

*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.*

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STATUTORY INSTRUMENTS

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**1991 No. 6**

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

**The Food Protection (Emergency Prohibitions)  
(Radioactivity in Sheep) (England) Order 1991**

<i>Made</i>	- - - -	<i>10th January 1991</i>
<i>laid before Parliament</i>		<i>11th January 1991</i>
<i>Coming into force</i>	- -	<i>14th January 1991</i>

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 1(1) and (2) and 24(1) and (3) of the Food and Environment Protection Act 1985<sup>(1)</sup>, and of all other powers enabling him in that behalf, being of the opinion in accordance with section 1(1) of that Act 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 or may be in the future derived from sheep in the area described in Schedule 1 to the following Order is, or may be, or may become, unsuitable for human consumption, hereby makes the following Order:

**Title, commencement and interpretation**

1.—(1) This Order may be cited as the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) (England) Order 1991 and shall come into force on 14th January 1991.

(2) In this Order—

“the Act” means the Food and Environment Protection Act 1985;

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(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 sections 24(1) and 25(2) define “the Ministers”.

“consent” means a consent given under section 2(1) of the Act;

“designated area” means the area described in Schedule 1;

“sheep” means an animal of the genus *Ovis* of whatever age or sex.

(3) Any reference in this Order to a numbered article or Schedule shall be construed as a reference to the article or Schedule bearing that number in this Order.

### **Designated circumstances**

2. In the opinion of the Minister of Agriculture, Fisheries and Food, food which is or may be in the future derived from sheep in the area described in Schedule 1 is, or may be, or may become unsuitable for human consumption in consequence of the elevated levels of radioactivity found in that area following the escape on or after 26th April 1986 of radioactive substances from a nuclear powered reactor situated at Chernobyl in the Ukraine, USSR.

### **Designated area**

3. The area described in Schedule 1 is 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 slaughter any sheep for human consumption or for use in the preparation of feeding stuffs from which food could be derived.

### **Prohibitions on movement**

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

(2) No person shall move into the designated area any sheep which has previously been removed from that area, or from an area which is at the time of removal designated by an order under section 1 of the Act which refers to the escape of substances described in article 2, in accordance with a consent which was subject to the condition that the sheep to which it applied should be marked with a green, blue or apricot paint mark.

### **Prohibitions throughout the United Kingdom**

6.—(1) Subject to paragraph (2) below, no person shall in the United Kingdom—

- (a) slaughter for human consumption or for use in the preparation of feeding stuffs from which food could be derived any sheep that was in the designated area at any time after 11 am on 20th June 1986; or
- (b) supply, or have in possession for supply, any meat derived from a sheep, or any food which contains any such meat, if that sheep was in the designated area at any time after 11 am on 20th June 1986.

(2) Paragraph (1) above shall not apply—

- (a) in the case of any sheep which was moved from the designated area in accordance with a consent which did not require that sheep to be marked with a paint mark and did not require it to be returned to that area;
- (b) in the case of any sheep—
  - (i) which was moved from the designated area in accordance with a consent which was subject to the condition that the sheep to which it applied should be marked with a paint mark; and

- (ii) which has been examined and marked with an ear-tag by a person authorised in that behalf by one of the Ministers;
- (c) in the case of any sheep—
  - (i) which was moved from the designated area in accordance with a consent; and
  - (ii) which was marked with a blue paint mark in accordance with that consent, on or after 1st April of the year following the year in which it was so marked;
- (d) in the case of any sheep—
  - (i) which was moved from the designated area in accordance with a consent; and
  - (ii) which was marked with an apricot paint mark in accordance with that consent, on or after 1st August of the year in which it was so marked;
- (e) in the case of any sheep—
  - (i) which was moved from the designated area in accordance with a consent; and
  - (ii) which was marked with a green paint mark in accordance with that consent, on or after 1st December of the year in which it was so marked.

#### **Revocation**

7. The Orders specified in Schedule 2 are hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th January 1991.

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

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## SCHEDULE 1

Articles 1, 2 and 3

### THE DESIGNATED AREA

The area comprising those parts of the county of Cumbria which lie within the following boundary:

From Hall Dunnerdale Bridge (O.S. map ref. SD 213953) north east along River Duddon to Cockley Beck Bridge (O.S. map ref. NY 247017); east along Wrynose Pass to its junction with a minor road at O.S. map ref. NY 276027; east on the minor road via Fell Foot to its junction with a minor road at O.S. map ref. NY 302034; north west along the minor road to where it crosses Great Langdale Beck at O.S. map ref. NY 285060; north west along Great Langdale Beck through Mickleden to Rossett Gill; north west along Rossett Gill to where it meets a footpath at Rossett Pike (O.S. map ref. NY 248075); north west on the footpath to Angle Tam (O.S. map ref. NY 245078); north along the stream which leaves Angle Tarn to Langstrath Beck; north east along Langstrath Beck to its confluence with Greenup Gill; north west along Stonethwaite Beck to where it meets the road B5289 at Rosthwaite (O.S. map ref. NY 258145); south west on the road B5289 to Seatoller; north west on the road B5289 via Honister Pass and Gatesgarth to where it meets Buttermere (O.S. map ref. NY 191153); through the centre of Buttermere to its north west corner (O.S. map ref. NY 173163); north west along a river to where it flows into Crummock Water; north through the middle of Crummock Water to where the River Cocker flows out of it; north along the River Cocker to where it is crossed by a minor road at O.S. map ref. NY 148215; south west on the minor road to its junction with a track at O.S. map ref. NY 137212; west along track to where it joins a footpath at O.S. map ref. NY 126212; follow footpath north along southern edge of Loweswater Lake; north via Hudson Place to where it meets the minor road at O.S. map ref. NY 116227; west on the minor road to its junction with a minor road at Fangs Brow Farm (O.S. map ref. NY 105228); south west on the minor road via Lamplugh to its junction with a minor road at Croasdale (O.S. map ref. NY 093174); north east on a minor road to O.S. map ref. NY 094176; north east following field boundaries to O.S. map ref. NY 097177; south east following fell walls along edge of Banna Fell and Herdus Fell to O.S. map ref. NY 109165; south following field boundaries to O.S. map ref. NY 112159; west following the boundary of Bowness Plantation to a track at O.S. map ref. NY 110159; south on the track to its junction with a footpath at O.S. map ref. NY 109154; north west on the footpath to Ennerdale Water at O.S. map ref. NY 106155; north and then south along the edge of Ennerdale Water to a footpath at O.S. map ref. NY 091151; west following the footpath to Cragg Farm; west following forest boundary to O.S. map ref. NY 072147; south following field boundaries to O.S. map ref. NY 067142; north west following forest boundary to O.S. map ref. NY 065145; south west following forest boundary to a minor road at O.S. map ref. NY 063144; south west in a straight line to a minor road at O.S. map ref. NY 062143; south on the minor road via Blakeley Raise and Cold Fell to its junction with a minor road at O.S. map ref. NY 047066; south east on a minor road to O.S. map ref. NY 048065; north east along the minor road to where it crosses the River Calder at O.S. map ref. NY 056068; north along the River Calder to O.S. map ref. NY 062078; south east following the field boundary to its junction with the minor road north east of High Prior Scales (O.S. map ref. NY 065076); east following the field boundary to where it meets a footpath at Farmery (O.S. map ref. NY 076071);

north east following the footpath to O.S. map ref. NY 077072; south east along the boundary of Ponsonby Fell to O.S. map ref. NY 076061; east to the west corner of Blengdale Forest (O.S. map ref. NY 077062); south east following the edge of Blengdale Forest to O.S. map ref. NY 080057; north east following the edge of Blengdale Forest to O.S. map ref. NY 082062; follow the edge of Blengdale Forest to O.S. map ref. NY 086058; across the River Bleng and through Blengdale Forest in a direct line to the edge of the forest at O.S. map ref. NY 089058; north and then east following the edge of Blengdale Forest to O.S. map ref. NY 093060; south east along the field boundaries to a minor road at O.S. map ref. NY 096053; north east along the field boundaries to where it meets Bolton Wood at O.S. map ref. NY 097054; south following

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the boundary of Bolton Wood to where it meets a minor road at O.S. map ref. NY 106045; cast along the Gosforth/Nether Wasdale minor road to its junction with a minor road at O.S. map ref. NY 113047; north east on the minor road to the road junction at O.S. map ref. NY 119049; north east on the minor road leading to Greendale and via Greendale to the edge of West Water at O.S. map ref. NY 151054; south west following the edge of West Water and across where the River Irt leaves West Water at O.S. map ref. NY 143038; west on a track to its junction with a footpath at Eastwaite (O.S. map ref. NY 136034); south on the footpath to where it meets Latterbarrow Wood at O.S. map ref. NY 135032; west along the north edge of the forest to a minor road at O.S. map ref. NY 118027; south west along the minor road to Santon Bridge (O.S. map ref. NY 111016); south east along a minor road to its junction with a minor road at O.S. map ref. NY 136001; east along minor road to its junction with another minor road at O.S. map ref. SD 149998; south along minor road to its junction with a minor road at O.S. map ref. SD 148991; south west along minor road to its junction with A595(T); south on A595(T) to its junction with a minor road at Broad Oak; south following the minor road to its junction with a minor road at O.S. map ref. SD 118921; south east on minor road to Fold Gate (O.S. map ref. SD 119919); south following the fell wall to Whitbeck to where it meets the A595(T) at O.S. map ref. SD 119839; south on the road A595(T) to where it meets the fell wall at O.S. map ref. SD 127825; follow fell wall to Grice Croft (O.S. map ref. SD 171862); south east along track to Baystone Wood; north then south along boundary of Baystone Wood to Knott End at O.S. map ref. SD 173866; south cast along track to where it meets the A595(T) at O.S. map ref. SD 179863; north east on the road A595(T) to its junction with a minor road at O.S. map ref. SD 180864; north on the minor road via Broadgate and Cragg Hall to its junction with a minor road at O.S. map ref. SD 177894; east along the minor road to its junction with a minor road at O.S. map ref. SD 186899; north west along the minor road to its junction with a track at Beckstones; north on the track via Ulpha Park to its junction with a minor road at O.S. map ref. SD 187924; north east on the minor road via Ulpha and The Crook and across the River Duddon to its junction with a minor road at O.S. map ref. SD 213953.

The area excludes any part of a road, track, footpath or river by reference to which its boundary is defined.

## SCHEDULE 2

Article 7

### ORDERS REVOKED

Orders	References
The Food Protection (Emergency Prohibitions) (England) Order 1987	<a href="#">S.I. 1987/1893</a>
The Food Protection (Emergency Prohibitions) (England) Amendment Order 1988	<a href="#">S.I. 1988/7</a>
The Food Protection (Emergency Prohibitions) (England) Amendment No. 2 Order 1988	<a href="#">S.I. 1988/954</a>
The Food Protection (Emergency Prohibitions) (England) Amendment No. 3 Order 1988	<a href="#">S.I. 1988/1292</a>
The Food Protection (Emergency Prohibitions) (England) Amendment No. 4 Order 1988	<a href="#">S.I. 1988/1679</a>
The Food Protection (Emergency Prohibitions) (England) Amendment Order 1989	<a href="#">S.I. 1989/6</a>

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Orders	References
The Food Protection (Emergency Prohibitions) (England) Amendment No. 2 Order 1989	<a href="#">S.I. 1989/658</a>
The Food Protection (Emergency Prohibitions) (England) Amendment No. 3 Order 1989	<a href="#">S.I. 1989/1283</a>
The Food Protection (Emergency Prohibitions) (England) Amendment No. 4 Order 1989	<a href="#">S.I. 1989/1768</a>
The Food Protection (Emergency Prohibitions) (England) Amendment Order 1990	<a href="#">S.I. 1990/31</a>
The Food Protection (Emergency Prohibitions) (England) Amendment No. 2 Order 1990	<a href="#">S.I. 1990/1121</a>
The Food Protection (Emergency Prohibitions) (England) Amendment No. 3 Order 1990	<a href="#">S.I. 1990/1494</a>
The Food Protection (Emergency Prohibitions) (England) Amendment No. 4 Order 1990	<a href="#">S.I. 1990/1937</a>

## EXPLANATORY NOTE

*(This note is not Part of the Order)*

This Order consolidates with amendments the Food Protection (Emergency Prohibitions) (England) Order 1987, as amended.

The Order contains emergency prohibitions on various activities in order to prevent human consumption of food which is derived from sheep in a designated area in Cumbria and which has been or may have been rendered unsuitable for human consumption in consequence of the elevated levels of radioactivity found in that area following the escape of radioactive substances from a nuclear reactor situated at Chernobyl in the USSR.

The designated area in Cumbria is described (article 3 and Schedule 1). Within that area the slaughter of sheep is prohibited (article 4). Movement of sheep from farms, holdings and agricultural premises in the designated area is prohibited (article 5(1)), and movement of sheep into that area is controlled (article 5(2)). Prohibitions on the slaughter of sheep from the designated area and the supply of meat derived from such sheep extend throughout the United Kingdom, subject to exceptions (article 6).

The principal changes of substance effected by this Order are—

- (a) a reduction in the size of the designated area in Cumbria (article 3 and Schedule 1);
- (b) the removal of the exception to the prohibition on slaughter of sheep within the designated area (article 4);
- (c) a revision of the exceptions to the prohibitions throughout the United Kingdom on the slaughter of sheep from the designated area and the supply of meat derived from such sheep (article 6(2)); in particular—
  - (i) the prohibitions do not apply in the case of any sheep moved from that area in accordance with a consent given under section 2(1) of the Food and Environment

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Protection Act 1985 (“the 1985 Act”), regardless of the date of the consent, if the consent was subject to the condition that the sheep should be marked with a paint mark, and the sheep has been examined and marked with an ear-tag by a person authorised by the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland or Wales or the Department of Agriculture for Northern Ireland (article 6(2)(b));

- (ii) a fixed timetable for exceptions to these prohibitions is introduced in the case of any sheep moved from that area in accordance with a consent given under section 2(1) of the 1985 Act and marked with a blue, apricot or green paint mark in accordance with that consent (article 6(2)(c) to (e)).

The Order also makes certain drafting changes.

Under section 21 of the 1985 Act 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.

A map showing the designated area is available for inspection during normal office hours at the offices of the Ministry of Agriculture, Fisheries and Food at Eden Bridge House, Lowther Street, Carlisle CA3 8DX.