
STATUTORY INSTRUMENTS

1996 No. 856

**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 Salmon and Migratory Trout) Order 1996**

Approved by both Houses of Parliament

Laid before Parliament

Made - - - - 19th March 1996

Coming into force - - 20th March 1996

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 migratory fish in the areas 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 Salmon and Migratory Trout) Order 1996 and shall come into force on 20th March 1996.

(2) In this Order—

“migratory trout” means fish of the species *Salmo trutta* L.;

“relevant time” means one minute past midnight on 19th March 1996; and

“salmon” means fish of the species *Salmo salar* L.

(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 salmon and migratory trout in the areas 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 areas described in the Schedule to this Order are hereby designated for the purposes of Part I of the Food and Environment Protection Act 1985.

Activities prohibited in the designated areas

4. No person shall fish for and take any salmon or migratory trout in a designated area.

Prohibition on movement

5. No person shall move any salmon or migratory trout out of a designated area.

Restrictions throughout the United Kingdom

6. No person shall in the United Kingdom or in United Kingdom waters—
- (a) use any salmon or migratory trout taken out of a 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 salmon or migratory trout which were in waters in a designated area after the relevant time,
 - (c) supply, or have in possession for supply, any salmon or migratory trout which were in a 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.

Welsh Office
19th March 1996

Rod Richards,
Parliamentary Under Secretary of State,

SCHEDULE

Article 3

THE DESIGNATED AREAS

Those areas comprising all the rivers and streams which discharge into the sea between Port-Eynon Point at OS map reference NGR SS 473 852 in the east and St. David's Head at OS map reference NGR SM 721 277 in the west together with all other rivers and streams in their catchments. The areas do not include any waters below mean high water springs.

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 salmon and migratory trout having been affected by oil and other chemical pollutants.

The Order designates areas, being specified rivers and streams in the Counties of Dyfed and West Glamorgan, within which taking salmon and migratory trout is prohibited (articles 3 and 4 and the Schedule). It also prohibits the movement of salmon and migratory trout out of those areas (article 5). Other restrictions are imposed throughout the United Kingdom in relation to the use of any salmon and migratory trout taken from those areas (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 £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 areas 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.