

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.

STATUTORY INSTRUMENTS

1997 No. 2622

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

**The Food Protection (Emergency Prohibitions)
(Dounreay Nuclear Establishment) Order 1997**

Made - - - - 29th October 1997

Laid before Parliament 31st 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 all species of Demersal and Pelagic fish, molluscs and crustaceans 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) (Dounreay Nuclear Establishment) Order 1997 and shall come into force at 20.00 hours on 29th October 1997.

(2) In this Order “relevant time” means one minute past midnight on 30th 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, all species of Demersal and Pelagic fish, molluscs and crustaceans in the area designated in article 3 below may be affected by fragments of irradiated nuclear fuel and if consumed are likely to create a hazard to human health.

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 any species of Demersal or Pelagic fish, molluscs or crustaceans in the designated area.

Prohibited movement of all species of Demersal or Pelagic fish, molluscs or crustaceans

5. No person shall move any species of Demersal or Pelagic fish, molluscs or crustaceans 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 species of Demersal or Pelagic fish, molluscs or crustaceans 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 species of Demersal or Pelagic fish, molluscs or crustaceans which were in waters in the designated area after the relevant time,
 - (c) supply, or have in possession for supply, any species of Demersal or Pelagic fish, molluscs or crustaceans 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
29th October 1997

David R Dickson
Assistant Secretary, Scottish Office

SCHEDULE

Article 3

The area of sea at the Pentland Firth off the North Coast of Caithness enclosed by a 2km radius taken from the outlet pipe at Dounreay Nuclear establishment at 58° 35'N, 3° 45.5'W.

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 which is or may be rendered unsuitable for that purpose by virtue of the presence of irradiated nuclear fuel which could be taken up by a seafood species.

The Order designates an area of sea within which taking of all species of Demersal and Pelagic fish, molluscs and crustaceans is prohibited (articles 3 and 4 and the Schedule). It prohibits the movement of all species of Demersal and Pelagic fish, molluscs and crustaceans out of that area (article 5). Other restrictions are imposed throughout the United Kingdom in relation to the use of any species of Demersal and Pelagic fish, molluscs and crustaceans taken from that area.

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.