
STATUTORY INSTRUMENTS

1997 No. 2509 (S.165)

**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) Order 1997**

Made - - - - 21st October 1997

Laid before Parliament 22nd October 1997

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 fish 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) Order 1997 and shall come into force at 1200 hours on 21st October 1997.

(2) In this Order—

“relevant time” means 00:01 am on 21st October 1997.

(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 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.

Activity prohibited in the designated area

4. No person shall fish for and take fish in the designated area.

Prohibited movement of fish

5. No person shall move any fish 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 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 taken from waters in the designated area after the relevant time,
 - (c) supply, or have in possession for supply, any 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.

Pentland House,
Edinburgh
21st October 1997

G M Thomson
Assistant Secretary, Scottish Office

SCHEDULE

Article 3

THE DESIGNATED AREA

That area of the sea, lying on or towards the east of the Moray Firth, enclosed by a line extending from a point at 58° 25.00' North latitude and 02° 00.00' West longitude in an easterly direction to a point at 58° 25.00' North latitude and 01° 30.00' West longitude; then in a southerly direction to a point at 58° 10.00' North latitude and 01° 30.00' West longitude; then in a westerly direction to a point at 58° 10.00' North latitude and 02° 00.00' West longitude then in a northerly direction to the point of beginning.

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 fish having been affected by oil and other chemical pollutants.

This Order designates the area within which taking fish is prohibited (articles 3 and 4 and the Schedule). It prohibits the movement of fish out of that area (article 5). Other restrictions are imposed throughout the United Kingdom in relation to the use of fish taken from that area (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.