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## 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 amnesic shellfish poisoning in human beings.

The Order designates areas of sea off the west coast of Scotland within which taking scallops is prohibited (articles 3 and 4 and Schedule 1). It prohibits the movement of scallops out of those areas (article 5). Other restrictions are imposed in relation to the use of any scallops taken from those areas.

The Order continues in force the prohibitions contained in, and consolidates the three Orders described in, Schedule 2 to the Order which are revoked (article 7) and adds a further area of sea to those already designated in those Orders (Schedule 2, paragraph 4).

It is an offence throughout the United Kingdom and United Kingdom Waters to contravene any of the prohibitions by virtue of section 1(6) of the Food and Environment Protection Act 1985 (“the Act”) as read with Schedule 1, paragraph 4 to the Act, as inserted by paragraph 10(13) of the Schedule to the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I.1999/1756).

Under section 21 of the Act 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 Act. Obstruction of enforcement officers is an offence under paragraph 10 of that Schedule.