Order made by the Department of Health, Social Services and Public Safety and laid before the Assembly under section 1(8) of the Food and Environment Protection Act 1985 for approval by resolution of the Assembly before the expiration of 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

STATUTORY RULES OF NORTHERN IRELAND

2001 No. 368

PUBLIC HEALTH

Food Protection (Emergency Prohibitions No. 3) Order (Northern Ireland) 2001

Made - - - -	*10th October 2001*
Coming into operation	*10th October 2001*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by sections 1(1) and (2) and 24(3) of the Food and Environment Protection Act 1985(**2**) and of all other powers enabling it in that behalf, being of the opinion in accordance with section 1(1) of that Act 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 scallops in the area described in the following Order is, or may be, or may become, unsuitable for human consumption, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Food Protection (Emergency Prohibitions No. 3) Order (Northern Ireland) 2001 and shall come into operation on 10th October 2001.

(2) In this Order—

(a) "designated area" means the area designated in Article 3 and the Schedule;

(b) "relevant time" means, in relation to the designated area, 0001 hours on 9th October 2001;

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

(d) "the Department" means the Department of Health, Social Services and Public Safety.

(**1**) Formerly the Department of Health and Social Services; *see*S.I.1999/283 (N.I. 1) Article 3. *See* also section 25(2) of the Food and Environment Protection Act 1985; functions formerly exercisable by the Department of Agriculture (now the Department of Agriculture and Rural Development; *see* Article 3 of S.I. 1999/283 (N.I. 1)) are now exercisable by the Department of Health, Social Services and Public Safety pursuant to paragraphs (5) and (6) of Schedule 5 to the Food Standards Act 1999 c. 28 which amended the said section 25(2)

(**2**) 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) was further amended by S.I. 1999/1756

(3) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

Designated circumstances

2. In the opinion of the Department, scallops in the designated area may be affected by the toxin which causes diarrhetic 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 is hereby designated for the purposes of Part I of the Food and Environment Protection Act 1985.

Activity prohibited in the designated area

4. A person shall not fish for or take any scallops in the designated area.

Prohibition on movement

5. A person shall not move any scallops out of the designated area or from one place to another within the designated area.

Restrictions

6. A person shall not—

(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*); or

(e) feed to any creature a feeding stuff in the preparation or processing of which anything was used in contravention of paragraph (*a*).

(**3**) 1954 c. 33 (N.I.)