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. 323

PUBLIC HEALTH

CONTAMINATION OF FOOD

The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No. 5) (Scotland) Order 2004

Made - - - -	*9th July 2004*
Laid before the Scottish Parliament - - - -	*12th July 2004*

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(**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. 5) (Scotland) Order 2004 and shall come into force at 1230 hours on 9th July 2004.

(2) In this Order–

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

(b) "relevant time" means 0001 hours on 9th July 2004.

(**1**) 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 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.

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
9th July 2004

J T BROWN
A member of the Scottish Executive