

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

1991 No. 1296 (S. 127)

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

**The Food Protection (Emergency Prohibitions)
(Paralytic Shellfish Poisoning) (No.3) Order 1991**

Made - - - - *31st May 1991*

Laid before Parliament *4th June 1991*

Coming into force in accordance with article 1(1)

The Secretary of State, in exercise of the powers conferred on him by section 1(1) and (2) and section 24(1) and (3) of the Food and Environment Protection Act 1985⁽¹⁾, and of all other powers enabling him in that behalf, being of the opinion 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 derived or may be in the future derived from bivalve molluscs or Norway lobsters in the area described in the following Order, is, or may be, 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) (Paralytic Shellfish Poisoning) (No.3) Order 1991 and shall come into force at 22.00 hours on 31st May 1991.

(2) In this Order “bivalve mollusc” means bivalve molluscs of the class of *lamellabranhia*; “Norway lobster” means the species *Nephrops norvegicus*, and “relevant time” means one minute past midnight on 31st May 1991.

(1) 1985 c. 48; section 1 was amended by section 51 of the Food Safety Act 1990 (c. 16), and section 24(1) was amended by paragraph 29 of Schedule 3 to that Act; section 1(2) defines “designating authority” and section 24(1) defines “the Ministers”.

Designated circumstances

2. In the opinion of the Secretary of State, bivalve molluscs or Norway lobsters in the area designated in article 3 below may be affected by the toxin which causes Paralytic 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 to this Order is hereby designated for the purposes of Part I of the Food and Environment Protection Act 1985.

Activity prohibited in the designated area

4. No person shall fish for or take any bivalve molluscs or Norway lobsters in the designated area.

Prohibited movement of bivalve molluscs and Norway lobsters

5. No person shall move any bivalve molluscs or Norway lobsters out of the designated area.

Restrictions throughout the United Kingdom

6. No person shall in the United Kingdom or in United Kingdom waters—
- (a) use any bivalve molluscs or Norway lobsters taken out of the 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 bivalve molluscs or Norway lobsters taken from waters in the designated area after the relevant time,
 - (c) supply, or have in possession for supply, any bivalve molluscs or Norway lobsters or any product derived from bivalve molluscs or Norway lobsters, from which food could be derived if such bivalve molluscs or Norway lobsters were taken from 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) of this article,
 - (e) 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.

Pentland House,
Edinburgh
31st May 1991

E. C. Davison
Assistant Secretary, Scottish Office

SCHEDULE

Article 3

THE DESIGNATED AREA

That area of the Firth of Forth lying to the west of a straight line extending from a point on the line of the mean high water springs at Fife Ness in the North east Fife District in a south easterly direction to the North Ness of the Isle of May then along the eastern shore of that isle to the South Ness and then by a straight line extending in a south south westerly direction to a point on the line of the mean high water springs below Tantallon Castle in East Lothian District and within the line of the mean high water springs along the southern and northern shores of the Firth of Forth.

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 paralytic shellfish poisoning in human beings.

The Order designates an area within which fishing for or taking bivalve molluscs or Norway lobsters is prohibited (articles 3 and 4 and the Schedule). It prohibits the movement of bivalve molluscs or Norway lobsters out of that area (article 5). Other restrictions are imposed throughout the United Kingdom in relation to the use of any bivalve molluscs or Norway lobsters taken from that area.

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.