Order made by the Minister of Agriculture, Fisheries and Food, 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

1989 No. 2077

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

The Food Protection (Emergency Prohibitions) (Contamination of Feeding Stuff) (England) (No. 2) Order 1989

Made	9th November 1989
Coming into force -	10th November 1989
Laid before Parliament	10th November 1989

Whereas the Minister of Agriculture, Fisheries and Food is of the opinion, in accordance with 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 the said Minister is of the opinion, in accordance with 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 following Order, or which is derived 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, the said Minister, in exercise of the powers conferred on him by the said section 1(1) and (2) and section 24(1) and (3) of the said Act, and of all other powers enabling him in that behalf, hereby makes the following Order:-

Title, commencement and interpretation

1.—(1) This Order may be cited as the Food Protection (Emergency Prohibitions) (Contamination of Feeding Stuff) (England) (No. 2) Order 1989 and shall come into force on 10th November 1989.

(2) In this Order-

"the Act" means the Food and Environment Protection Act 1985;

"designated area" means the farms, holdings and agricultural and other premises described in the Schedule to this Order;

 ⁽a) 1985 c.48; see the definition of "designating authority" in section 1(2) and "the Ministers" in section 24(1).

"the Milk Marketing Board" means the Milk Marketing Board for England and Wales established under the Agricultural Marketing Act 1958(a).

Designated incident

2. In the opinion of the Minister of Agriculture, Fisheries and Food, food in the areas described in the Schedule to this Order is, or may be, or may become unsuitable for human consumption in consequence of the escape of lead into imported animal feeding stuff.

Designated area

3. The areas described in the Schedule to this Order are hereby designated for the purposes of Part I of the Act.

Activities prohibited in the designated area

4. No person shall in the designated area-

- (a) slaughter any cattle for human consumption or for use in the preparation of feeding stuff;
- (b) prepare or process for supply to purchasers or others any food derived from cattle or anything from which food could be derived; or
- (c) feed to any creature from which food may be derived a feeding stuff which is the subject matter of the incident designated by article 2 of this Order or which is derived from cattle that were in the designated area on or after 7th November 1989.

Restrictions on movement

5. Subject to article 7 of this Order, no person shall move any milk or milk product derived from any cattle or any cattle from which milk may be derived, or cattle from which meat or any other food for human consumption may be derived, from any farm, holding, agricultural or other premises described in the Schedule to this Order.

Restrictions throughout the United Kingdom

6. No person shall, in the United Kingdom-

- (a) slaughter for human consumption or for use in the preparation of feeding stuff any cattle that were in the designated area after the coming into force of this Order,
- (b) supply, or, subject to article 7 of this Order, have in possession for supply, any milk, milk product, meat or other food, derived from cattle that were in the designated area after the coming into force of this Order,
- (c) feed to any creature a feeding stuff the subject matter of the incident designated by article 2 of this Order that was taken from the designated area after the coming into force of this Order, or
- (d) supply or have in possession for supply any food or anything from which food could be derived that was prepared or processed in contravention of article 4(b) of this Order.

Exceptions to restrictions

7.—(1) Notwithstanding the restrictions in article 5 of this Order, the Milk Marketing Board may move milk from any farm, holding, agricultural or other premises described in the Schedule to this Order, subject to the condition set out in paragraph (2) below.

(2) The condition referred to in paragraph (1) above is that such milk is processed into butter or milk powder.

(3) Notwithstanding the restrictions in article 6(b) of this Order, there may be supplied to the Milk Marketing Board milk derived from cattle that were in the

⁽a) 1958 c.47.

designated area after the coming into force of this Order, and the Milk Marketing Board may have in possession for supply butter or milk powder derived from such cattle.

Revocation

8. The Food Protection (Emergency Prohibitions) (Contamination of Feeding Stuff) (England) Order 1989(a), the Food Protection (Emergency Prohibitions) (Contamination of Feeding Stuff) (England) Amendment Order 1989(b) and the Food Protection (Emergency Prohibitions) (Contamination of Feeding Stuff) (England) Amendment No. 2 Order 1989(c) are revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th November 1989.



John Gummer Minister of Agriculture, Fisheries and Food

⁽a) S.I. 1989/2038.
(b) S.I. 1989/2054.
(c) S.I. 1989/2060.

SCHEDULE

THE DESIGNATED AREA

Address

Name

D Coombes P G Saunders Gent Partners J Sevenoaks and Sons D W Bevan G W Fletcher F Gent M W & M Hewitt Whiting Ash Farms G R Hallifield (Farmers Ltd) DO&CABrooke PL&CJJones N D G R Ritchie G J G W Dulson & Tinson E E Noseley & Son **Barton Hill Farms** L K Goulding **E E Norris** S G Williams M H Thomas W G R S Clements R B Howard & Sons C S & H Roberts Powell & Ptnrs A W Farr W A Christopher C E Dale T H Prosser R & S Dale D T C Garrett A R B Andrews G H H Simcock **D** Jeffreys G W Bevan & Son D & D Westoby & Sons A F Dryer J W Helme J H Barneby W P & O Price H B Churchill Ltd F Quiney P C Bidwell R I L Goode W G Preece C W Hickinbottom T G Chestnutt N H Allen P W Oliver & Son R Gore R E Duckworth Haine Farmers M I Farr P A D Thornley R L Price & Sons J P Raymond C R Bayliss & Sons R Newcomb M Evans L W R Clements P F Daniell M Starey & Major B Copper Heath Farm, Green Lane, Milton-Under-Wychwood, Oxon Step Farm, Lechlade Road, Faringdon, Oxon Baskerville Farm, Stretton Baskerville, Warwickshire Greidol Farm, Walterstone, Hereford HR2 OD2 Newton Farm, St. Weonards, Hereford Great Camdone, Orcup, Hereford Highgate Lodge Farm, Stoney, Stanton, Leicestershire Panks Bridge Farm, Much Cowarne, Bromyard HR7 4JB Berrow, Malvern WR13 6AY Bank House Farm, Repton, Derbyshire Notts Farm, Castlemorton, Malvern WR13 6JD Orchard Farm, Hillend, Upton-on-Severn WR8 0RN Western Fields Farm, Honeybourne, Evesham, Worcs Steel Works Farm, Gorsley, Hfds Storridge Farm, Malvern, Worcs I O Mr N C Gregory, Barton Hill Farm, Kentchurch, Hfds Sandford Farm, Lupton Bishop, Ross-on-Wye The Lions Farm, Orcop, Hfds Upper Buckenhill, Fownhope, Hfds Sedgmoor Farm, Berrow, Malvern Worcs Heath Farm, Upton-on-Severn, Worcs The Lawns Farm, Llanwarne, Hfds Mount Pleasant, Ballingham, Hfds Maerdy Farm, Lower Maescoed, Pontrilas, Hfds c/o W M F A, Mortimer Road, Hfds Rhydunnog, Michaelchurch, Eskley, Hereford Huntley Court, Preston-on-Wye, Hereford Great Bilboa, Dulas, Pontrilas, Herefordshire Home Farm, Much Dewchurch, Herefordshire Poolaeld Farm, Little Hill, Herefordshire Lower Lyde, Hereford Hopes Rough, Stoke Lacey, Bromyard, Hfds Ivy Green Farm, Abbeydore, Hfds Coldbrook Farm, St Weonards, Hfds Hinton Court Farm, Preston Wynne, Hereford The Stars, St Weonards, Hfds Brick House, Tillington, Hereford Swinmore House, Canon Bridge, Madley, Hereford Holmer House, Holmer, Hfds Henberrow Farm, Leddington, Ledbury, Hfds Heathhill Farm, Queenhill, Upton on Severn, Worcester Church Farm, Castlemorton, Malvern, Worcs Little London, Haffield, Ledbury, Hfds Little Edwards, St Margarets, Vowchurch, Hfds The Cider House, Vowchurch, Hfds Ashmore Farm, Norton, Nr Evesham, Worcs Bury End Farm, Upton Severn, Worcs Lake Farm, Welland Court Lane, Upton upon Severn, Worcs Oak Cottage, St Margarets, Hfds Llandee Farm, Longtown, Hereford Kingstone Farm, Long Compton, Shipston on Stour, Warks Merryview, Orcop, Hereford Brinstone, St Weonards, Hereford Apostles Farm, Kington, Herefordshire Prospect Farm, Bollingham, Kington, Hereford Noorend, Western Beggard, Herefordshire Warham Court, Breinton, Herefordshire Apple Tree Farm, P O Bacton, Herefordshire Pigeon House Farm, Hanley Castle, Worcs Green Farm, Queenhill, Upton on Severn, Worcs Hawthorns Farm, Bromsberrow, Ledbury, Herefordshire

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates with amendments the Food Protection (Emergency Prohibitions) (Contamination of Feeding Stuff) (England) Order 1989, as amended. It contains emergency prohibitions restricting various activities in order to prevent human consumption of food rendered unsuitable for that purpose in consequence of the escape of lead into imported animal feeding stuff.

The order designates certain farms, holdings agricultural and other premises in England within which certain activities are prohibited (articles 3 and 4 and the Schedule). Movement of cattle and food from any of these areas is controlled (article 5) and certain other restrictions extend throughout the United Kingdom (article 6).

This Order makes the following changes of substances-

- (a) further farms, holdings, and premises are designated (article 3 and the Schedule);
- (b) certain exceptions to the restrictions on movement, supply and having in possession for supply are introduced (article 7);
- (c) a new prohibition in the designated area is introduced concerning feeding stuff (article 4(c)).

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 £2,000);
- (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.

£3.40 net

ISBN 0 11 098077 8

Printed in the United Kingdom for Her Majesty's Stationery Office

845 WO1877 C15 11/89 452/3 4235 46378 895579