

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

1988 No. 1675

PUBLIC HEALTH, ENGLAND AND WALES

PUBLIC HEALTH, SCOTLAND

PUBLIC HEALTH, NORTHERN IRELAND

CONTAMINATION OF FOOD

**The Food Protection (Emergency Prohibitions)
Amendment No.3 Order 1988**

Made - - - - 29th September 1988

Laid before Parliament 30th September 1988

Coming into force 3rd October 1988

Whereas the Secretary of State is of the opinion, as mentioned in section 1(1)(a) of the Food and Environment Protection Act 1985(a), that there has been or may have been an escape of substances of such descriptions and in such quantities and such circumstances as are likely to create a hazard to human health through human consumption of food;

And whereas he is of the opinion, as mentioned in section 1(1)(b) of the said Act, that in consequence of the said escape of substances, food which is, or may be in the future, in the areas described in the Schedule to the principal Order, or which is, or may be in the future, derived from anything in those areas, is, or may be, or may become, unsuitable for human consumption;

Now, therefore, in exercise of the powers conferred on him by sections 1(1) and (2), and 24(1) and (3) of the said Act(b), and of all other powers enabling him in that behalf, he hereby makes the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Food Protection (Emergency Prohibitions) Amendment No.3 Order 1988 and shall come into force on 3rd October 1988.

(2) In this Order “the principal Order” means the Food Protection (Emergency Prohibitions) Order 1988(c).

(a) 1985 c.48.

(b) Section 24(1) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which this Order is made.

(c) S.I. 1988/11, amended by S.I. 1988/964, 1353.

Designated incident

2. In the opinion of the Secretary of State, food in the areas described in the Schedule to the principal Order, or which is derived from anything in those areas, is or may be unsuitable for human consumption in consequence of the following escape of substances:-

the escape on or after 26th April 1986 of radioactive substances from a nuclear reactor situated at Chernobyl in the Ukraine, USSR.

Amendment of the principal Order

3.—(1) In article 4 of the principal Order for paragraph (2) there shall be substituted the following paragraph:-

“(2) Paragraph (1) above shall not apply in the case of any sheep which-

- (a) was moved from any place in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a red mark; and
- (b) has been examined and marked with an ear-tag by a person authorised in that behalf by one of the Ministers.”.

(2) For article 5 of the principal Order there shall be substituted the following article:-

“5.—(1) No person shall move any sheep from any farm, agricultural holding, agricultural premises or holding in any of the designated areas.

(2) Paragraph (1) above shall not apply in the case of-

- (a) any sheep which was moved from any place in accordance with a consent given under section 2(1) of the said Act which consent did not require that the sheep to which it applies should be marked;
- (b) any sheep which was moved from any place in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a red mark;
- (c) any sheep which was moved from any place in accordance with a consent given on or before 27th September 1987 under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a green mark;
- (d) any sheep which was moved from any place in accordance with a consent given on or before 10th January 1988 under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a blue mark;
- (e) any sheep which was moved from any place in accordance with a consent given on or before 31st July 1988 under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with an apricot mark;
- (f) any sheep which was moved from any place in accordance with a consent given on or after 1st August 1988 under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a green mark;
- (g) any sheep which was moved from any place in accordance with a consent given on or after 3rd October 1988 under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a blue mark.

(3) No person shall move into the designated areas any sheep which has been removed from those areas or from any area which is from time to time designated by an Order under section 1 of the said Act which refers to the escape of substances described in article 2 of this Order, except any sheep which was moved from any place in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a red mark or which consent did not require that the sheep to which it applies should be marked.”.

(3) In article 6 of the principal Order for paragraph (2) there shall be substituted the following paragraph:-

“(2) Paragraph (1) above shall not apply in the case of-

- (a) any sheep which was moved from any place in accordance with a consent given under section 2(1) of the said Act which consent did not require that the sheep to which it applies should be marked;
- (b) any sheep which was moved from any place in accordance with a consent given on or before 27th September 1987 under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a green mark;
- (c) any sheep which was moved from any place in accordance with a consent given on or before 10th January 1988 under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a blue mark;
- (d) any sheep which was moved from any place in accordance with a consent given on or before 31st July 1988 under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with an apricot mark;
- (e) any sheep which—
 - (i) was moved from any place in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a red mark, or
 - (ii) was moved from any place in accordance with a consent given on or after 1st August 1988 under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a green mark, or
 - (iii) was moved from any place in accordance with a consent given on or after 3rd October 1988 under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a blue mark,

and which in any case has been examined and marked with an ear-tag by a person authorised in that behalf by one of the Ministers.”.

Revocation

4. The Food Protection (Emergency Prohibitions) Amendment No. 2 Order is hereby revoked(a).

St. Andrew's House, Edinburgh
29th September 1988

N. E. Sharp
Assistant Secretary,
Scottish Office

(a) S.I. 1988/1353.

EXPLANATORY NOTE

(This note is not part of the Order)

The Food Protection (Emergency Prohibitions) Order 1988 ("the principal Order") contains emergency prohibitions restricting various activities in order to prevent human consumption of food which has been or which may have been rendered unsuitable for that purpose in consequence of the escape of radioactive substances from a nuclear reactor situated at Chernobyl in the Ukraine, USSR.

The principal Order made certain exceptions to the following prohibitions imposed by articles 4, 5 and 6 of that Order:-

- (a) the prohibition on slaughter of sheep in any of the designated areas;
- (b) the prohibition on movement of sheep;
- (c) the prohibition applying throughout the United Kingdom on the slaughter of, and the supply of meat derived from, any sheep which has been in the designated areas.

This Order revises the exceptions as follows-

- (i) to except from the prohibition applying throughout the United Kingdom on slaughter of, and the supply of meat derived from, any sheep which has been marked (in accordance with a consent given under section 2(1) of the Food and Environment Protection Act 1985) with a blue paint mark on or after 3rd October 1988 and which has been examined and marked with an ear-tag by a person authorised by the Minister of Agriculture, Fisheries and Food or the Secretary of State for Scotland or Wales, or the Department of Agriculture for Northern Ireland (article 3(3));
- (ii) to except from the prohibition on movement, any sheep which was moved from any place in accordance with a consent given on or after 3rd October 1988 which consent was subject to the condition that the sheep to which it applies should be marked with a blue paint mark (article 3(2)).

In addition the Order introduces the following prohibition:-

- (a) the movement into the designated areas of sheep which have been removed from those areas or from a similarly designated area elsewhere in the United Kingdom (other than sheep which have been marked with a red paint mark and moved in accordance with such a consent or sheep moved unmarked in accordance with a consent) is prohibited (article 3(2)).

The Order continues the exception to the prohibition applying throughout the United Kingdom on the slaughter of, and the supply of meat derived from, any sheep which has been marked (in accordance with such a consent) with a green paint mark on or after 1st August 1988 and which has been examined and marked with an ear-tag by a person authorised by the Minister of Agriculture, Fisheries and Food or the Secretary of State for Scotland or Wales, or the Department of Agriculture for Northern Ireland (article 3(3)).

The exceptions to the prohibitions imposed by articles 4 and 6 of the principal Order are also extended so as to except from the prohibitions on slaughter and from the said prohibition on the supply of meat, any sheep which has been marked (in accordance with such a consent) with a red paint mark and which has been examined and marked with an ear-tag by a person authorised by the Minister of Agriculture, Fisheries and Food or the Secretary of State for Scotland or Wales, or the Department of Agriculture for Northern Ireland (article 3(1) and (3)).

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