

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. 529

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

**The Food Protection (Emergency
Prohibitions) (Sea Fish) Order 1989**

<i>Made</i>	- - - -	<i>20th March 1989</i>
<i>Laid before Parliament</i>		<i>20th March 1989</i>
<i>Coming into force</i>	- -	<i>21st March 1989</i>

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⁽¹⁾, 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 area described in the Schedule to the following Order, or which is derived or may be in the future derived from anything in that area, 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 section 24(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) (Sea Fish) Order 1989 and shall come into force on 21st March 1989.

⁽¹⁾ 1985 c. 48.

(2) In this Order—

- (a) “the Act” means the Food and Environment Protection Act 1985,
- (b) “designated area” means the area described in the Schedule to this Order;
- (c) “the relevant time” means one minute past midnight on 21st March 1989.

Designated incident

2. In the opinion of the Minister of Agriculture, Fisheries and Food, food in the area described in the Schedule to this Order is, or may be, or may become unsuitable for human consumption in consequence of the likely escape of toxic substances as a result of the sinking in the English Channel of the m.v. Perintis on or about 13th March 1989.

Designated area

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

Activity prohibited in the designated area

4. No person shall in the designated area fish for or take any fish.

Restrictions throughout the United Kingdom

5. No person shall, in the United Kingdom or in United Kingdom waters—
- (a) use any fish taken out of the designated area after the relevant time in the preparation or processing for supply of food or anything from which food could be derived,
 - (b) land any fish or other form of aquatic produce which was taken from waters in the designated area after the relevant time,
 - (c) supply, or have in possession for supply, any fish, or any product derived from fish, from which food could be derived if such fish was taken from the designated area after the relevant time,
 - (d) feed to any creature a feeding stuff in the preparation or processing of which anything was used in contravention of sub-paragraph (a) of this article,
 - (e) 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) of this article.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th March 1989.

L.S.

Trumpington
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

SCHEDULE

Article 3

THE DESIGNATED AREA

That area of sea lying within a radius of seven nautical miles of a point in 49°53. 2' north latitude 2°11' west longitude which lies within British fishery limits.

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 in consequence of the likely escape of toxic substances as a result of the sinking in the English Channel of the m.v. Perintis on or about 13th March 1989.

The Order designates an area of sea within British fishery limits affected by the likely escape within which fishing is prohibited (article 3 and the Schedule). Certain other restrictions extend throughout the United Kingdom (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 £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.