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 or recess for more than four days.

SCOTTISH STATUTORY INSTRUMENTS

2004 No. 412

PUBLIC HEALTH

CONTAMINATION OF FOOD

The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No. 10) (Scotland) Order 2004

Made - - - -	*22nd September 2004*
Laid before the Scottish Parliament - - - -	*24th September 2004*

Coming into force in accordance with article 1(1)

The Scottish Ministers, in exercise of the powers conferred 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 and interpretation

1.—(1) This Order may be cited as the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No. 10) (Scotland) Order 2004 and shall come into force at 1600 hours on 22nd September 2004.

(2) In this Order–

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

(**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); section 1(2) defines "designating authority"; section 1 was further amended by the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756), Schedule, 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), Schedule, Part I, paragraph 12.

(b) "relevant time" means 0001 hours on 22nd September 2004.

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 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 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 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 scallops which were in waters in the designated areas after the relevant time;

(c) supply, or have in possession for supply, any scallops 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; 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
22nd September 2004

MALCOLM CHISHOLM
A member of the Scottish Executive

SCHEDULE Article 3

THE DESIGNATED AREAS

Area 1

The area of sea below mean high water springs enclosed by a line starting at the point at 57°North latitude 6°West longitude; then east to 57°North latitude 5°50'01"West longitude; then west, south and east along the shoreline of Loch Nan Ceall and Loch Nan Uamh, then south, west, and east continuing along the shoreline of Loch Beag, Loch Ailort, Loch Moidart, and Farquahar's Point to a point on the east coast of Kentra Bay at 56°45'North latitude 5°50'31"West longitude; then west to 56°45'North latitude 5°50'40"West longitude; then north, west and south along the shoreline to 56°45'North latitude 5°50'43"West longitude; then west to 56°45'North latitude 5°52'13"West longitude; then north and west along the shoreline of Kentra Bay and Loch Ceann Traigh to a point on the west coast of Scotland at 56°46'11"North latitude 6°West longitude; then north to the point of the beginning.

Area 2

The area of sea below mean high water springs enclosed by a line starting at the point on the west shore of Loch Nevis at 57°North latitude 5°42'52"West longitude; then east to 57°North latitude 5°40'02"West longitude; then south, east and north along the shoreline to 57°North latitude 5°32'26"West longitude; then east to 57°North latitude 5°31'29"West longitude; then south, east, west, and north along the shoreline of Tarbert Bay and Ardintigh Point to the point of the beginning; under exception of–

1. the area of sea below mean high water springs enclosed by a line starting at the point at 57°North latitude 5°40'24"West longitude; then east to 57°North latitude 5°40'02"West longitude; then south and east along the shoreline to 56°59'47"North latitude 5°33'28"West longitude; then south to 56°59'14"North latitude 5°33'25"West longitude; then west and south to 56°58'38"North latitude 5°40'17"West longitude; then north to the point of the beginning;

2. the area of sea below mean high water springs enclosed by a line starting at the point at 56°58'59"North latitude 5°40'182West longitude; then south and east to a point on the west coast of Scotland at 56°58'32"North latitude 5°37'18"West longitude; then west, south and north along the shoreline to 56°58'39"North latitude 5°40'17"West longitude; then north and west to the point of the beginning;

3. the area of sea below mean high water springs enclosed by a line starting at the point at 56°55'16"North latitude 5°56'42"West longitude; then east and north to 56°55'21"North latitude 5°53'51"West longitude; then south, east and north along the shoreline to 56°55'24"North latitude 5°53'11"West longitude; then east and south to 56°55'22"North latitude 5°52'55"West longitude; then south and east along the shoreline to 56°54'35"North latitude 5°51'43"West longitude; then south to 56°53'54"North latitude 5°51'40"West longitude; then west and south along the shoreline to 56°53'10"North latitude 5°55'05"West longitude; then west to 56°53'07"North latitude 5°56'28"West longitude; then north and west to the point of the beginning;

4. the area of sea below mean low water springs enclosed by a line starting at the point at 56°53'18" North latitude 5°44'41"West longitude; then south, east, and west along the mean low water line to 56°53'03"North latitude 5°44'39"West longitude; then north to the point of the beginning;