
STATUTORY INSTRUMENTS

1998 No. 1342

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

**The Food Protection (Emergency Prohibitions)
(Paralytic Shellfish Poisoning) Order 1998**

Made - - - - - *29th May 1998*

Laid before Parliament *2nd June 1998*

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 bivalve molluscs 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) (Paralytic Shellfish Poisoning) Order 1998 and shall come into force at 20.00 hours on 29th May 1998.

(2) In this Order “mussels” means *mytilus edulis*, “scallops” means scallops of the class of *pecten maximus* and queen scallops of the class of *chlamys opercularis*, “cockles” means *cerastoderma edule*, “razor clams” means *ensis* s.p.p. and “relevant time” means 00.01 hours on 30th May 1998.

(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, mussels, scallops, cockles and razor clams in the areas designated in article 3 below may be affected by the toxin which causes paralytic shellfish poisoning in human beings and are likely to create a hazard to human health if they are consumed.

Designated areas

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.

Activity prohibited in the designated areas

4. No person shall fish for or take any mussels, scallops, cockles or razor clams in the designated areas.

Prohibited movement of mussels, scallops, cockles or razor clams

5. No person shall move any mussels, scallops, cockles or razor clams out of the designated areas.

Restrictions throughout the United Kingdom

6. No person shall in the United Kingdom or in United Kingdom waters—

- (a) use any mussels, scallops, cockles or razor clams taken out of the designated areas after the relevant time in the preparation or processing for supply of food and anything from which food could be derived,
- (b) land any mussels, scallops, cockles or razor clams which were in waters in the designated areas after the relevant time,
- (c) supply, or have in possession for supply, any mussels, scallops, cockles or razor clams which were in the designated areas 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 May 1998

J R Wildgoose
Assistant Secretary, Scottish Office

SCHEDULE

Article 3

THE DESIGNATED AREAS

1. The area of sea around the Orkney Islands below mean high water springs enclosed by a line extending from a point at Pierowall on the island of Westray at 59° 19'N 2° 59'W then due east to a point at 59° 19'N 2° 30'W then due south to a point on the island of Sanday at 59° 17'N 2° 30'W then west, south and east along the shoreline of Sanday to a point on the island at 59° 15.5'N 2° 30'W then due south to a point at 59° 00'N 2° 30'W then due west to a point at 59° 00'N 2° 43'W then due south to Mull Head on the mainland at 58° 58'N 2° 43'W then west and north along the shore of the mainland at Costa Head at 59° 09.5'N 3° 13'W then north and east to Noup Head on Westray at 59° 20'N 3° 04'W then east, north and west along the shoreline of Westray to the start point at Pierowall at 59° 19'N 2° 59'W.

2. The area of sea around the islands of Orkney below mean high water springs enclosed by a line extending from Tor Ness on the island of Hoy at 58° 47'N 3° 17.5'W then due south to a point at 58° 45'N 3° 17.5'W then due east to Barth Head on South Ronaldsay at 58° 45'N 2° 59'W then north and west along the shoreline of South Ronaldsay and the mainland to Breck Ness on the mainland at 58° 58'N 3° 21'W then south and west to the Kame of Hoy on Hoy at 58° 55.5'N 3° 24'W then east, south and west along the shoreline of Hoy to the start point at Tor Ness at 58° 47'N 3° 17.5'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 rendered unsuitable for that purpose by virtue of shellfish having been affected by the toxin which causes paralytic shellfish poisoning in human beings.

The Order designates areas of sea within which taking mussels, scallops, cockles or razor clams is prohibited (articles 3 and 4 and the Schedule). It prohibits the movement of such shellfish out of those areas (article 5). Other restrictions are imposed throughout the United Kingdom in relation to the use of any such shellfish 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.