
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 403

PUBLIC HEALTH

**Food Protection (Emergency Prohibitions)
(No. 2) Order (Northern Ireland) 1999**

Made - - - - *30th September 1999*

Coming into operation *30th September 1999*

The Department of Agriculture⁽¹⁾, in exercise of the powers conferred on it by sections 1(1) and 24(3) of the Food and Environment Protection Act 1985⁽²⁾ and of every other power 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 or may be in the future in the area described in the Schedule to the following Order or which is derived, or may be in the future derived from scallops in the area described in that Schedule, is, 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) (No. 2) Order (Northern Ireland) 1999 and shall come into operation on 30th September 1999.

(2) In this Order—

- (a) ‘designated area’ means the area designated in the Schedule;
- (b) ‘relevant time’ means, in relation to the designated area, 00.01 am on 16th September 1999;
- (c) ‘scallops’ means scallops of the species *Pecten maximus* and Queen scallops of the species of *Chlamys opercularis*;
- (d) ‘the Act’ means the Food and Environment Protection Act 1985; and
- (e) ‘the Department’ means the Department of Agriculture.

(3) The Interpretation Act (Northern Ireland) 1954⁽³⁾ shall apply to this Order as it applies to a Measure of the Northern Ireland Assembly.

(1) See section 25(2) of the Food and Environment Protection Act 1985

(2) 1985 c. 48 section 1 as amended by section 51 of the Food Safety Act 1990 (c. 16)

(3) 1954 c. 33 (N.I.)

Designated circumstances

2. In the opinion of the Department, scallops in the designated area may be affected by the toxin which causes amnesic 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 is hereby designated for the purposes of Part I of the Act.

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 a 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 sub-paragraph (a).

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

L.S.

30th September 1999.

L. G. McKibben
Assistant Secretary

Schedule

Article 3

The Designated Area

Waters in ICES (International Council for the Exploration of the Sea) Area VIIa which are within British fishery limits and which are adjacent to Northern Ireland excluding the sea area to the northwest of an imaginary straight-line drawn from Killard Point to Ballyquintin Point, County Down (waters in Strangford Lough).

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order contains emergency prohibitions on 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 shellfish having been affected by the toxin which causes amnesic shellfish poisoning to human beings.

The preparation, packaging or processing of food or feedingstuffs derived from shellfish that were in the designated area on or after 16th September 1999 is prohibited (Article 6).

Fishing for or taking scallops (Article 4) and the movement of scallops out of the designated area is also prohibited (Article 5).

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.