

*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.*

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STATUTORY INSTRUMENTS

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**1991 No. 2901 (S.227)**

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

**The Food Protection (Emergency Prohibitions)  
(Paralytic Shellfish Poisoning) (No. 13) Order 1991**

*Made - - - - 20th December 1991*

*Laid before Parliament 20th December 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<sup>(1)</sup>, and of all other powers enabling him 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 green crabs and velvet crabs 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. 13) Order 1991 and shall come into force at 10.00 hours on 20th December 1991.

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(1) 1985 c. 48; section 1(1) and (2) was amended by section 51(2)(a) and (b) 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”.

(2) In this Order “green crab” means the species known as “*carcinus maenas*”; “velvet crab” means the species known as “*liocarcinus puber*”, and “relevant time” means one minute past midnight on 20th December 1991.

#### **Designated circumstances**

2. In the opinion of the Secretary of State, green crabs or velvet crabs 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 green crabs or velvet crabs in the designated area.

#### **Prohibited movement of green crabs or velvet crabs**

5. No person shall move any green crabs or velvet crabs out of the designated area.

#### **Restrictions throughout the United Kingdom**

6. No person shall in the United Kingdom or in the United Kingdom waters—
- (a) use any green crabs or velvet crabs taken out of the designated area after the relevant time in the preparation or processing for supply of food and any thing from which food could be derived;
  - (b) land any green crabs or velvet crabs which were in waters in the designated area after the relevant time;
  - (c) supply, or have in possession for supply, any green crabs or velvet crabs which were in 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.

#### **Revocation**

7. The Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (No. 12) Order 1991(2), insofar as still in force, is hereby revoked.

E.C. Davison

Pentland House,  
Edinburgh  
20th December 1991

Assistant Secretary, Scottish Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Article 3

### THE DESIGNATED AREA

That area of the sea surrounding all the Orkney Islands and below the line of the mean high water springs on these Islands bounded as follows: on the North by a straight line extending in an easterly direction from from a point at 59°25'N latitude and 3°30'W longitude to a point at 59°25'N latitude and 2°15'W longitude; then on the east by a straight line extending in a southerly direction from the last mentioned point to a point at 58°43'N latitude and 2°15'W longitude; then on the south by a straight line extending in a westerly direction from the last mentioned point to a point at 58°43'N and 3°30'W longitude then on the west by a straight line extending in a northerly direction from the last mentioned point to the point of beginning at 59°25'N latitude and 3°30'W longitude.

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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 paralytic shellfish poisoning in human beings.

The Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (No.12) Order 1991 imposed a prohibition on the fishing for or taking of (article 4), the movement of (article 5), and the landings of or use in the production of food (article 6) of green crabs and velvet crabs within the area of the sea surrounding all the Orkney Islands designated in the Schedule to that Order. These prohibitions were removed from green crabs and velvet crabs taken from within Scapa Flow and the area of the sea surrounding the Islands lying to the south of the Mainland such as Hoy, Graemsay, South Walls, Swona, Flotta, South Ronaldsay and Burray by the Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (No.12 Partial Revocation) Order 1991. It is necessary to reimpose the prohibitions within Scapa Flow and on the Islands mentioned. This Order redesignates the area and reenacts the emergency prohibitions which now apply to the area described in the Schedule to this Order. This Order revokes the Food Protection (Emergency Prohibition) (Paralytic Shellfish Poisoning) (No.12) Order 1991.

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 ammount not exceeding statutory maximum (at present £2000);
- (b) on conviction on indictment, an unlimited fine, or imprisonment for a term of not more than 2 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.