1997**

Made - - - - *20th June 1997*

Laid before Parliament *24th June 1997*

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) Order 1997 and shall come into force at 20.00 hours on 20th June 1997.

(2) In this Order “mussels” means *Mytilus Edulis*, “scallops” means scallops of the class of *Pecten Maximus* and Queen Scallops of the class of *Chlamys Opercularis*, “razor clams” means *Ensis* s.p.p. and “relevant time” means one minute past midnight on June 1997.

(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, 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 mussels, scallops or razor clams in the designated area.

Prohibited movement of mussels, scallops or razor clams

5. No person shall move any 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 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 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 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
20th June 1997

G M Thomson
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 the point at 58°45'N and 3°30'W then due north to the point at 59°15'N and 3°30'W, then in an easterly direction to the point at 59°15'N and 2°30'W, then due south to the point at 58°45'N and 2°30'W and then due west to the point of starting.

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 within which taking mussels, scallops or razor clams is prohibited (articles 3 and 4 and the Schedule). It prohibits the movement of mussels, scallops or razor clams out of that area (article 5). Other restrictions are imposed throughout the United Kingdom in relation to the use of any mussels, scallops or razor clams taken from that area (article 6).

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.