

Order made by the Scottish Ministers, laid before the Scottish Parliament under section 1(8) of the Food and Environment Protection Act 1985, for approval by resolution of the Scottish 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.

SCOTTISH STATUTORY INSTRUMENTS

1999 No.26

PUBLIC HEALTH

CONTAMINATION OF FOOD

The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Order 1999

Made - - - - 17th August 1999

Laid before the Scottish

Parliament - - - - 20th August 1999

Coming into force in accordance with article 1(1)

The Scottish Ministers, in exercise of the powers conferred on them by section 1(1) and (2) and section 24(3) of the Food and Environment Protection Act 1985(1), and of all other powers enabling them 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 areas described in the following Order, is, or may be, or may become, unsuitable for human consumption, hereby make the following Order:

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Order 1999 and shall come into force at 1800 hours on 17th August 1999.

(2) In this Order—

- (a) “scallops” means scallops of the class *ofpecten maximus* and Queen scallops of the class *of chlamys opercularis*;
- (b) “relevant time” means—

(1) 1985 c. 48; sections 1(1) and (2) were amended by section 51(2)(a) and (b) of the Food Safety Act 1990 (c. 16); section 1(2) defines “designating authority”; section 1(2) was further amended by the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I.1999/1756); the functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

- (i) in respect of designated area A, 0.01am on 9th July 1999;
- (ii) in respect of designated area B, 0.01am on 26th July 1999;
- (ii) in respect of designated area C, 0.01am on 3rd August 1999;
- (iv) in respect of designated area D, 0.01am on 17th August 1999;

(3) In paragraph (2)(b) above a reference to a designated area bearing the letter “A”, “B”, “C” or “D” is a reference to the area bearing that letter described respectively in paragraphs 1 to 4 of Schedule 1 to this Order.

(4) This Order extends to Scotland and the Scottish zone.

Designated circumstances

2. In the opinion of the Scottish Ministers, scallops in the areas designated in article 3 below may be affected by the toxin which causes amnesic 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 Schedule 1 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 area

4. No person shall fish for or take any scallops in the designated areas.

Prohibited movement of scallops

5. No person shall move any scallops out of the designated areas.

Restrictions

6. No person shall—
- (a) use any scallops 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 scallops which were in waters in a designated area after the relevant time,
 - (c) supply, or have in possession for supply, any scallops 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.

Revocation

7. The Orders specified in Schedule 2 to this Order are revoked.

Pentland House, Edinburgh
17th August 1999

J R WILDGOOSE
A member of the staff of the Scottish Ministers

SCHEDULE 1

Article 1(3) and 3

THE DESIGNATED AREAS

AREA A

1. The area of water below high water springs enclosed by a line starting from a point on the west shore of the Mull of Kintyre at 55°45'N 5°35'W; then west to a point on the east coast of Islay at 55°45'N 6°03'W; then north, west and south along the shore of Islay to a point on the west coast of Islay at 55°45'N 6°28.6'W; then west to 55°45'N 6°30'W; then north to 56°N 6°30'W; then west to 56°N 7°W; then north to 56°30'N 7°W; then west to 56°30'N 7°30'W; then north to Rubha Mor on the south coast of Barra at 56°57'N 7°26'W; then north along the east shore of Barra to a point on the shore at 57°03.5'N 7°26.5'W; then north and east to a point on the shore of South Uist at 57°06.2'N 7°20'W; then north along the east coasts and roadways linking South Uist, Benbecula, Grimsay and North Uist to a point on the north shore of North Uist at 57°35.8'N 7°06.4'W (Rubha nan Pleac); then north and east to Renish Point on Harris at 57°43.6'N 6°58'W; then north along the east shore of Harris and Lewis to a point on the north east coast of Lewis at 58°30'N 6°13.4'W; then east to a point on the mainland of Scotland at 58°30'N 5°07.2'W; then south along the western mainland shore of Scotland to the start point.

AREA B

2. The area of water below high water springs enclosed by a line starting at Renish Point on Harris at 57°43.6'N 6°58'W; then south and west to a point on the north shore of North Uist at 57°35.8'N 7°06.4'W (Rubha nan Pleac); then west along the north shore of North Uist to a point at 57°39.5'N 7°29.5'W (Griminish Point); then west to a point at 57°39.5'N 07°30'W; then north to a point at 58°15'N 7°30'W; then east to a point at 58°15'N 7°00'W then south to the west coast of the Isle of Lewis to a point at 58°14.2'N 7°00'W; then south along the west coast of Lewis and Harris to the start point.

AREA C

3. The area of water below high water springs enclosed by a line starting at a point on the west coast of the Isle of Lewis at 58°14.2'N 7°00'W; then north to 58°15'N 7°00'W; then east to a point on the west coast of Great Bernera at 58°15'N 6°53'W; then along the north shoreline of Great Bernera to a point on the east coast of Great Bernera at 58°15'N 6°50.5'W; then east to a point on the west coast of the Isle of Lewis at 58°15'N 6°48.2'W; then south and west along the shoreline of the Isle of Lewis to the start point.

AREA D

4. The area of water below high water springs enclosed by a line starting from a point on the west shore of the Mull of Kintyre at 55°45'N 5°35'W; then west to a point on the east coast of Islay at 55°45'N 6°03'W; then south, west and north along the shore of Islay to a point on the west coast of Islay at 55°40.1'N 6°30'W; then south to 55°30'N 6°30'W; then east to a point on the west shore of the Mull of Kintyre at 55°30'N 5°40.3'W; then north along the shore to the start point.

SCHEDULE 2

Article 7

REVOCATIONS

<i>Title</i>	<i>Reference</i>
The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (No.2) (Scotland) Order 1999	SSI1999/13
The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (No.3) (Scotland) Order 1999	SSI 1999/18
The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (No.4) (Scotland) Order 1999	SSI 1999/23

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 amnesic shellfish poisoning in human beings.

The Order designates areas of sea off the west coast of Scotland within which taking scallops is prohibited (articles 3 and 4 and Schedule 1). It prohibits the movement of scallops out of those areas (article 5). Other restrictions are imposed in relation to the use of any scallops taken from those areas.

The Order continues in force the prohibitions contained in, and consolidates the three Orders described in, Schedule 2 to the Order which are revoked (article 7) and adds a further area of sea to those already designated in those Orders (Schedule 2, paragraph 4).

It is an offence throughout the United Kingdom and United Kingdom Waters to contravene any of the prohibitions by virtue of section 1(6) of the Food and Environment Protection Act 1985 (“the Act”) as read with Schedule 1, paragraph 4 to the Act, as inserted by paragraph 10(13) of the Schedule to the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I.1999/1756).

Under section 21 of the Act 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 Act. Obstruction of enforcement officers is an offence under paragraph 10 of that Schedule.