***Status:*** *This version of this Instrument contains provisions that are prospective.*
***Changes to legislation:*** *The Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (Orkney) (Scotland) Order 2000 is up to date with all changes known to be in force on or before 19 May 2020. 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*

*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

# 2000 No. 192

# PUBLIC HEALTH
# CONTAMINATION OF FOOD

## The Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (Orkney) (Scotland) Order 2000

| | |
|---|---|
| *Made - - - -* | *14th June 2000* |
| *Laid before the Scottish Parliament - - - -* | *16th June 2000* |

*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[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) and the Food Standards Act 1999 (c.28), **Schedule 5**, paragraph 6. 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).

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (Orkney) (Scotland) Order 2000 and shall come into force at 1600 hours on June 2000.

(2) In this Order "mussels" means*mytilus edulis*, "razor clams" means "*ensis s.p.p.*" and "scallops" means scallops of the class of*pecten maximus*and Queen scallops of the class of c*hlamys opercularis*and "relevant time" means 0001 on 14th June 2000.

**Designated circumstances**

**2.** In the opinion of the Scottish Ministers, mussels, razor clams and scallops in the area 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 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 mussels, razor clams or scallops in the designated area.

**Prohibited movement of mussels, razor clams or scallops**

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

**Restrictions**

**6.** No person shall–

(a) use any mussels, razor clams or 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 mussels, razor clams or scallops which were in waters in the designated area after the relevant time;

(c) supply, or have in possession for supply, any mussels, razor claims or 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.

Pentland House, Edinburgh
14th June 2000

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