Changes to legislation: *The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No. 3) (Scotland) Order 2005 is up to date with all changes known to be in force on or before 18 November 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCOTTISH STATUTORY INSTRUMENTS

2005 No. 208

PUBLIC HEALTH

CONTAMINATION OF FOOD

The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No. 3) (Scotland) Order 2005

Made - - - -	*5th April 2005*
Laid before the Scottish Parliament - - - -	*6th April 2005*

Coming into force in accordance with article 1(1)

The Scottish Ministers, in exercise of the powers conferred by sections 1(1) and (2) and 24(3) of the Food and Environment Protection Act 1985 [F1] 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 area described in the following Order, is, or may be, or may become, unsuitable for human consumption, hereby make the following Order:

F1 1985 c. 48; section 1(1) and (2) was 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), **Sch**edule, paragraph 10(2) and (3), the Food Standards Act 1999 (c. 28), **Schedule 5**, paragraph 6 and the Scotland Act 1998 (Consequential Modifications) Order 2000 (S.I. 2000/2040), **Sch**edule, Part I, paragraph 12.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No. 3) (Scotland) Order 2005 and shall come into force at 1645 hours on 5th April 2005.

(2) In this Order–

(a) "scallops" means scallops of the species *Pecten maximus;* and

(b) "relevant time" means 0001 hours on 5th April 2005.

Designated circumstances

2. In the opinion of the Scottish Ministers, scallops in the area 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 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 or take any scallops in the designated area.

Prohibited movement of scallops

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

Restrictions

6. No person shall–

(a) use any scallops 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 scallops which were in waters in the designated area after the relevant time;

(c) supply, or have in possession for supply, any scallops 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; or

(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.

St Andrew's House, Edinburgh
5th April 2005

PAM WHITTLE
A member of the staff of the Scottish Ministers