

1973. No. 453

[C]

FOOD AND DRUGS**Shell-fish Regulations**

REGULATIONS, DATED 28TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 7, 13 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND) 1958.

The Ministry of Health and Social Services, on behalf of the Secretary of State and in exercise of the powers conferred on it by sections 7, 13 and 68 of the Food and Drugs Act (Northern Ireland) 1958(a) and of all other powers enabling it in that behalf, having consulted with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Shell-fish Regulations (Northern Ireland) 1973, and shall come into operation on 1st October 1973.

Interpretation

2.—(1) In these regulations—

“the Act” means the Food and Drugs Act (Northern Ireland) 1958;

“the Ministry” means the Ministry of Health and Social Services;

“council” means a district council or a borough council established under the Local Government Act (Northern Ireland) 1972(b);

“district” means the district of a council;

“Health and Social Services Board” has the meaning assigned by the Health and Personal Social Services (Northern Ireland) Order 1972(c);

“laying” means an area of sea bed, foreshore, laying, pond, pit, ledge, float or other place where shell-fish are taken or deposited;

“order” means an order made under these regulations;

“person interested” in relation to any laying affected by an order means every owner and tenant of the laying;

“premises” means any place or premises where any process of sterilisation or cleansing of shell-fish takes place;

“private laying” means a laying where shell-fish are not habitually taken or deposited except by the owner or by the tenant of the laying, and

“tenant” includes any person authorised by the owner or by a tenant to take or deposit shell-fish;

“public laying” means a laying which is not a private laying;

“shell-fish” means molluscan shell-fish.

(a) 1958. c. 27.

(b) 1972. c. 9 (N.I.).

(c) S.I. 1972, No. 1265 (N.I. 14).

Action to be taken on suspicion of danger to public health from shell-fish

3.—(1) If the chief administrative medical officer of a Health and Social Services Board is in possession of information that any person is suffering, or has recently suffered, from notifiable or other diseases attributable to shell-fish, or that the consumption of shell-fish exposed for sale within the district is likely to cause danger to public health, he should make such enquiries and take such other steps as are practicable to ascertain the layings from which such shell-fish were taken, and shall report thereon to the council.

(2) For the purpose of such enquiries the council may require any person supplying shell-fish in the district to furnish to the chief administrative medical officer of the Health and Social Services Board within a reasonable time fixed by them, a list of all the layings, as far as he can with reasonable diligence ascertain them, from which his supply of shell-fish has been derived during any period not exceeding six weeks immediately preceding the date of the requisition, together with any information in his possession which will assist the chief administrative medical officer in ascertaining the particular laying or layings from which any suspected shell-fish were taken and, if the supply or any part of it was obtained through any other person, the council may make a similar requisition upon that person. A person on whom a requisition is made under this paragraph shall comply with the requisition.

(3) If any laying from which suspected shell-fish are found to have been taken is situate in or in the sea adjoining the area of the Health and Social Services Board the chief administrative medical officer shall make an investigation with regard to the laying and shall report thereon to the council within or in the sea adjoining whose district the laying is situate, and shall furnish with his report copies of any bacteriological or other reports obtained by him.

(4) If any such laying is not situate in or in the sea adjoining the area of the Health and Social Services Board wherein the complaint originated, the council shall send to the council within or in the sea adjoining whose district the laying is situate a copy of the chief administrative medical officer's report and any other information which may be in their possession indicating possible danger to public health from the consumption of shell-fish taken from the laying, and they may, in addition, make such representations as they consider necessary with regard to the making of an order under these regulations.

(5) Upon receipt of such information the council of the district in or in the sea adjoining which the laying is situate shall ask the chief administrative medical officer of the Health and Social Services Board for that area to make an investigation with regard to the laying and to report to them thereon and the report shall be accompanied by copies of any bacteriological or other reports obtained by him.

Power of council to make orders

4.—(1) On receipt of a report of the chief administrative medical officer of an investigation made by him with regard to a laying situate in or in the sea adjoining their district, the council, if satisfied that the consumption of shell-fish taken from the laying is likely to cause danger to public health, may make an order in the form set out in the Schedule prohibiting the distribution for sale for human consumption of shell-fish taken from the laying, either absolutely or subject to such exceptions and conditions as they may think proper.

(2) At least twenty-one days before making any such order the council shall give notice of the proposal to make the order stating the grounds on which the proposal is made, and shall give all persons interested a reasonable opportunity of making representations with regard thereto.

(3) In the case of a private laying such notice shall be served on every owner and tenant of the laying whose name and address can with reasonable diligence be ascertained, and in the case of a public laying it shall be given by means of posters affixed in conspicuous places in the vicinity of the laying or in such other manner as the council consider best calculated to bring the proposal to the attention of the persons interested. In either case a copy of the notice shall be sent to the Ministry and the Ministry of Agriculture.

(4) The council shall supply a copy of the report of the chief administrative medical officer to any person interested, on payment of a reasonable sum.

(5) If the council decide to make no order, they may allow any person interested any reasonable expenses incurred by him in making representations.

Publication of orders

5.—(1) As soon as practicable after an order has been made the council shall—

- (a) publish in one or more local newspapers circulating within their district and send to the Ministry and the Ministry of Agriculture a notice stating that the order has been made and either setting out the terms of the order or naming a place where a copy may be inspected at all reasonable hours;
- (b) if the order relates to a private laying, serve a like notice, either personally or by post, upon every owner and tenant of the laying whose name and address can with reasonable diligence be ascertained.

(2) Before an order comes into operation, or as soon as practicable thereafter, the council shall, if the laying is a public laying, and may, if it is a private laying, cause warning notices containing a copy of the order or an adequate statement of its terms printed in easily legible type to be posted in conspicuous places in the vicinity of the laying.

Duty to inform the Ministry and the Ministry of Agriculture of action taken

6. A council shall as soon as possible inform the Ministry and the Ministry of Agriculture of any action taken by them under these regulations.

Action to be taken on representations as to the making of an order

7.—(1) If a report made to a council by the chief administrative medical officer is made in consequence of representations made by some other council under paragraph (4) of regulation 3, the first mentioned council shall as soon as possible inform the other council what action, if any, they propose to take in consequence of the representations, and if they make an order shall send to the other council a copy of that order.

(2) The other council may appeal to the Ministry—

- (a) against a decision of the first mentioned council not to make an order; or
- (b) against the neglect of the first mentioned council to make an order within a reasonable time; or
- (c) if an order has been made by the first mentioned council, on the grounds that the order does not provide adequate safeguards for the health of the public.