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 of*pecten maximus*and Queen scallops of the class of c*hlamys 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.