
STATUTORY INSTRUMENTS

1996 No. 448

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

**The Food Protection (Emergency Prohibitions) (Oil
and Chemical Pollution of Fish and Plants) Order 1996**

Approved by both Houses of Parliament

Made - - - - 28th February 1996

Laid before Parliament 29th February 1996

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 section 24(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 fish and plants 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) (Oil and Chemical Pollution of Fish and Plants) Order 1996 and shall come into force at 16.00 hours on 28th February 1996.

(2) In this Order—

“edible plants” means wild plants of the species *Salicornia*;

“edible seaweed” means wild seaweed of the species *Porphyra*, *Rhodimenia* or *Chondrus*;

“relevant time” means one minute past midnight on 28th February 1996.

(1) 1985 c. 48; section 1(1) and (2) were 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”.

Designated circumstances

2. In the opinion of the Secretary of State edible plants, edible seaweed and fish in the area designated in article 3 below may be affected by oil or other chemical substances which 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.

Activities prohibited in the designated area

4. No person shall fish for and take fish in the designated area.
5. No person shall gather or pick edible plants or edible seaweed in the designated area.

Prohibition on movement

6. No person shall move any edible plants, edible seaweed or fish out of the designated area.

Restrictions throughout the United Kingdom

7. No person shall in the United Kingdom or in United Kingdom waters—
 - (a) use any edible plants, edible seaweed or fish 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 fish which were in waters in the designated area after the relevant time,
 - (c) supply, or have in possession for supply, any edible plants, edible seaweed or fish 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 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 paragraph (a) of this article.

28th February 1996

William Hague
Secretary of State for Wales

SCHEDULE

Article 3

THE DESIGNATED AREA

That area of the sea around Wales below mean high water springs enclosed by a straight line extending due west from the mainland of Wales at St.David's Head $51^{\circ} 54'.3$ N latitude and $005^{\circ} 18'.8$ W longitude to a point at sea $51^{\circ} 54'.3$ N latitude and $005^{\circ} 28'.5$ W longitude; then in a south westerly direction to a point at sea $51^{\circ} 52'.0$ N latitude and $005^{\circ} 30'.8$ W longitude; then in a southerly direction to a point at sea $51^{\circ} 43'.8$ N latitude and $005^{\circ} 28'.9$ W longitude; then in a south by easterly direction to a point at sea $51^{\circ} 37'.3$ N latitude and $005^{\circ} 24'.2$ W longitude; then in a south easterly direction to a point at sea $51^{\circ} 30'.0$ N latitude and $004^{\circ} 55'.4$ W longitude; then in an east south easterly direction to a point at sea $51^{\circ} 26'.3$ N latitude and $004^{\circ} 12'.7$ W longitude; then due north to Port-Eynon Point on the Gower Peninsula in Wales at $51^{\circ} 32'.2$ N latitude and $004^{\circ} 12'.7$ W longitude.

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 edible plants, edible seaweed and fish having been affected by oil and other chemical pollutants.

The Order designates an area within which taking fish and gathering or picking edible plants and edible seaweed is prohibited (articles 3 to 5 and the Schedule and the terms “edible plants” and “edible seaweed” are defined in article 1(2)). It also prohibits the movement of edible plants, edible seaweed and fish out of that area (article 6). Other restrictions are imposed throughout the United Kingdom in relation to the use of any edible plants, edible seaweeds and fish taken from that area (article 7).

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 £5,000);
- (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.

Maps showing the designated area are available for inspection during normal office hours at the offices of the Ministry of Agriculture, Fisheries and Food at 5 Hamilton Terrace, Milford Haven, Dyfed SA73 2AL and at the offices of the Welsh Office Agriculture Department at Cathays Park, Cardiff, South Glamorgan CF1 3NQ.